

MINUTES OF THE CITY COUNCIL

CITY OF VILLA PARK, CALIFORNIA

The City Council of the City of Villa Park met in adjourned regular session Tuesday, March 19, 2002, at 7:30 PM in the City Council Chambers, 17855 Santiago Boulevard, Villa Park, California.

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

ROLL CALL:

COUNCILMEMBERS PRESENT:

Bill MacAloney	Mayor
Rich Freschi	Councilmember
Robert McGowan	Councilmember
Russell Patterson	Councilmember

COUNCILMEMBERS ABSENT:

Bob Bell	Mayor Pro Tem
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STAFF PRESENT:

George Rodericks	City Manager
Kathy Adrian	City Clerk/Administrative Assistant
Leonard Hampel	City Attorney
Warren Repke	City Engineer

FLAG SALUTE:

The following students at Serrano Elementary School led the flag salute:

Alex Chase, Taryn Arnold and Ashley Cooper

INTRODUCTIONS AND PRESENTATIONS:

Mayor MacAloney presented a commendation to Irene Cheng, National Merit Semi-Finalist, Villa Park High School, for outstanding academic achievement.

ORAL COMMUNICATIONS:

Carol Kawanami, Athens Avenue, complimented the Mayor on the recent Town Hall Meeting and State of the City address.

Mrs. Kawanami also discussed the Orange County Sanitation District waiver issue.

Councilmember Patterson provided an update on the waiver issue.

CONSENT AGENDA:

It was moved by Councilmember McGowan, seconded by Councilmember Patterson, and carried by the following roll call vote to approve Consent Agenda Items 1 through 6, with the deletion of Item 3:

AYES:	COUNCILMEMBERS:	Patterson, McGowan, Freschi, MacAloney
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Bell

1. Consideration to Waive Reading in Full of All Ordinances on the Agenda. Approved Action: That the City Council waive reading in full of all ordinances on the Agenda.
2. Consideration of City Council Minutes of February 26, 2002. Approved Action: That the City Council approve the City Council Minutes of February 26, 2002.
3. Deleted.
4. Consideration of Approval of Disadvantaged Business Enterprise Program – FY2001-02. Approved Action: That the City Council adopt the proposed 2001-2002 Disadvantaged Business Enterprise Program in accordance with regulations of the U.S. Department of Transportation, 49 CFR Part 26; “Participation by Disadvantaged Business Enterprise Regulations in Department of Transportation Financial Assistance Programs”.
5. Consideration of List of Demands for February 28, 2001. Approved Action: That the City Council approve the List of Demands for February 28, 2001, numbered 1 through 23 in the amount of \$10,092.53.
6. Consideration of List of Demands for March 19, 2002. Approved Action: That the City Council approve the List of Demands for March 19, 2002, numbered 1 through 33 in the amount of \$86,022.93.

Item 3:

Consideration of Proclamation Declaring the Month of March, 2002 as “Rotary 4-Way Test Month”.

Councilmember Freschi pointed out the importance of the “Rotary 4-Way Test” concept which is used around the world by Rotary clubs as a guide to develop respect and understanding among people:

- ◆ Is it the truth?
- ◆ Is it fair to all concerned?
- ◆ Will it build goodwill and better friendships?
- ◆ Will it be beneficial to all concerned?

Councilmember Freschi also announced that the Rotary Foundation will be awarding scholarships for the year 2003-2004 for studying in a foreign country.

It was moved by Councilmember Freschi, seconded by Councilmember McGowan, and carried by the following roll call vote to approve Proclamation Declaring the Month of March, 2002 as "Rotary 4-Way Test Month":

AYES:	COUNCILMEMBERS:	Patterson, McGowan, Freschi, MacAloney,
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Bell

MATTERS PRESENTED BY COUNCILMEMBERS:

Councilmember Freschi announced that a Halloween parade for elementary school age children is being planned. Please call the City Hall at 998-1500 if you are interested in volunteering to help with this project.

CITY COMMISSION AND COMMITTEE REPORTS OR REFERRALS:

Aviation Advisory Committee – Councilmember McGowan:

Councilmember McGowan discussed a new measure that will appear on the November 2, 2002 ballot which facilitates the development of a modern, safe, and efficient airport at the former MCAS El Toro.

Councilmember McGowan recommends that the City Council adopt Resolution No. 2002-2589 Supporting the Reasonable Airport, Park and Nature Preserve Initiative.

It was moved by Councilmember Freschi, seconded by Councilmember Patterson, and carried by the following roll call vote to adopt Resolution No. 2002-2589 Supporting the Reasonable Airport, Park and Nature Preserve Initiative:

AYES:	COUNCILMEMBERS:	Patterson, McGowan, Freschi, MacAloney,
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Bell

Councilmember McGowan stated that at the August 28, 2001 City Council Meeting, Council voted to rejoin the Orange County Regional Airport Authority and to include a voluntary contribution not to exceed \$1,000 per month. However, due to the fact that litigation was pending involving the expenditures of OCRAA, at the September 25, 2001 City Council Meeting, Council voted to withhold payment of the City's voluntary contribution to the organization.

Councilmember McGowan reported that since that time the Orange County Regional Airport Authority has turned things around and there is no longer the threat of litigation. Therefore, he recommends that the City Council approve the \$12,000 voluntary contribution to OCRAA, which was budgeted for in the City's FY2001-02 budget.

Following discussion, it was moved by Councilmember Patterson, seconded by Councilmember McGowan, and carried by the following roll call vote to pay \$6,000 of the \$12,000 to OCRAA, contingent upon the fact that none of these funds will be utilized in violation of any previous court order, and the remaining balance will be considered upon receipt of funds from other cities participating in this organization:

AYES:	COUNCILMEMBERS:	Patterson, McGowan, Freschi, MacAloney,
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Bell

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Public Utilities Committee – Councilmember McGowan:

Councilmember McGowan reported that he attended the Serrano Water District meeting last week. Due to a lack of rain, there is a severe shortage of water. Everyone should conserve water as much as possible.

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Orange County Fire Authority – Councilmember Patterson:

Councilmember Patterson provided an update on the Orange County Volunteer Firefighter Program.

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Library/Civic Center Committee:

Councilmember Freschi reported on the success of the recent Friends of the Villa Park Library fund raising dinner.

ITEMS FOR CONSIDERATION: None.

PUBLIC HEARINGS:

Consideration of Conditional Use and Variance Application No. 0477 to Permit a Wireless Telecommunications Facility Consisting of Two Monopines and a Shelter for Accessory Equipment – Southwest Quadrant of Sycamore Street and Taft Avenue; Serrano Water District.

Because of the large audience in attendance for this public hearing, it was moved by Councilmember McGowan, seconded by Councilmember Patterson, and carried by the following roll call vote to hear this item first under Public Hearings:

AYES:	COUNCILMEMBERS:	Patterson, McGowan, Freschi, MacAloney,
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Bell

City Manager Rodericks reported that the applicant is requesting a conditional use permit to construct two cellular monopine towers and a shelter for the accessory equipment. Each monopine will measure approximately 70 feet in height.

The applicant is also requesting a variance due to the height of the monopines, placement of the monopines, and the location within the setback area of the monopines and accessory structure.

Mayor MacAloney opened the Public Hearing.

Patrick Yamada, Site Management Services, Inc., addressed Council stating that since there is so much opposition to the site chosen for the towers, he would like to withdraw the application for the present time. He suggested meeting with the residents who are in opposition to possibly come to some kind of agreement.

With no further public testimony forthcoming, Mayor MacAloney closed the Public Hearing.

Following discussion, it was moved by Councilmember Patterson, seconded by Councilmember Freschi, and carried by the following roll call vote to accept the withdrawal of Conditional Use and Variance Application No. 0477 to Permit a Wireless Telecommunications Facility Consisting of Two Monopines and a Shelter for Accessory Equipment – Southwest Quadrant of Sycamore Street and Taft Avenue; Serrano Water District without prejudice:

AYES:	COUNCILMEMBERS:	Patterson, McGowan, Freschi, MacAloney,
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Bell

Consideration of Variance Application No. 0475 to Permit Construction of a Block Wall Exceeding the Six-Foot Height Limit – 10140 Hummingbird Circle and 10141 Morningstar Circle.

City Manager Rodericks stated that the applicant is requesting permission to renovate an existing retaining wall/wrought iron fence combination at 10140 Hummingbird Circle and 10141 Morningstar Circle. The wall is currently improved with a 4'-10" wrought iron fence atop a 3' retaining wall. The applicant is requesting permission to replace the wrought iron fence with a 6' block wall, bringing the total height of solid fencing to 9'.

Mayor MacAloney opened the Public Hearing.

With no testimony forthcoming, Mayor MacAloney closed the Public Hearing.

Following discussion, it was moved by Councilmember Patterson, seconded by Councilmember Freschi, and carried by the following roll call vote to adopt Resolution No. 2002-2585 Approving Variance Permit No. 0475, With Conditions – Location: 10140 Hummingbird Circle and 10141 Morningstar Circle – Applicant: Jeff Barens:

AYES:	COUNCILMEMBERS:	Patterson, McGowan, Freschi, MacAloney,
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Bell

Consideration of Conditional Use and Variance Application No. 0476 to Permit Construction of a New Single-Family Residence to be Built to a Height of 28'-2", a Detached Pool House, and a Detached Museum to be Built to a Height of 24' – 18976 Mesa Drive; Mr. and Mrs. Tom White.

City Manager Rodericks reported that the applicants are requesting a conditional use permit to construct three new structures on the vacant property – a single-family residence and two accessory structures. A conditional use permit is required for each accessory structure and for the main residence due to its height above 25 feet.

The applicants are also requesting a variance from the height restriction for one of the two accessory structures. The proposed structure at 24 feet exceeds the 15-foot maximum height restriction for accessory structures.

Mayor MacAloney opened the Public Hearing.

George Kerns, Salkin Engineering, representing Mr. and Mrs. White, discussed drainage issues.

The following individuals voiced their concerns about the proposed project:

Mr. and Mrs. John Rodwick, 18955 Ridgeview Circle  
Paul Hokenson, 19012 Ridgeview Road  
Mike Valen, 19132 Mesa Drive

Mr. Tom White, applicant, described his project and answered concerns of nearby residents.

Mayor MacAloney closed the Public Hearing.

Following discussion, it was moved by Councilmember Freschi, seconded by Councilmember Patterson, and carried by the following roll call vote to adopt Resolution No. 2002-2587 Approving Conditional Use and Variance Application No. 0476, With Conditions – Location: 18976 Mesa Drive – Applicants: Mr. and Mrs. Tom White:

AYES:	COUNCILMEMBERS:	Patterson, McGowan, Freschi, MacAloney,
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Bell

Consideration of Conditional Use and Variance Application No. 0478 to Permit Additional Construction to an Existing Residence to be Built to a Height of 30'-6", and a Variance From the Maximum Allowable Floor Area of 32% to 33% - 9591 James Circle; Mr. and Mrs. Roland Weedon.

City Manager Rodericks reported that the applicants are requesting a conditional use permit to allow additional construction to the existing single-family residence that would raise the roof height to 30 feet, 6 inches.

The applicants are also requesting a variance from the maximum allowable total floor area of 32% to 33%.

Mayor MacAloney opened the Public Hearing.

Mr. Roland Weedon, applicant, addressed Council in support of his request.

Chris Light, architect, representing Mr. and Mrs. Weedon, described the plan.

Mr. Journigan, 9582 James Circle, expressed concerns about the height of the addition.

Mayor MacAloney closed the Public Hearing.

Following discussion about the increase in the maximum allowable floor area, it was moved by Councilmember Patterson and seconded by Councilmember Freschi to adopt Resolution No. 2002-2584 Approving Conditional Use and Variance Permit No. 0478, With Conditions – Location: 9591 James Circle – Applicants: Mr. and Mrs. Roland Weedon. Motion failed by the following roll call vote:

AYES:	COUNCILMEMBERS:	Patterson, Freschi
NOES:	COUNCILMEMBERS:	McGowan, MacAloney
ABSENT:	COUNCILMEMBERS:	Bell

Mayor MacAloney reopened the Public Hearing.

Following discussion, Mayor MacAloney closed the Public Hearing.

It was moved by Mayor MacAloney, seconded by Councilmember Patterson, and carried by the following roll call vote to continue this item to the next City Council Meeting:

AYES:	COUNCILMEMBERS:	Patterson, Freschi, McGowan, MacAloney
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Bell

#### STAFF REPORTS:

##### City Manager:

##### Consideration of Upgrade of Radio Communications System – California Law Enforcement Equipment Program High Tech Grant.

City Manager Rodericks stated that staff has been searching for an alternative means to communicate and to enhance the speed and response time for public safety, office staff, and public works staff for emergent and non-emergent communications.

Staff is proposing to use the current mobile radio system used by our Public Works staff to communicate in the field to enhance communication with public safety staff by providing the Sheriff's Department with two handheld units. However, to be effective the system staff is currently using is in need of an upgrade.

Because we intend to use the system for emergent and non-emergent communications between the City and its public safety staff, the upgrade qualifies as an authorized purchase using the City's High Tech Equipment Grant. The estimated cost of the upgrade is \$7,700 and will be totally funded under the California Law Enforcement Equipment Program Grant.

It was moved by Councilmember Patterson, seconded by Councilmember McGowan, and carried by the following roll call vote to authorize the use of California Law Enforcement Equipment Grant funds to upgrade the City's radio system for emergent Public Safety purposes:

AYES:	COUNCILMEMBERS:	Patterson, McGowan, Freschi, MacAloney,
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Bell

Consideration of Resolution No. 2002-2583 Establishing the Agenda Format for City Council Meetings and Rescinding Resolution No. 99-2481.

City Manager Rodericks stated that staff has reviewed the format of the current City Council agenda and is suggesting several changes to enhance the flow of the meeting and assist with dissemination of public information.

The following Villa Park residents spoke in favor of the present agenda format:

Bob Fauteux, Briley Way  
Patricia Bortle, Oakfield Circle  
Mr. Wynsen, Ridgewood Lane

Following discussion, it was the consensus of Council to leave the agenda in its present format.

City Attorney: No report.

City Clerk: No report.

City Engineer:

Request for General Plan Conformity – Orange County Flood Control Easement – Santiago Creek Retarding Basin.

City Engineer Repke reported that Tract 13204, located at Santiago Boulevard and Sycamore Circle was accepted in 1990 with an irrevocable offer of dedication of 1.21 acres to the Orange County Flood Control District (OCFCD) for the occasional overflow, flood and submergence of delineated lot portions in connection with the operation and maintenance of the Santa Ana River mainstem, including Santiago Creek.

The Orange County Flood Control District is now proposing to accept the offer of dedication and construct slope stabilization within the easement area.

Following discussion, it was moved by Councilmember Freschi, seconded by Councilmember McGowan, and carried by the following roll call vote to approve the proposed dedication and development by the Orange County Flood Control District, and adopt Resolution No. 2002-2588 Finding the Project in Conformance with the City of Villa Park's General Plan:

AYES:	COUNCILMEMBERS:	Patterson, McGowan, Freschi, MacAloney,
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Bell

Consideration of Final Payment and Acceptance of Improvements for FY2001-02 Slurry Seal Program – Roy Allan Slurry Seal.

City Engineer Repke stated that FY2001-02 Slurry Seal Program has been completed and accepted by City staff. The final slurry seal quantity for the streets included in the contract exceeded the contract amount. During project construction, the decision was made to add another street to the program.

Due to the increased cost of \$17,536 from the original contract amount and \$26,676 from the budgeted amount, City Engineer Repke recommends the following action:

- ◆ Approve the additional work completed under the contract;
- ◆ Accept the work and authorize the City Clerk to file a Notice of Completion;
- ◆ Authorize a final payment of \$61,676, less 10% retention and previous payments, to Roy Allan Slurry Seal; and
- ◆ Authorize a Budget Amendment to Account No. 5375 Street Sealing program in the amount of \$26,676 for the 2001-02 fiscal year.

It was moved by Councilmember McGowan, seconded by Councilmember Patterson, and carried by the following roll call vote to approve the City Engineer's recommendations as outlined above:

AYES:	COUNCILMEMBERS:	Patterson, McGowan, Freschi, MacAloney,
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Bell

OTHER BUSINESS: None.

ORAL COMMUNICATIONS: None.

ORDINANCES:

Consideration of Ordinance No. 2002-481 Amending Provisions of Section 9.2-16 of Chapter IX of the Villa Park Municipal Code Relating to Roof Construction and Covering.

City Manager Rodericks reported that this ordinance enacts a building code standard to require re-roof of the entire structure to class A if more than 50% of the entire roof area is re-roofed.

Following discussion, it was moved by Councilmember Patterson, seconded by Councilmember McGowan, and carried by the following roll call vote to approve First Reading of Ordinance No. 2002-481 Amending Provisions of Section 9.2-16 of Chapter IX of the Villa Park Municipal Code Relating to Roof Construction and Covering, and set the Public Hearing and second reading for the regular City Council Meeting of April 23, 2002:

AYES:	COUNCILMEMBERS:	Patterson, McGowan, Freschi, MacAloney,
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Bell

Consideration of Ordinance No. 2002-482 Amending Provisions of Article 23 of Chapter XXIII of the Villa Park Municipal Code Relating to Property Development Standards.

City Manager Rodericks stated that changes to the City's property development standards will enhance the City plan review process and clarify several issues with regard to height measurement, setbacks, carports, and minor accessory equipment.

Following discussion, it was moved by Councilmember Patterson, seconded by Councilmember McGowan, and carried by the following roll call vote to continue First Reading of Ordinance No. 2002-482 Amending Provisions of Article 23 of Chapter XXIII of the Villa Park Municipal Code Relating to Property Development Standards, and set the Public Hearing for the regular City Council Meeting of April 23, 2002:

AYES:	COUNCILMEMBERS:	Patterson, McGowan, Freschi, MacAloney,
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Bell

RESOLUTIONS: None.

CLOSED SESSION:

Potential Legal Action Concerning Measure W – Government Code Section 54956.9.

At 9:55 PM, the City Council adjourned to a Closed Session.

The meeting was reconvened at 10:25 PM. City Attorney Hampel reported that the action taken in Closed Session was to continue this item to an adjourned Closed Session on April 5, 2002 at 8:00 AM.

ADJOURNMENT:

It was moved by Councilmember McGowan, seconded by Mayor MacAloney, and carried unanimously to adjourn the meeting at 10:25 PM to April 5, 2002 at 8:00 AM for a Closed Session regarding potential legal action concerning Measure W – Government Code Section 54956.9.

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W. Bill MacAloney, Mayor  
City of Villa Park

ATTEST:

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Kathy Adrian, City Clerk  
City of Villa Park