

**CITY OF VILLA PARK
CITY COUNCIL AGENDA
FEBRUARY 28, 2006
7:30 PM**

The Villa Park City Council welcomes you to this meeting. We encourage your participation. This agenda contains a brief general description of each item to be considered.

If you wish to speak on an item contained on the agenda, please approach the podium at the time the item is being considered. Upon recognition by the Chair, state your name and address for the record prior to providing your comments. Speakers will be limited to a time period set by the presiding officer.

If you wish to speak on an item that is not on the agenda, please do so during the periods listed for Oral Communications.

All supporting information is available for public review in the Office of the City Clerk during regular business hours, 8:00 a.m. - 5:00 p.m., Monday through Friday. Agendas are available on the City's Website at www.villapark.org. Meetings are broadcast live on VPCATV Channel 3.

Please Note: In compliance with the Americans With Disabilities Act, the City of Villa Park will make every reasonable attempt to accommodate attendees or participants at this meeting who need special assistance beyond what is normally provided. Please contact the City Clerk's office at (714) 998-1500 at least 48 hours prior to this meeting to inform us of your particular needs and to determine if accommodation is feasible. Please advise us at the time you call if special assistance is required to attend or participate in meetings on a regular basis.

ORDER OF BUSINESS

CALL TO ORDER

ROLL CALL

Mayor Bortle
Mayor Pro Tem Ulmer
Councilmember Bell
Councilmember Fauteux
Councilmember Freschi

FLAG SALUTE

Ellie Britt, sixth-grader at Serrano Elementary School will lead the flag salute.

INTRODUCTIONS AND PRESENTATIONS

1. Recognition of Villa Park High School Senior, Eileen Bering, As Recipient of Academic Achievement Award.

ORAL COMMUNICATIONS

Members of the public in attendance wishing to address the **City Council** on matters not otherwise appearing on the agenda, upon recognition by the Chair, state their name, address, and subject. Unless the presiding officer grants further time, address time shall be limited to five minutes.

1. Representative of the Villa Park Community Services Foundation, Inc.

CONSENT AGENDA

1. Consideration to Waive Reading in Full of All Ordinances on the Agenda.

Recommendation:

That the City Council waive reading in full of all ordinances on the Agenda.

2. Consideration of City Council Minutes of January 24, 2006.

Recommendation:

That the City Council approve the Minutes of January 24, 2006.

3. Consideration of List of Demands for January 31, 2006.

Recommendation:

That the City Council approve the List of Demands for January 31, 2006, numbered 1 through 20 in the amount of \$33,331.16.

4. Consideration of List of Demands for February 28, 2006.

Recommendation:

That the City Council approve the List of Demands for February 28, 2006, numbered 1 through 36 in the amount of \$298,260.35.

5. Consideration of Approval of General Release in Favor of Steven Drucker.

Recommendation:

That the City Council approve the General Release and authorize the Mayor to sign on behalf of the City.

6. Consideration of Budget Session Meeting Date Change to June 13, 2006.

Recommendation:

That the City Council agree to change the Budget Session meeting date to June 13, 2006 due to the fact that the primary election will take place on June 6, 2006.

MATTERS PRESENTED BY COUNCILMEMBERS

CITY COMMISSION AND COMMITTEE REPORTS OR REFERRALS

ITEMS FOR CONSIDERATION

PUBLIC HEARINGS

1. Consideration of Conditional Use Permit No.0637 to exceed 25 feet roof height limit for a new roof height not to exceed 32 feet for the development of a new 4,151 square foot home (Applicants: William and Wendy Leivan; Location: 18671 E. Valley Drive).

Recommendation:

That the City Council conduct a Public Hearing, review the application, and make appropriate findings thereto.

2. Consideration of Conditional Use Permit No.0638 for request to modify current Conditional Use and Variance Permit No. 0536 to incorporate a new design in which to decrease building footprint size, reduce floor area by 1,285 feet, and increase roof height to 32 feet (Applicant: Sam Olson; Location: 18922 Santiago Boulevard).

Recommendation:

That the City Council conduct a Public Hearing, review the application, and make appropriate findings thereto.

3. Consideration of Conditional Use Permit No. 0640 for an after-the-fact request to construct a 4,608 square foot greenhouse in a residential zone conditionally permitted for agriculture (Applicant: Steve Wolff & Associates; Location: 9602 Santiago Boulevard).

Recommendation:

That the City Council conduct a Public Hearing, review the application, and make appropriate findings thereto.

STAFF REPORTS

City Manager:

1. Consideration of an Agreement to Conduct a Wireless Master Plan for City-wide Cell Phone Coverage.

Recommendation:

That the City Council authorize the City Attorney to approve an agreement with ATS Communications for conducting a Wireless Master Plan, marketing City-owned properties, and reviewing and consulting on the development of a wireless communications ordinance and authorize the City Manager to execute said agreement

for a term not to exceed three years, subject to the above described terms for two additional two-year terms, upon mutual agreement.

City Attorney:

1. Consideration and Possible Approval of an Agreement Relating to the Consent of the City of Villa Park to the Transfer of the Franchise Agreement Held by Century-TCI California, L.P. and Controlled by Adelphia Communications Corporation to An Entity Controlled By Time Warner, Inc.

Recommendation:

That the City Council take appropriate action based on the oral report by the City Attorney.

City Clerk: No report.

City Engineer:

1. Consideration of Application for Transportation Enhancement Activity (T.E.A.) Program Funds Under the 1998 Transportation Equity Act for the 21st Century for the Taft Avenue Landscape Median Project.

Recommendation:

That the City Council adopt Resolution No. 2006-2862, a Resolution of the City Council of the City of Villa Park, California, authorizing the application for funds for the Transportation Enhancement Activity (T.E.A.) Program under the 1998 Transportation Equity Act for the 21st Century for the Taft Avenue Landscape Median Project.

2. Conceptual Grading Plan (Applicant: Jim Moat; Location: 19312 Canyon Drive).

Recommendation:

That the City Council approve the conceptual storm drain and grading plan for 19312 Canyon Drive subject to the applicable standard conditions and additional conditions and direct City staff to process the conversion of the existing private upstream storm drain over the properties at 19316 Canyon Drive, 19409 Mesa Drive, and 19411 Mesa Drive to a public City system.

Finance/Administrative Manager:

1. Consideration of Amendment to the Statement of Investment Policy Section 2.42.

Recommendation:

That the City Council adopt amended Section 2.42 to the Statement of Investment Policy as stated in the attached document.

OTHER BUSINESS

ORAL COMMUNICATIONS

Members of the public in attendance wishing to address the **City Council** on matters not otherwise appearing on the agenda, shall, upon recognition by the Chair, state their name, address, and subject. Unless the presiding officer grants further time, address time shall be limited to five minutes.

ORDINANCES

1. Consideration of First Reading of Ordinance No. 2006-517, an Ordinance of the City Council of the City of Villa Park, Adding Chapter XVIII to the Villa Park Municipal Code Relating to Sanitary Sewer Service User Charges and Related Sanitary Sewer Provisions.

Recommendation:

That the City Council accept for first reading Ordinance No. 2006-517, an Ordinance of the City Council of the City of Villa Park, Adding Chapter XVIII to the Villa Park Municipal Code Relating to Sanitary Sewer Service User Charges and Related Sanitary Sewer Provisions.

2. Consideration of Second Reading and Adoption of Ordinance No. 2005-514, an Ordinance of the City Council of the City of Villa Park, Amending Article 23 of Chapter XXIII of the Villa Park Municipal Code Relating to Second Dwelling Units.

Recommendation:

That the City Council accept for second reading and adopt Ordinance No. 2005-514, an Ordinance of the City Council of the City of Villa Park, amending Article 23 of Chapter XXIII of the Villa Park Municipal Code relating to second dwelling units.

3. Consideration of Second Reading and Adoption of Ordinance No. 2005-515, an Ordinance of the City Council of the City of Villa Park, California Adding Article 23-23 to Chapter XXIII of the Villa Park Municipal Code Relating to Site Plan Review.

Recommendation:

That the City Council accept for second reading and adopt Ordinance No. 2005-515, an Ordinance of the City Council of the City of Villa Park, adding Article 23-23 to Chapter XXIII of the Villa Park Municipal Code Relating to Site Plan Review.

4. Consideration of Second Reading and Adoption of Ordinance No. 2005-516, an Ordinance of the City Council of the City of Villa Park, California Amending Article 19-6 to the Villa Park Municipal Code Relating to Turn Limitations.

Recommendation:

That the City Council accept for second reading and adopt Ordinance No. 2005-516, an Ordinance of the City Council of the City of Villa Park, California Amending Article 19-6 to the Villa Park Municipal Code Relating to Turn Limitations.

RESOLUTIONS:

1. Consideration of Resolution No. 2006-2857, a Resolution of the City Council of the City of Villa Park, California Setting the Rates for Sewer Service User Charges.

Recommendation:

That the City Council adopt Resolution No. 2006-2857, a Resolution of the City Council of the City of Villa Park, California setting the rates for sewer service user charges.

2. Consideration of Resolution No. 2006-2863, a Resolution of the City Council of the City of Villa Park, California Supporting Orange County Waste Management Commission's Preferred Option to Institute a Self-Hauled Waste Surcharge.

Recommendation:

That the City Council approve Resolution No. 2006-2863 and direct the City Manager to transmit the Resolution to the Orange County Board of Supervisors and to the Director of Integrated Waste Management Department.

CLOSED SESSION

1. Consideration of Performance Evaluation of City Manager Pursuant to Government Code Section 54957b (1).

ADJOURNMENT

CONSENT AGENDA

**CITY OF VILLA PARK
CITY COUNCIL
February 28, 2006**

To: Mayor and City Council

From: Ken Domer, City Manager

SUBJECT: CONSIDERATION OF GENERAL RELEASE IN FAVOR OF STEVEN DRUCKER

SUMMARY

Mr. Steven Drucker and Erna Drucker “The Druckers” are previous owners of 9391 Loma Street. The property was the center of litigation between a subsequent owner, the real estate agents involved in the sale transaction, and the City as a result of sewage back-ups on the property. The attached General Release is to close out all of the claims and have the City dismissed from cross-complaints. To do so, the Druckers are requesting that the City approve a General Release. External Counsel, through the California Joint Powers Insurance Authority, the City’s insurance carrier, has approved this release and the City Attorney agreed for it to go to Council on consent.

AUTHORITY

The City Council has sole authority to sign the General Release.

CEQA COMPLIANCE

Not Applicable

FISCAL IMPACT

None.

STAFF RECOMMENDATION

Staff recommends approval of the General Release

RECOMMENDED ACTION

That the City Council authorize the Mayor to sign the General Release in favor of Mr. Steven A. Drucker and Erna Drucker with respect to the matter entitled Lori Anderson v. The City of Villa park, et al.