

MINUTES OF THE CITY COUNCIL

CITY OF VILLA PARK, CALIFORNIA

The City Council of the City of Villa Park met in regular session Tuesday, February 22, 2005 at 7:30 PM in the City Council Chambers, 17855 Santiago Boulevard, Villa Park, California.

CALL TO ORDER: Mayor Freschi called the meeting to order.

ROLL CALL:

COUNCILMEMBERS PRESENT:

Rich Freschi	Mayor
Patricia Bortle	Mayor Pro Tem
Bob Bell	Councilmember
Bob Fauteux	Councilmember
Rich Ulmer	Councilmember

STAFF PRESENT:

George Rodericks	City Manager
Cristina Sundstrom	Deputy City Clerk
Leonard Hampel	City Attorney
Warren Repke	City Engineer

FLAG SALUTE:

Villa Park Elementary School sixth-graders Rylee East and Jessica Wilson led the flag salute.

INTRODUCTIONS AND PRESENTATIONS:

1. Presentation of Commendation for Outstanding Academic Achievement to Caroline Salmond, Eighth Grade Student at Cerro Villa Middle School.

Mayor Freschi presented Caroline with a certificate of achievement and two certificates for pizza and ice cream courtesy of First Class Pizza and Dr. Java's Soda Fountain, respectively. She read her own biography to the audience.

2. Presentation of Proclamation Declaring February 23, 2005 as Rotary International Day in Villa Park – Mayor Rich Freschi.

Mayor Freschi made the presentation of a Proclamation to Villa Park Rotary's President, Dr. Ken Fischer, in celebration of Rotary International's 100th anniversary, which was founded on February 23, 1905.

3. Presentation of Proclamation to Erik Kuli for His Term of Service as President of the Villa Park Community Services Foundation – Mayor Rich Freschi.

Mayor Freschi presented Erik Kuli with a Proclamation acknowledging his years of service to the Community Services Foundation as President. Currently Vito Canuso serves as President, Karen Holthe is Vice-President, City Manager George Rodericks is the Secretary, Robert Hunter is Treasurer, and Members-at-Large are Mayor Rich Freschi, John Fader and Erik Kuli.

4. Recognition of Villa Park Volunteer Firefighters.

Councilmember Bell made a presentation to out-going Reserves Captain Steve Loritz for his 20 years of service to Station #23. Steve received an engraved City tile and City pins were given to each volunteer firefighter and Councilmember Bell spoke a little about the history of Fire Station #23 and its volunteers.

ORAL COMMUNICATIONS:

Vito Canuso, 9582 Featherhill Drive, addressed the Council with an overview of the Villa Park Community Services Foundation's goals for 2005-06. He currently serves as the President. He thanked Erik Kuli for his service as President and stated that they welcome his continued support as a Foundation Member-at-Large.

One new community event that will take place on Saturday, July 2, 2005 is the Red, White and Blue Summer Celebration. This was the brainchild of Rotarian Steven Pollack and Councilmember Rich Ulmer. It will consist of a pet parade, bicycle rodeo, food, awards, a concert, etc. The Planning Committee could use more support. A meeting will be held on February 24th at 7:00 p.m.

The Annual Picnic will be held this year on Sunday, May 29th. The Picnic Planning Committee will be meeting soon. Please contact City Hall for details.

Vito urged the public to make their annual renewals as soon as possible because the Foundation depends on its annual memberships.

Vito read the following Foundation mission statement:

- To provide recreational and other community activity opportunities in the City of Villa Park for youths, adults, and seniors.
- To coordinate the planning, preservation, and presentation of leisure, historical, music and/or arts programs in Villa Park.
- To coordinate the use and development of community resources to promote and support activities which advance the overall well-being and improve the quality of life in Villa Park.

Furthermore, Vito stated that \$4,650 was raised by the Foundation for the tsunami relief fund.

Mayor Freschi congratulated the new Foundation Board members and encouraged the community to get involved in the Foundation.

CONSENT AGENDA:

1. Consideration to Waive Reading in Full of All Ordinances on the Agenda. Approved Action: That the City Council waive the reading in full of all ordinances on the Agenda.
2. Consideration of City Council Minutes of January 17, 2005. Approved Action: That the City Council approve the City Council Minutes of January 17, 2005.
3. Consideration of City Council Minutes of January 25, 2005. Approved Action: That the City Council approve the Minutes of January 25, 2005.
4. Consideration of List of Demands for January 31, 2005. Approved Action: That the City Council approve the List of Demands for January 31, 2005, numbered 1 through 45 in the amount of \$44,882.57.
5. Consideration of List of Demands for February 22, 2005. Approved Action: That the City Council approve the List of Demands for February 22, 2005, numbered 1 through 34 in the amount of \$199,007.82.
6. Consideration of Agreement for Operation, Maintenance, and Financial Management of the 800 MHz Countywide Communications System. Approved Action: That the City Council approve the terms of the Joint Agreement for the Operation, Maintenance and Financial Management of the 800 MHz CCCS dated November 2004, and authorize the Mayor and City Clerk to execute two copies of the Joint Agreement on behalf of the City.
7. Declaration of Surplus – 1989 Elgin Pelican Premier 3-Wheel Broom Sweeper. Approved Action: That the City Council declare the 1989 Pelican Street Sweeper, **VIN#PO521D** as surplus, direct the City Manager to arrange for its disposal, and authorize the City Manager to investigate the negotiated transfer of the vehicle to a private entity finding that it is in the public interest to do so.

Mayor Freschi pulled item #2 since he was absent from the City Council meeting of January 17, 2005. Item #3 was pulled by Councilmember Fauteux. Item #7 was pulled by Councilmember Bell.

It was moved by Mayor Pro Tem Bortle, seconded by Councilmember Bell, and carried by the following roll call vote to approve Consent Agenda Items 1, 4, 5 and 6:

AYES:	COUNCILMEMBERS:	Bell, Fauteux, Ulmer, Bortle, Freschi
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

It was moved by Councilmember Fauteux, seconded by Councilmember Bell, and carried by the following roll call vote to approve Consent Agenda Item #2:

AYES:	COUNCILMEMBERS:	Bell, Fauteux, Ulmer, Bortle
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

ABSTAIN: COUNCILMEMBERS: Freschi

It was moved by Councilmember Fauteux, seconded by Councilmember Bell, and carried by the following roll call vote to approve Consent Agenda Item #3 with the omission to the Minutes of January 25, 2005, page 5, corrected to reflect the change of location of the OCTA Board meetings:

AYES: COUNCILMEMBERS: Bell, Fauteux, Ulmer, Bortle, Freschi
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

It was moved by Councilmember Bell, seconded by Councilmember Fauteux, and carried by the following roll call vote to approve Consent Agenda Item #7:

AYES: COUNCILMEMBERS: Bell, Fauteux, Ulmer, Bortle, Freschi
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

MATTERS PRESENTED BY COUNCILMEMBERS:

Mayor Freschi thanked Deputy City Clerk Sundstrom for taking such complete minutes of the City Council meetings.

Mayor Freschi spoke about the duties of the Code Enforcement Officer and how he is not authorized to go door-to-door to evaluate properties. Residents may anonymously report a code violation. Also, on the City website, www.villapark.org, there is a drop-down menu on the left side of the home page where you can click on "Code Enforcement Complaint Form" and submit your complaint that way. Also on the City's website are staff reports which are read at each City Council meeting, particularly regarding Public Hearing items.

Mayor Freschi reported that Orange County Engineer, Nakasone, recently stated that the Villa Park Dam Keeper, a County employee, is doing a fine job of watching over the dam and that there is coverage 24 hours a day/7 days a week (24/7). The extra rainfall is not a health and safety concern.

CITY COMMISSION AND COMMITTEE REPORTS OR REFERRALS:

Councilmember Bell gave an update on the Orange County Fire Authority's contract negotiations with Medix Ambulance concerning Area #24. Medix was granted an exclusive operating provision in their contract. A disagreement arose due to a matter of interpretation of the service area. However, residents are pleased with the service they are providing overall.

Inquiries regarding the Medix Ambulance contract may be made to Orange County Fire Authority's Battalion Chief Ed Fleming of the OCFA Corporate Communications Office. The OCFA will serve as the central public information clearinghouse on this issue. Chief Fleming's business phone number is (714) 296-5796.

ITEMS FOR CONSIDERATION:

None.

PUBLIC HEARINGS:

1. Consideration of Variance Permit No. 0607 for an encroachment of 10 inches into the side yard setback of 5 feet – Location: 10321 Prado Woods Drive; Applicant: Jim Isaacs.

Mayor Freschi opened the Public Hearing.

City Manager Rodericks reported that the applicant is requesting permission to complete construction on an approved detached fireplace that encroaches 10 inches into the required side yard setback of 5 feet.

A Variance is required for any reduction in a required setback area.

Through the Site Plan Review process, the applicant began construction of a detached patio cover and fireplace. On the approved plans, the applicant noted that the structure was to be located 5 feet from the side property line. As the project construction progressed, the applicant was notified by the Building Inspector based on a complaint that the fireplace encroached into the required side yard setback of 5 feet. After determining the exact location of the property line, the applicant found that the structure encroached into the 5 foot setback by 10 inches. The applicant was notified that in order to leave the structure in its present location, a Variance would be required. Absent a Variance approval, the structure would need to be modified or relocated to conform to the Code requirements.

Based on a review of the project application, while the proposed addition meets the requirements of height, lot coverage, and floor area, the fireplace does not meet the objectives of the Villa Park Zoning Code with respect to setback requirements and a Variance is required.

The Villa Park Code allows for an Administrative Adjustment for Variance requests that do not exceed a 25% reduction in the required setback and the applicant's request does not exceed a 25% reduction. Nonetheless, findings for a Variance are still required.

Staff cannot recommend approval of this application.

It is recommended that the City Council conduct a Public Hearing, review the application, and make appropriate findings thereto.

Mayor Freschi asked City Manager Rodericks why, since the applicant's request is for a setback reduction not exceeding 25%, is staff not recommending approval of the Variance?

City Manager Rodericks replied that even the 25% reduction in setback requires Variance findings for approval.

Mayor Freschi then asked City Manager Rodericks why the property address document of the remodel done in 2003 does not show a valuation.

City Manager Rodericks replied that records dating pre- 2004 are not recorded in the property database. The permit information is in our permit database, however.

Public testimony was given by the applicant, Jim Isaacs. He addressed Council about the fact that his next-door neighbor, Jan Naylor, was requesting that he move his fireplace. Three inspections on the fireplace had been signed off by Building Inspector Tarin when Ms. Naylor lodged a complaint with city staff that the fireplace was located 10 inches too close to her wall.

Mayor Pro Tem Bortle stated that she was aware of the fact that the Building Inspector does not measure setbacks, etc. when he is out in the field and that the contractor is ultimately responsible for the job meeting all code requirements.

Councilmember Fauteux questioned Mr. Isaacs about what type of contract he made with his contractor. He asked whether the contract was written. He asked whether the fireplace was included in the contract.

Mr. Isaacs stated the fireplace was included in the written contract and that he was waiting for the outcome of tonight's meeting (the vote) before he speaks to his contractor about future action.

Councilmember Bell told Mr. Isaacs that the work that is completed is beautiful. However, he stated that he does not believe that the City should have to correct the problem created by the contractor.

Councilmember Ulmer asked Mr. Isaacs whether trees would satisfy the neighbor.

Mr. Isaacs stated that he did not know.

Mayor Pro Tem Bortle asked how a neighbor would know about a measurement of 10 inches.

Public testimony was given by the neighbor, Jan Naylor, 10335 Prado Woods Drive. She addressed the Council about the fact that she called the City 2 or 3 times (not more than that) to speak to Building Inspector Tarin and that at that time the project was not yet completed. Building Inspector Tarin suggested that she measure the distance between the wall and the fireplace. She reported the measurements back to Mr. Tarin and also took photographs of the project. She was correct that the fireplace was located only 4 feet from the wall. Building Inspector Tarin then issued a Stop Work Order. Four days later, the work resumed, and she once again called Mr. Tarin to report the activity.

Ms. Naylor further stated that she would not be opposed to landscaping between her property and Mr. Isaacs'. She clarified that Mr. Isaacs never spoke to her about a resolution even though they are next-door neighbors.

Mayor Freschi closed the Public Hearing.

Councilmember Bell stated that the Council determines whether findings have or have not been made.

Councilmember Ulmer commented that there seems to be a practical difficulty with regard to tearing down a pre-existing structure and that the neighbor, Ms. Naylor, seems to be okay with the applicant not tearing down the fireplace structure.

Councilmember Fauteux stated that the codes are meant to be upheld. Further, he stated that contractors are known for cutting corners. Unlike the property owner, the City Council is bound by the letter of the law. It is up to Mr. Isaacs to approach his contractor for recourse.

Mayor Freschi stated that 10 inches is incidental and does not merit the time and money involved in tearing down the project and reconstructing it. He stated that a solution would be if Mr. Isaacs would agree to landscape the area in question.

Councilmember Bell asked City Attorney Hampel to address this issue.

City Attorney Hampel responded that the law requires certain findings be made in granting a Variance. For example, is there a sufficient hardship in deviating from the code, i.e. physical hardship related to the property like size, shape, or topography that is wrong?

Councilmember Bell asked City Attorney Hampel whether an easement could be made by the neighbor.

City Attorney Hampel responded that perhaps a lot-line adjustment, but the neighbor would have to be willing to give up 10 inches.

Councilmember Ulmer stated that the discussion seemed to come down to a process versus a finished job.

Councilmember Fauteux remarked that he has been attending Villa Park City Council meetings since 1982 and believes that it comes down to contractors not doing what they promise homeowners they will do. We need to follow guidelines and, unfortunately, enforce them.

Mayor Freschi commented that he did not know how the public would be expected to know that the Building Inspector does not point out problems, such as setback encroachments at the time of inspections.

It was moved by Councilmember Fauteux, seconded by Councilmember Bell, and carried by the following roll call vote to deny Variance Permit No. 0607 for a detached fireplace that encroaches 10 inches into the required side yard setback of 5 feet - (Location: 10321 Prado Woods Drive ; Applicant: Jim Isaacs):

AYES:	COUNCILMEMBERS:	Bell, Fauteux
NOES:	COUNCILMEMBERS:	Ulmer, Bortle, Freschi
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

After some discussion, it was moved by Councilmember Ulmer, seconded by Mayor Pro Tem Bortle, and carried by the following roll call vote to adopt Resolution No. 2005-2801, a Resolution of the City Council of the City of Villa Park, approving Variance Permit No. 0607 for a detached fireplace with an encroachment of 10 inches into the required side yard setback of 5 feet, with conditions – (Location: 10321 Prado Woods Drive; Applicant: Jim Isaacs):

AYES:	COUNCILMEMBERS:	Ulmer, Bortle, Freschi
NOES:	COUNCILMEMBERS:	Bell, Fauteux
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

2. Consideration of Conditional Use Permit No. 0608 to allow 2nd floor addition to exceed 25 feet in height and garage doors at 8 feet in height – Location: 9132 El Rito; Applicants: Evan and Helen Harper.

Mayor Freschi opened the Public Hearing.

City Manager Rodericks reported that the applicant is requesting permission to construct a 2nd floor addition at a ridgeline height of 28 feet and for the addition of garage doors at or exceeding 8 feet in height.

The Villa Park Municipal Code requires a Conditional Use Permit for additions that exceed 25 feet in height (up to the maximum allowable 32 feet in height). In addition, a Conditional Use Permit is required for the addition of garage doors of 8 feet in height or more.

A Conditional Use Permit is required for all 2nd floor additions that exceed a ridgeline height of 25 feet up to the maximum allowable height of 32 feet. The project is proposed with a ridgeline of 28 feet. The applicant is also requesting the addition of garage doors at 8 feet in height.

The project was previously approved with a maximum ridgeline of 25 feet and garage doors at less than 8 feet in height. However, the applicant has made revisions to the project which necessitate review under a Conditional Use Permit.

Based on a review of the Villa Park Zoning Code, the proposed project complies with height, lot coverage, floor area, and setback requirements.

Staff recommends approval of this application.

It is recommended that the City Council conduct a Public Hearing, review the application, and make appropriate findings thereto.

Public testimony was given by the applicant, Evan Harper, who stated that plans were approved. However, a demolition of part of the house showed that it was not structurally sound. The original plans showed 10 feet ceiling height on the lower level and 8 feet on the upper level. This was changed to 10 feet on upper and lower levels.

Mayor Freschi closed the Public Hearing.

It was moved by Mayor Pro Tem Bortle, seconded by Councilmember Bell, and carried by the following roll call vote to adopt Resolution No. 2005-2802, a Resolution of the City Council of the City of Villa Park, approving Conditional Use Permit No. 0608 for the addition of a 2nd floor addition exceeding 25 feet in height to a maximum ridgeline of 28 feet and for the addition of garage doors at 8 feet in height, with conditions - (Location: 9132 S. El Rito Drive; Applicants: Evan and Helen Harper):

AYES:	COUNCILMEMBERS:	Bell, Fauteux, Ulmer, Bortle, Freschi
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

3. Consideration of Conditional Use Permit No. 0609 for the construction of a new residence with a ridgeline of 30 feet – Location: 19125 Mesa Drive; Applicants: Hinh Duong.

Mayor Freschi opened the Public Hearing.

City Manager Rodericks reported that the applicant is requesting permission for the construction of a new residence with a ridgeline of 30 feet.

The Villa Park Municipal Code requires a Conditional Use Permit for additions that exceed 25 feet in height (up to a maximum allowable 32 feet in height).

A Conditional Use Permit is required for all 2nd floor additions that exceed a ridgeline height of 25 feet up to the maximum allowable height of 32 feet. The project is proposed with a ridgeline of 30 feet.

The project involves the construction of a new home on a current vacant lot. Based on a review of the Villa Park Zoning Code, the proposed project complies with height, lot coverage, floor area, and setback requirements.

Staff recommends approval of this application.

It is recommended that the City Council conduct a Public Hearing, review the application, and make appropriate findings thereto.

Public testimony was given by the applicant, Hinh Duong, who currently resides in Orange at 8206 E. Hillsdale Drive. He was available to answer any of the Council's questions.

Further public testimony was given by James Fruth, 9532 Las Flores Circle, who wanted to go on record voicing his concern about the retaining wall and irrigation. He lives below the applicant. He has no objection to the height. He is, however, concerned about the drainage and soil shifting, as his property is below the applicant's.

Councilmember Bell stated that the drainage goes downhill at this residence.

City Engineer Repke stated that he will see the grading plan, which shows drainage going from the north downhill. The storm drain pipe runs up through the old Loma easement which may be used. The City will make sure that it works properly.

Mayor Freschi commented that Condition #4 should require the insertion of "drainage."

Mayor Freschi closed the Public Hearing.

It was moved by Councilmember Ulmer, seconded by Mayor Pro Tem Bortle, and carried by the following roll call vote to adopt Resolution No. 2005-2803, a Resolution of the City Council of the City of Villa Park, approving Conditional Use Permit No. 0609, with conditions as modified (Location: 19125 Mesa Drive; Applicants: Hinh Duong):

AYES:	COUNCILMEMBERS:	Bell, Fauteux, Ulmer, Bortle, Freschi
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

4. Consideration of Variance Permit No. 0610 for the construction of an addition to the main residence that will encroach 2.5 feet into the required side yard setback of 12.5 feet – Location: 10261 Old Lamplighter Lane; Applicants: Dave and Ann Roberts.

Mayor Freschi opened the Public Hearing.

Mayor Pro Tem Bortle excused herself from the meeting due to a conflict of interest because her husband is the applicant's CPA.

City Manager Rodericks reported that the applicant is requesting permission to construct an addition to the main residence that will encroach 2.5 feet into the required side yard setback of 12.5 feet.

A Variance is required for any reduction in a required setback area.

The applicant is proposing a single-story addition to the main residence that will encroach 2.5 feet into the required side yard setback of 12.5 feet. Side yard setbacks in the E-4 Small Estate Zone are required to be a minimum of 10 percent of the average lot width – a minimum of 10 feet and a maximum of 20 feet. Based on the size of this lot, the required side yard setback is 12.5 feet.

The lot is a corner lot and thus unique with respect to the findings required for a Variance. The Villa Park Code allows for an Administrative Adjustment for Variance requests that do not exceed a 25% reduction in the required setback and the applicant's request does not exceed a 25% reduction. Findings for a Variance are still required.

The applicant has also submitted letters from the adjacent affected neighbors indicating that they are in support of the project.

Staff recommends approval of this application.

It is recommended that the City Council conduct a Public Hearing, review the application, and make appropriate findings thereto.

Public testimony was given by the applicant, Ann Roberts, who stated that the three neighbors most affected by the project support it. She stated she would like to go 2 ½ feet closer to the property line than allowed by the Municipal Code.

Mayor Freschi stated that the location of a corner lot makes for a unique situation.

Mayor Freschi closed the Public Hearing.

It was moved by Councilmember Bell, seconded by Councilmember Ulmer, and carried by the following roll call vote to adopt Resolution No. 2005-2804, a Resolution of the City Council of the City of Villa Park, approving Variance Permit No. 0610, with conditions (Location:10261 Old Lamplighter Lane; Applicants: Dave and Ann Roberts):

AYES:	COUNCILMEMBERS:	Bell, Fauteux, Ulmer, Freschi
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	Bortle

5. Consideration of Conditional Use and Variance Permit No. 0611 for the addition of 4 or more garage spaces, addition of a 2nd floor exceeding 25 feet in height, an increase in the maximum allowable lot coverage to 25.25%, an increase in the maximum allowable floor area to 35.4%, and a Variance for the encroachment of 12 inches up to 3 feet 9 inches into the required side yard setback of 12 feet 7 inches – Location: 18982 Wildwood Circle; Applicant: Bert Tarayao.

Mayor Freschi opened the Public Hearing.

City Manager Rodericks reported that the applicant is requesting permission to renovate an existing single-story structure through the addition of 4 or more garage spaces, the addition of a 2nd floor exceeding 25 feet in height, an increase in the maximum allowable lot coverage to 25.25%, and an increase in the maximum allowable floor area to 35.4%. The applicant is also requesting a Variance for the encroachment of 12 inches up to 3 feet 9 inches into the required side yard setback of 12 feet 7 inches.

The Villa Park Municipal Code requires a Conditional Use Permit for additions that exceed 25 feet in height (up to a maximum allowable of 32 feet in height), for the addition of 4 or more garage spaces, and for increases in the maximum allowable lot coverage and floor area ratios.

A Variance is required for any reduction in a required setback area.

The applicant is requesting permission to renovate an existing single-story residence into a two-story residence with a maximum ridgeline of 29 feet 6 inches. A Conditional Use Permit is required for all 2nd floor additions exceeding a ridgeline height of 25 feet up to the maximum allowable height of 32 feet. Based on a review of the project application, the proposed addition meets the requirements and objectives of the Villa Park Zoning Code with respect to height requirements.

With the remodel, the applicant is also proposing the addition of 2 garage spaces to an already existing 2 garage spaces, which brings the total garage spaces number to 4. A

Conditional Use Permit is required for the addition of any garage spaces that bring the total number of spaces to 4 or more.

Based on a review of the project application, the proposed addition meets the requirements and objectives of the Villa Park Zoning Code with respect to garage space requirements.

The Villa Park Municipal Code provides that increases in the maximum allowable lot coverage and floor area ratios be evaluated through the Conditional Use Permit process.

The applicant is requesting permission to increase the maximum allowable lot coverage ratio of 24% to 25.25% (1.25%). Previously, exceptions to the maximum allowable lot coverage could only be obtained by findings under the Variance process. Ordinance No. 2004-503 was adopted by the City Council to relax the findings for increases in the maximum allowable lot coverage to address construction projects that added a second floor to existing single-story structures that were penalized by the abrupt reduction in the maximum allowable lot coverage ratio from 32% to 24%. As presently constructed, the property has a lot coverage ratio of 23% - in compliance with the maximum allowable for single-story structures of 32%. When adding a second floor to the structure, the applicant's lot coverage ratio drops to 24%. The maximum amount of additional lot coverage allowed is 202 square feet. The applicant has proposed limited additional first floor construction as part of the project (527.25 square feet – 327 livable and 200 garage). However, even with this small addition, because the ratio has now decreased from 32% maximum to 24% due to the 2nd floor addition, the project exceeds the maximum allowable lot coverage by 1.25%, or 253 square feet.

Based on a review of the project application, the proposed addition meets the requirements and objectives of the Villa Park Zoning Code with respect to increases in the lot coverage requirements.

The applicant is also requesting permission to increase the maximum allowable floor area ratio of 32% to 35.4%. The floor area ratio consists of the square footage of all floors of all structures. Exceptions to the maximum allowable floor area can be approved under the Conditional Use Permit process. The applicant proposes loft areas over the 2nd floor at approximately 401 square feet. Loft areas are calculated as an actual floor when computing the floor area ratio. The applicant exceeds the maximum allowable floor area by 687 square feet. The additional 1st floor construction (527.25 square feet) and loft areas (401 square feet) continue to penalize development of the project despite the minimal visual exterior impact.

Based on a review of the project application, the proposed addition meets the requirements and objectives of the Villa Park Zoning Code with respect to increases in the floor area requirements.

Through a Variance, the applicant is requesting permission to reduce the required side yard setback of 12 feet 7 inches for the addition of an exercise/pool area onto the master suite. The exercise/pool area encroaches into the setback from 12 inches at one corner to a maximum of 3 feet 9 inches at the rear corner.

Based on a review of the project application, while the proposed addition meets the requirements of height, lot coverage, and floor area (with approved Conditional Use

Permits), the structure does not meet the objectives of the Villa Park Zoning Code with respect to setback requirements and Variance findings are required. The unique shape of the property and limited developable area provide sufficient findings to approve the project application.

Staff recommends approval of the application.

It is recommended that the City Council conduct a Public Hearing, review the application, and make appropriate findings thereto.

Public testimony was given by the applicant's (Waldron) agent, Bert Tarayao, 89 Pelican Court, Newport Beach.

Councilmember Fauteux asked how high the property line walls are to the east.

Mr. Tarayao responded 6 feet tall.

Mayor Pro Tem Bortle spoke to three neighbors who were not concerned about the project.

Mayor Freschi closed the Public Hearing.

It was moved by Councilmember Bell, seconded by Mayor Pro Tem Bortle, and carried by the following roll call vote to adopt Resolution No. 2005-2805, a Resolution of the City Council of the City of Villa Park, approving Conditional Use and Variance Permit No. 0611, with conditions (Location: 18982 Wildwood Circle; Applicant: Bert Tarayao):

AYES:	COUNCILMEMBERS:	Bell, Fauteux, Ulmer, Bortle, Freschi
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

6. Continued Consideration of Resolution No. 2004-2760, Prado-Huntington Preferential Parking District.

Mayor Freschi opened the Public Hearing.

City Manager Rodericks reported that Ordinance No. 91-391 was established by the City Council to address on-street parking issues that substantially reduce or impair parking within a residential neighborhood for an extended period of time.

The City Council may, upon recommendation of the City Manager, consider the designation of a preferential parking district of those areas satisfying specific criteria.

This item has been continued from the July, August, and September City Council meetings.

Public testimony was given by Jan Naylor, 10335 Prado Woods Drive, who addressed Council about the fact that Santiago Boulevard has designated hours of parking. She asked if this was a 24-hour restriction.

City Manager Rodericks replied that the restriction is not 24 hours. Furthermore, he explained that if the Council decides to enforce preferential parking, parking will be restricted to set hours during school days (Monday-Friday).

Councilmember Ulmer stated that he and Mayor Pro Tem Bortle, members of the Community Development and Public Safety Committee, have conducted a survey of Prado-Huntington. They have not observed the problems previously reported during school day hours. The Committee does not support restricting parking at this time. Their recommendation is to not do anything at this time.

Councilmember Bell stated that he has not observed any problems at this time. He stated that he will revisit this matter if it is brought before the Council again.

Councilmember Fauteux stated that the residents are concerned that Villa Park High School students who receive their driver's license are causing the parking overflow problem.

Mayor Freschi referred to the petition that was collected in March, 2004 and about the fact that none of the signatories were present to address the Council this evening.

Mayor Pro Tem Bortle stated that the Committee recommended finally voting on the issue.

It was moved by Councilmember Fauteux, seconded by Councilmember Ulmer, and carried by the following roll call vote to deny the establishment of a Prado-Huntington Preferential Parking District:

AYES:	COUNCILMEMBERS:	Bell, Fauteux, Ulmer, Bortle, Freschi
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

STAFF REPORTS:

City Manager:

1. Resolution No. 2005-2806, Amendment to Resolution No. 2004-2769, a Resolution of the City Council of the City of Villa Park Regarding Employment and Salary Rates for All Classes of Employment Superseding Resolution No. 2003-2686.

City Manager Rodericks reported that Resolution No. 2004-2769 established the employment and salary rates and benefits for all classes of employment.

In December, 2004 the City experienced the retirement of long-time City Street Superintendent Ron Hagley. Through succession planning, the City reorganized to replace the Street Superintendent with the existing Maintenance Lead Person position and hired a Maintenance I under this position.

The Maintenance Lead Person position was previously a non-supervisory position. However, with the new Maintenance I, this position has taken on supervisor

responsibilities and additional responsibilities for overall contract maintenance of public works activities.

Based on the additional supervisory and contract maintenance responsibilities, staff is recommending that the Maintenance Lead Person salary range be adjusted to reflect the additional level of responsibility.

The current range of the maintenance Lead Person is Salary Range 65. As the City Council is aware, the City bases its salary ranges on an annual salary survey – cost of living adjustments are not considered. The pay range for each position is set based on a trended average of ten (10%) percent below the average salary for the comparative position in Orange County based on the survey. Unless specifically authorized by the City Council, the salary range for any respective position shall not exceed this ten (10%) percent average. The City Manager position is not a part of this policy and is set independently by the City Council. The Maintenance Lead Person position is the only position for which the City Council has specifically authorized a pay range independent of this (10%) percent average.

In addition to the modification to the Salary Range of the Maintenance Lead Person, staff is recommending a change in title for the Administrative Secretary/Deputy City Clerk. During the election process, staff has had an opportunity to evaluate the work product of Cristina Sundstrom and found that she is operating with a high degree of success. Staff recommends that the title be changed to reflect a direct line of responsibility as Deputy City Clerk. At this time, a change in the salary range is not recommended.

Staff is not recommending a mid-year salary range adjustment for any position other than the Maintenance Lead Person. Salary surveys will be conducted in March and any adjustments will be incorporated into the 2005-06 Operating Budget.

However, staff is recommending an adjustment to the vacation and holiday pay allowances for hourly employees. Currently, vacation pay for hourly employees is allowed to accrue at a rate of 4 hours per month – half the full-time rate. However, the City's hourly employee works more than half-time. To make the existing vacation accrual policy commensurate with the rate of work for hourly employees, staff recommends an adjustment to the policy allowing an accrual of 6 hours as opposed to 4 hours per month for hourly employees working more than 20 hours per week. The maximum allowable accrual is 80 hours. A similar adjustment is recommended for holiday pay. Holiday pay does not accrue.

Adjusting the salary range for the Maintenance Lead Person position from Salary Range 65 to Salary Range 74 represents an increase of nine (9%) percent for the salary range. Currently, the Maintenance Lead Person is paid at the top step (Step E) of the existing range. With the adjusted range, the Maintenance Lead Person would be set at Step D, effective March 1st, 2005. This represents an annualized increase of \$1,296 in salary and benefits - \$422 for the remainder of Fiscal Year 2004-05.

The adjustment for vacation and holiday pay for hourly employees reflects a cost of approximately \$936 per year in benefits cost.

It is recommended that the City Council adopt Resolution No. 2005-2806, Amendment to Resolution No. 204-2769, a Resolution of the City Council of the City of Villa Park, regarding employment and salary rates for all classes of employment superseding Resolution No. 2003-2686.

Councilmember Fauteux asked a question about vacation accrual and verified that 80 is the maximum number of hours one may accrue.

Councilmember Ulmer asked Mayor Pro Tem Bortle, who is Chairperson of the Personnel Committee, if the Committee supported taking this action at this time. Mayor Pro Tem Bortle stated that the Committee supported taking this action.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Bortle, and carried by the following roll call vote to adopt Resolution No. 2005-2806, an Amendment to Resolution No. 2004-2769, a Resolution of the City Council of the City of Villa Park regarding employment and salary rates for all classes of employment superseding Resolution No. 2003-2686:

AYES:	COUNCILMEMBERS:	Bell, Fauteux, Ulmer, Bortle, Freschi
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

2. February/March City Newsletter

City Manager Rodericks reported that the City produces a quarterly newsletter with information on City programs, services, partner agencies, public information articles, and public service announcements.

It is recommended that the City Council review the February/March edition of the City newsletter and authorize the production of the edition.

Councilmember Fauteux asked City Manager Rodericks whether he omitted page 2.

City Manager Rodericks responded that he took the sewer data and reduced the article to key points for use as a Public Information hand-out. Page two (2) was replaced with upcoming events, Villa Park Elementary School Restoration Corporation information, Villa Park Citizen's Academy information, and a blurb on Who's Who in Villa Park on Channel 3.

Mayor Freschi stated that staff reports are available on the website and E-network. As stated earlier in the meeting, he reiterated that code enforcement reporting is available to the community by going to the home page of the website, www.villapark.org.

It was moved by Councilmember Fauteux, seconded by Mayor Pro Tem Bortle, and carried by the following roll call vote to authorize the production of the February/March newsletter edition:

AYES:	COUNCILMEMBERS:	Bell, Fauteux, Ulmer, Bortle, Freschi
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

ABSTAIN: COUNCILMEMBERS: None

City Attorney: No report.

City Clerk: No report.

City Engineer:

1. Request For Authorization to Advertise for Construction Bids for Fiscal Year 2004-05 Street Maintenance Project.

City Engineer Repke reported that, in a continuing effort to keep the City streets functioning at a high level of service and meet the objectives of the City Pavement Management Program, the City administers a Street Pavement Maintenance Program consisting of crack sealing, slurry seals, and asphalt concrete overlays. In addition to pavement maintenance, curb, gutter, and sidewalk repairs are also performed. Each year funds are budgeted to meet these objectives.

As part of this continuing effort, City staff has prepared plans and specifications for the 2004-05 Fiscal Year street maintenance project.

The proposed project of the 2004-05 Fiscal Year consists of a slurry seal or asphalt concrete overlay on various City streets as well as the repair of damaged or non-functioning curb and gutter at various locations. In addition, curb and gutter improvements are proposed for areas on Valley Drive and Mesa Drive. These areas are locations where cash bonds were previously received from the adjacent property and it is presently feasible to construct the improvements. The streets to receive the asphalt overlays were selected using the City Pavement Management Program. The curb and gutter repair locations were selected based on investigation of locations obtained from citizen input and staff observations.

The proposed project schedule is as follows:

- | | |
|------------------------------|-------------------|
| • Authorization to Advertise | February 22, 2005 |
| • Open Bids | April 12, 2005 |
| • Award Contract | April 26, 2005 |
| • Start Construction | May 16, 2005 |
| • End Construction | June 24, 2005 |

Estimated costs for the project are \$410,000, which includes preparation of the construction plans and specifications, construction, construction administration, inspection, and testing. These funds include the 2004-05 Fiscal Year street maintenance budget, Capital Improvement Funds, as well as \$18,000 in cash bonds previously received.

It is recommended that the City Council approve the plans and specifications and contract documents entitled, "2004-05 Street Maintenance Project," and authorize the City Engineer and City Clerk to advertise for construction bids.

It was moved by Councilmember Bell, seconded by Councilmember Fauteux, and carried by the following roll call vote to approve the plans, specifications, and contract

documents entitled, "2004-05 Street Maintenance Project" and authorize the City Engineer and City Clerk to advertise for construction bids:

AYES:	COUNCILMEMBERS:	Bell, Fauteux, Ulmer, Bortle, Freschi
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

2. Request For Authorization to Advertise for Construction Bids For Fiscal Year 2004-05 Sewer Rehabilitation Project.

City Engineer Repke reported that in January, 2004, the City prepared a Sewer System Master Plan that identified several high priority segments of the City sewer system in need of rehabilitation. As a result funds were included in this year's Capital Improvement Fund budget for a rehabilitation project.

City staff has reviewed the high priority sewer segment locations and has selected segments on Serrano Avenue, Marion Way/Balliet Drive/Patrician Drive, Loma Sreet/Canyon Drive and the easement between Valley Drive and James Circle for this year's project. The project will consist of installation of a liner inside the pipe segments and possible spot repairs.

The proposed project schedule is as follows:

- | | |
|------------------------------|-------------------|
| • Authorization to Advertise | February 22, 2005 |
| • Open Bids | April 12, 2005 |
| • Award Contract | April 26, 2005 |
| • Start Construction | May 16, 2005 |
| • End Construction | June 24, 2005 |

Estimated total costs for the project is \$250,000. These funds are included in the 2004-05 Fiscal Year Capital Improvement Fund Budget.

It is recommended that the City Council approve the plans, specifications, and contract documents entitled, "2004-05 Fiscal Year Sewer Rehabilitation Project" and authorize the City Engineer and City Clerk to advertise for construction bids.

It was moved by Councilmember Bell, seconded by Councilmember Ulmer, and carried by the following roll call vote to approve the plans, specifications, and contract documents entitled, "2004-05 Fiscal Year Sewer Rehabilitation Project" and authorize the City Engineer and City Clerk to advertise for construction bids:

AYES:	COUNCILMEMBERS:	Bell, Fauteux, Ulmer, Bortle, Freschi
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

OTHER BUSINESS: None.

ORAL COMMUNICATIONS: None.

ORDINANCES: None.

RESOLUTIONS: None.

ADJOURNMENT:

It was moved by Mayor Freschi and carried unanimously to adjourn the meeting at 9:25 p.m. to Closed Session, pursuant to Government Code Section 54956.9(c).

CLOSED SESSION:

Conference with Legal Council Re: Anticipated Litigation/Decision to Initiate Litigation Involving Cannon Street Wall of Slope Failures, Govt. Code Section 54956.9(c).

The meeting was reconvened at 9:59 p.m.

Mayor Freschi reported that no action was taken.

It was moved by Mayor Freschi and carried unanimously to adjourn the meeting at 9:59 p.m.

Richard A. Freschi, Mayor
City of Villa Park

ATTEST:

George J. Rodericks, City Clerk
City of Villa Park