

## MINUTES OF THE CITY COUNCIL

### CITY OF VILLA PARK, CALIFORNIA

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

**CALL TO ORDER:** Mayor Pro Tem Bortle called the meeting to order.

#### **ROLL CALL:**

##### **COUNCILMEMBERS PRESENT:**

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

##### **COUNCILMEMBERS ABSENT:**

Rich Freschi	Mayor
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##### **STAFF PRESENT:**

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

#### **FLAG SALUTE:**

Serrano Elementary School sixth grader, Joey Simpkins, led the flag salute.

#### **INTRODUCTIONS AND PRESENTATIONS:**

1. Presentation of Commendation for Outstanding Academic Achievement to Diane Wetzel, Senior at Villa Park High School.

Councilmember Ulmer presented Diane 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.

Also on hand was Bryan Fairman, Assemblyman Todd Spitzer's assistant, to present a certificate to Diane for her numerous achievements.

2. Certificate of Recognition Presented to Villa Park Resident, Peggy Wilkerson-Boatright, For Being the Recipient of the NAACP's President's Award to a Citizen of Distinction.

Mayor Pro Tem Bortle made the presentation of a Certificate of Recognition to Ms. Boatright for her numerous achievements and contributions to the community. She has lived in Orange County for 28 years. The certificate was presented to her for being the Orange County National Association for the Advancement of Colored People's (NAACP) recipient of the President's Award at its "Multicultural Citizens of Distinction" award ceremony held recently in celebration of this organization's 60<sup>th</sup> anniversary in Anaheim, California.

3. Presentation of Rotary 4-Way Test Proclamation to Villa Park Rotary President Dr. Ken Fischer.

Councilmember Bell presented this Proclamation to Villa Park Rotary's President, Dr. Ken Fischer, just before the City Council meeting began. It was intended to mark the celebration of Rotary International's 100<sup>th</sup> anniversary, which was founded on February 23, 1905.

4. Presentation of Proclamation to Kathleen Hostert, Chairperson of the 2005 Donate Life Run/Walk Mayor-athon.

Councilmember Fauteux made a presentation to One Legacy representative Vanessa Nguyen for the 2005 Donate Life Run/Walk event. Councilmember Fauteux and his daughter Laura Fauteux will run in this fundraiser to be held on April 23, 2005.

Packets are available to sign up for this event in City Hall.

5. Serrano Water District Representative, Woody Rickerl to Present State of the District Report.

Mr. Rickerl, current President of the Serrano Water District Board of Directors, reported that S.W.D. uses about 3,500 acre feet of water per year and that the source of this water is 50% from wells underground and 50% from Irvine Lake. A projected rate increase of 40% is expected over the next 7 years. Most likely residents will see a 5% increase this year because there are capital improvements needed in the treatment plant.

Mr. Rickerl will be a guest on VPTV's "Meet the Mayor" show next week.

6. Presentation of Orange County Vector Control District's State of the District Report by Michael Hearst.

Public Information Officer Michael Hearst and Villa Park's representative, Bill Oliva, addressed the Council about a variety of subjects, namely, bees, mosquitoes, rodents, and standing water.

Mr. Oliva explained that so far this year the City of Villa Park has only made six (6) rat calls and two (2) mosquito calls. The Villa Park Dam and Santiago Creek have been getting sprayed regularly. This represents the lowest percentage of calls in comparison to all calls received by the other cities in Orange County. If residents wish to report an incident they may telephone 971-2421.

Michael Hearst briefly addressed Assemblyman DeVore's Bill which was introduced to delete the City's authority to appoint representatives to the Orange County Vector Control District Board of Directors. This Assembly Bill proposes to change the number of representatives from 35 residents to 7 members appointed by the County Board of Supervisors.

In addition, he reported that OCVCD Board of Trustees elected a new District Manager. West Nile Virus response has been launched, with Orange County having the lowest infection rate in the State of California. The Fire Ant Program has also been re-established.

Mr. Hearst emphasized the significance of education. Half the mosquitoes found are in standing water in residents' yards. West Nile Virus (WNV) was active throughout the winter, and 30 birds tested positive in the County. Mosquitoes transfer the virus to humans, not to birds. After this meeting, the first case of WNV was confirmed in a bird found in Villa Park.

**ORAL COMMUNICATIONS:**

Elizabeth Ussher, 10562 Orangegrove Circle, President of the Villa Park Women's League, announced that the next General meeting for VPWL is on April 14<sup>th</sup> at the City Council Chambers. She reported that the Women's League co-sponsored (with the City) the Community Emergency Response Team (C.E.R.T.) accelerated training courses and so far five courses were well attended by approximately 20 residents.

Ms. Ussher also reported that she and Deborah Pauly, 18122 Gloria Circle, are working together to design a 'safe' flag in the event of an emergency which residents can put out in front of their homes to indicate to C.E.R.T. member that they do not need assistance. Perhaps some of the proceeds from the Home Garden Tour on May 1<sup>st</sup>, 2005 can be used to purchase materials needed to produce the red flags.

Steve Marquez, 10712 Dorothy Circle, addressed the Council about the Red, White, and Blue Celebration on July 2, 2005. The committee still needs about 7 to 10 more volunteers for this event. It is the hope of the committee that this becomes an annual event. The third organizational meeting is slated to happen at City Hall on March 31, 2005 at 7:15 p.m. Interested parties may contact Councilmember Ulmer at 283-0763.

Bob Hunter, 18312 Lincoln Street, Treasurer of the Community Services Foundation, Inc., addressed the Council about a scholarship being offered to graduating seniors to members' children. Between \$3,000 to \$5,000 will be offered, depending on the number of applications received. Applicants should emphasize community services. Applications are due on May 2, 2005. Also, the annual appeal will be made soon for members to renew their commitment to the Foundation. The Gala will take place on New Year's Eve this year.

**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 February 8, 2005. Approved Action: That the City Council approve the City Council Minutes of February 8, 2005.
3. Consideration of City Council Minutes of February 22, 2005. Approved Action: That the City Council approve the Minutes of February 22, 2005.
4. Consideration of List of Demands for February 28, 2005. Approved Action: That the City Council approve the List of Demands for February 28, 2005, numbered 1 through 23 in the amount of \$21,665.56.
5. Consideration of List of Demands for March 22, 2005. Approved Action: That the City Council approve the List of Demands for March 22, 2005, numbered 1 through 39 in the amount of \$171,562.11.
6. Consideration of Orange County Sanitation District (OCSD) Cooperative Projects Grants Program Agreements. Approved Action: That the City Council approve Orange County Sanitation District Cooperative Project Program Contract CP-0416 for CCTV Sewer Condition Evaluation, Contract CP-0417 for Sewer System Mapping Program, and authorize the Mayor to sign these contracts.
7. Consideration of Orange County Sanitation District (OCSD) Cooperative Projects Grants Program Agreements. Approved Action: That the City Council approve OCSD Project Program Contract CP-0416 for CCTV Sewer Condition Evaluation, Contract CP-0417 for Sewer System Mapping Program, and authorize the Mayor to execute these contracts.

It was moved by Councilmember Bell, seconded by Councilmember Ulmer, and carried by the following roll call vote to approve Consent Agenda Items 1-7:

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

**MATTERS PRESENTED BY COUNCILMEMBERS:**

Councilmember Bell discussed the changes to the Medix contract. La Palma, Stanton, and Villa Park were relinquished from their contract with Medix. At the OCFA Board meeting held March 24, 2005, it was reported that Area #24, of which Villa Park is a part, will probably adopt a change to contract with Americare Ambulance.

Councilmember Bell reported that the Medal of Valor luncheon held on March 18, 2005 was attended by City Manager Rodericks, Mayor Freschi, Councilmember Ulmer, himself and his wife Charlotte Bell and community members Teri Elmendorf and Vito Canuso.

Councilmember Fauteux reported that OCTA is recruiting for 2 open seats in the 3<sup>rd</sup> District on the Measure M Citizens Oversight Committee. This committee is composed of 9 members. Interested persons may contact him through City Hall.

Also mentioned was OCTA's recruitment for public participation and community leadership involvement on its Citizens Advisory Committee (CAC). The CAC is appointed by the OCTA Board of Directors. It provides a wide variety of views and advice on transportation projects, studies, and outreach activities. The CAC meets as a whole twice a year. Throughout the year, CAC members are recruited to participate on a variety of Ad Hoc committees, in roundtable discussions, and special presentations on various transportation projects, programs and services. Applications are due no later than Monday, April 11, 2005. Contact Kelly Hart, Community Relations Specialist, at (714) 560-5725.

#### **CITY COMMISSION AND COMMITTEE REPORTS OR REFERRALS:**

##### **Update on Villa Isle Street Closure Request – Public Safety Committee.**

Councilmember Ulmer reported that a meeting in March was held to consider the closure of Villa Isle Drive and Villa Isle Circle. Some of the points made at this meeting were that no money is available to do this and it would require a traffic feasibility study. Also pointed out was the fact that if the neighborhood moves ahead with this notion, a letter within the next 30 days from City Manager Rodericks will need to be sent to the concerned residents about future meeting dates with the Public Safety Committee.

#### **ITEMS FOR CONSIDERATION:**

##### **Consideration of Resolution No. 2005-2800, a Resolution of the City Council of Villa Park, Adopting the Orange County Victim's Bill of Rights – Mayor Pro Tem Bortle.**

Assemblyman Todd Spitzer's aide, Bryan Fairman, addressed the Council about the proposed Resolution and explained why he wished Villa Park would join other cities in adopting the "concept" of an Orange County Victim's Bill of Rights. He stated that the idea behind the Resolution is to not create another agency. Nine other cities in Orange County have passed this unanimously.

In a letter addressed to the City Council, Assemblyman Spitzer discussed his recommendations to empower victims and help them to be active participants in their own recovery. An integral part of the recommendations made by the working group is the creation and dissemination of a Victim's Bill of Rights, which closely mirrors Miranda. For the first time, victims will be read or given their rights in the field, empowering them with the knowledge that there are services available to them and where to get additional information.

Additionally, he wrote, that at an upcoming meeting of the Orange County Chiefs' and Sheriff's Association, the law enforcement community will be briefed about this ongoing project and our hope that the suggestions made by the working group and a Victim's Bill of Rights are adopted by their respective departments.

Councilmember Bell stated he was not convinced this is needed by the community because citizens are already sufficiently protected. He would need to get more information before voting on the issue.

Councilmember Fauteux stated he would like an appraisal of this from the County District Attorney before voting on it. He questioned the meaning of the word "victor" in the Resolution as well as the "concept" of the Resolution.

Councilmember Ulmer asked Councilmember Bell what the cost would be to the State. He remarked that he thought it was something outside of the City purview.

It was moved by Councilmember Bell, seconded by Councilmember Fauteux, and carried by the following roll-call vote to not adopt Resolution No. 2005-2800:

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

No further motions were heard.

**PUBLIC HEARINGS:**

1. Continued Consideration of Abatement of Public Nuisance – Location: 19409 Mesa Drive; Applicant: Joe Wells.

Mayor Pro Tem Bortle opened the Public Hearing.

City Manager Rodericks reported that Joe Wells and his neighbor, Jim Hack, have resolved the drainage control on Mr. Hack's property. The final plan has been submitted to City Engineer Repke. He stated that the nuisance no longer exists on this property.

City Attorney Hampel agreed that at the present there is no nuisance.

Mayor Pro Tem Bortle closed the Public Hearing.

It was moved by Councilmember Ulmer, seconded by Councilmember Bell, and carried by the following roll call vote to deny the existence of a public nuisance, thereby withdrawing Resolution No. 2004-2774, and remove the item from the Agenda - (Location: 19409 Mesa Drive ; Applicant: Joe Wells):

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

2. Consideration of Variance Permit No. 0612 for the construction of a block wall and chain link fencing over 42 inches within the required front yard setback – Location: 9782 & 9802 Santiago Boulevard; Applicants: Bruce Gleason and Eldon Hostetler.

Mayor Pro Tem Bortle opened the Public Hearing.

City Manager Rodericks reported that the applicant is requesting permission to construct a block wall and chain link fencing over 42 inches within the required front yard setback.

A Variance is required for any increase in the maximum allowable height of fencing in the required front setback area.

The applicants are requesting permission to build six (6) foot high block walls along the frontage of both properties. The block walls would contain pedestrian and vehicular gate access. In addition, the applicants are requesting permission to build a six (6) foot high vinyl fence between the two properties. Portions of the vinyl fencing would also be within the required front yard setback. Walls and fencing within the required thirty (30) foot front yard setback are allowed to a maximum of 42 inches in height. A Variance Permit is required to exceed the maximum allowable height.

The block wall at 9782 Santiago Boulevard will consist of three sections with two functional wood gates (pedestrian and auto). The block wall will be finished with stucco and columns ever 10 feet consisting of decorative stacked stone. The block wall at 9802 Santiago Boulevard will be constructed with decorative river stone columns and will replace the existing wooden stucco wall that was approved under Variance Permit #0349 in 1994.

Based on a review of the project application, the proposed walls and fences do not meet the requirements of the Zoning Code with respect to height within the front yard setback and a Variance is required. The locations of the properties with frontage to a primary arterial provide sufficient findings to approve the project application.

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

Bruce Gleason was present to answer any questions from the Council. There were no questions.

Mayor Pro Tem Bortle closed the Public Hearing.

It was moved by Councilmember Bell, seconded by Councilmember Fauteux, and carried by the following roll call vote to adopt Resolution No. 2005-2807, a Resolution of the City Council of the City of Villa Park, approving Variance Permit No. 0612 for the construction of a block wall and chain link fencing over 42 inches within the required front yard setback, with conditions - (Location: 9782 & 9802 Santiago Boulevard; Applicants: Bruce Gleason and Eldon Hostetler):

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

3. Consideration of Conditional Use Permit No. 0613 for the creation of a commercial parking and storage facility from a portion of 9412 Villa Vista Way – Location: 9412 Villa Vista Way; Applicant: Brian J. Smart.

Mayor Pro Tem Bortle opened the Public Hearing.

City Manager Rodericks reported that the applicant is requesting permission to operate a commercial parking and storage facility from a portion of 9412 Villa Vista Way.

The Villa Park Municipal Code provides that a Conditional Use Permit is required for any accessory use or structure not expressly permitted under Section 23-6.5 of the Villa Park Municipal Code.

The subject property is 2.659 acres or 115,390 square feet. Of the total area, approximately 96,000 square feet is located within a Southern California Edison Right-of-Way easement. The remainder of the property (approximately 20,000 square feet) is improved with a single-family dwelling accessible off of Villa Vista Way. The right-of-way easement prohibits the construction of a residential dwelling and severely limits the approvable uses within the area. The easement is approximately 350 to 400 feet wide covering the majority of the subject property. The subject property also consists of a separate parcel on the south side of Meats Avenue adjacent to the rear of Serrano Elementary School (the applicant is proposing to donate or transfer interest in this lot to the City of Villa Park).

Surrounding properties consist of residential uses and nursery and landscape companies. The nurseries and landscape companies have been granted Conditional Use Permits for their operations.

In order to approve the application, the City Council must make the following findings:

1. The project is in accord with the objectives of the Villa Park Zoning Code and the purpose of the Zone in which it is located.

The subject property is located in the E-4 Zone, which is established to provide for the development of medium-low density single-family residential neighborhoods in which open spaces and deep setbacks predominate. Only those additional uses are permitted that are complementary to, and can exist in harmony with, a residential neighborhood.

The proposed project is not expressly permitted as a principle use within the E-4 Zone. Based on a review of the project, the project is not complementary to or in harmony with a residential neighborhood. Mitigation measures may be developed to make the operation less intrusive and more compatible, however, it is unlikely that these measures would fully insulate the project from impact to adjacent properties.

2. The project is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

While not impacting the public health or welfare, the proposed project will potentially impact the safety of adjacent properties and other improvements in the vicinity. It is staff's opinion that traffic flow in and out of the facility will create a potential traffic hazard along portions of Meats Avenue. Large vehicles traveling with vehicles in tow will create a turning and stopping hazard as they attempt to enter and exit the facility. Further assessment of traffic concerns will need to be addressed through an environmental review of the traffic circulation for the project. Mitigation measures may be developed to make the operation safer in this regard, however, it is unlikely that these measures would be sufficient to eliminate all potential hazards as vehicles enter along the curve of Meats Avenue.

3. The project complies with all applicable provisions of the Zoning Code.

The project, as designed, would comply with all applicable provisions of the Zoning Code with respect to fencing and wall heights. However, the applicant has not provided sufficient information for an accurate assessment of compliance with respect to lighting and landscaping. A full architectural design, with detail, with respect to exact placement of facilities, concept drawings, dimensional details, and other architectural renderings would likely provide sufficient information to assess further compliance.

This project is not exempt from requirements of the California Environmental Quality Act (CEQA).

Therefore, the project will be required to complete an evaluation under CEQA. The applicable deposit for the Environmental Impact Report (EIR) is \$14,000. The actual costs are to be withdrawn from that deposit plus a thirty (30%) percent administrative overhead charge.

Staff cannot recommend approval. If the City Council is desirous of further review of the project, staff recommends that the City Council continue the item pending completion of the CEQA review and further detailed plans to address the project more specifically.

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, Brian J. Smart.

Further public testimony was heard from Larry Labrado, who is the Regional Representative of Edison, 1325 S. Grand Avenue, Santa Ana. He stated unequivocally that Edison would not approve this use within its right-of-way easement.

Further public testimony was given by Dennis Choate, 2813 Bailey Drive, Orange, who stated that Mr. Smart attended a community meeting the neighbors held last night to sell them on this proposal. He stated that he is concerned about safety and aesthetics of such a project.

Further public testimony was given by Greg Guichet, 9372 Villa Vista Way, who stated that he is against the project and signed the petition stating so.

Further public testimony was given by Gary Houston, 2171 Bailey Drive, Orange, who was against the project since he shares 250 feet of common wall with the 9412 Villa Vista Way.

Further public testimony was given by Michelle Americromb, 9352 Villa Vista Way, who stated her opposition to the project. She purchased the home three months ago and has small children. She did not feel this project would be compatible with surrounding residences.

Also in opposition were the following residents and their addresses: Dana, 2624 E. Riding Way, Orange; Les Fields, 10621 S. Morada Way, Orange Park Acres, who owns Tropical Plaza Nursery at 9642 Santiago Boulevard, Villa Park; Mike Merck, 9392 Villa Vista Way; Aaron Zanchez, 9341 Villa Vista Way; and Dan Carlton, 18151 Stratford Circle.

Mayor pro Tem Bortle stated that Orange Mayor Pro Tem Carolyn Cavecche called her to express her concerns about safety issues for the land use.

Councilmember Fauteux stated that this is out of character for the surrounding neighborhood uses.

Councilmember Bell stated he had safety concerns and that the easement and powerlines have been at this location longer than the houses.

Councilmember Ulmer stated that he agrees with Southern California Edison's remarks.

Mayor Pro Tem Bortle 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. 2005-2808, a Resolution of the City Council of the City of Villa Park, denying Conditional Use Permit No. 0613, for the construction of a commercial parking and storage facility (Location: 9412 Villa Vista Way; Applicant: Brian J. Smart):

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

**STAFF REPORTS:**

City Manager:

1. Drum Line Show Parking Request – April 30-May 1, 2005.

Mayor Pro Tem Bortle stated that the money earned at this show goes to the band.

Councilmember Fauteux stated that he believes some money is given to Orange Unified School District for use of the facility, but he will need to check this and report back to the Council for its accuracy.

It was moved by Councilmember Ulmer, seconded by Councilmember Bell, and carried by the following roll call vote to authorize the City Traffic Engineer to review the parking restrictions on Taft Avenue and authorize the placement of temporary signs and/or the bagging of existing signs where appropriate to accommodate the event and require Villa Park High School to assist with traffic control and direction during the event by providing volunteers or staff to help direct parking within the parking lot and overflow parking onto the street:

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

2. Band Sponsored Car Show Parking Request for May 14, 2005.

It was moved by Councilmember Bell, seconded by Councilmember Ulmer, and carried by the following roll call vote to authorize the City Traffic Engineer to review the parking restrictions on Taft Avenue and authorize the placement of temporary signs and/or coverings of existing signs where appropriate to accommodate the event and require Villa Park High School to assist with traffic control and direction during the event by providing volunteers or staff to help direct parking within the parking lot and overflow parking onto the street.

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

3. Parking Study for Villa Park Schools.

Public testimony was given by Grace Bjornstad, 10551 Orangegrove Circle, a parent from Villa Park Elementary School who told Council that she is not happy with the fact that parents will have to pay a fee for the City covering parking signs. She stated that, in her opinion, the signs are more of a danger than a public safety aid. She is of the opinion that signs do not lessen traffic. She would like the signs removed permanently and for the school district to consider adding a cross walk and crossing guard on Center Street, near the kindergarten class room entrance.

Further testimony was given by Steve Marquez, 10712 S. Dorothy Circle, who stated that VPE Principal, Mrs. Marshall, has put violators on notice about the parking situation. He asked about a parking waiver.

Further public testimony was given by Mary Silzel, 18202 Montana Circle, would like a public, written statement for requests in the report.

Mayor Pro Tem Bortle stated that the City has the option to establish a fee for each even rather than a flat fee.

City Manager Rodericks stated that this report will be filed and received today and brought back to Council for discussion on April 26, 2005. A definitive policy for approval and procedures will be presented to the residents at that time. At that time, short-term notice will be considered as well. A schematic of each school site is anticipated by the April 26<sup>th</sup> Council meeting.

It was moved by Councilmember Bell, seconded by Councilmember Ulmer, and carried by the following roll call vote to receive and file a definitive policy on April 26, 2005:

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

City Attorney: No report.

City Clerk: No report.

City Engineer:

1. Update on Cannon Street Slope Failure and Geotechnical Report.

City Engineer Repke reported that Ninyo and Moore has completed the study, which will be available next week. Plans and specifications and the bidding should take about 6 months and the construction another 3 months for a total of about 9 months to complete the repairs.

Concerning the financing of the repairs, the City will pay about 6% after OES and FEMA pay their 92 plus %. The City will receive payments for reimbursement on an as needed basis. Regarding the private property repairs, etc., the City's cost is 100% (to be determined).

Councilmember Bell asked when the remaining wall will come down.

City Engineer Repke replied that along the 2 properties it will have to come down, and the other part of the wall is intact.

Councilmember Fauteux remarked that the rainy season will begin within 9 months and that the site will need to be protected during construction.

**OTHER BUSINESS:** None.

**ORAL COMMUNICATIONS:** None.

**ORDINANCES:** None.

**RESOLUTIONS:** None.

**CLOSED SESSION:**

1. Conference with Legal Council Re: Anticipated Litigation/Decision to Initiate Litigation Involving Cannon Street Wall of Slope Failures, Govt. Code Section 54956.9(c).
2. Discussion Re: City Manager Employment Review, Govt. Code Section 54957.

At 10:10 p.m., the City Council adjourned to Closed Session.

The meeting was reconvened at 10:55 p.m. City Attorney Hampel reported that no action was taken.

**ADJOURNMENT:**

It was moved by Mayor Pro Tem Bortle and carried unanimously to adjourn the meeting at 10:55 p.m. to an special meeting on March 31, 2005 at 2:00 p.m., for the purpose of discussing the City Manager's Employment Review, pursuant to Government Code Section 54957.

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Patricia L. Bortle, Mayor Pro Tem  
City of Villa Park

**ATTEST:**

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George J. Rodericks, City Clerk  
City of Villa Park