

MINUTES OF THE CITY COUNCIL
CITY OF VILLA PARK, CALIFORNIA

The City Council of the City of Villa Park met in regular session Tuesday, April 22, 2003, at 7:30 PM in the City Council Chambers, 17855 Santiago Boulevard, Villa Park, California.

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

ROLL CALL:

COUNCILMEMBERS PRESENT:

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| Bob Bell | Mayor |
| Patricia Bortle | Mayor Pro Tem |
| Rich Freschi | Councilmember |
| Robert McGowan | Councilmember |
| Bill MacAloney | Councilmember |

COUNCILMEMBERS ABSENT:

None.

STAFF PRESENT:

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

FLAG SALUTE:

Chief Rich Witesman, Orange County Fire Authority, led the flag salute.

INTRODUCTIONS AND PRESENTATIONS:

Mayor Bell presented a plaque to Dennis DeMaio, who was recently promoted to Captain of the Orange County Sheriff's Department, in recognition of his outstanding service to the residents and City of Villa Park.

ORAL COMMUNICATIONS:

Vito Canuso, Vice President, Board of Directors, Villa Park Community Services Foundation, provided an update on the Foundation and the planning of the "Grand Premier Gala" to be held on May 17, 2003.

Regular meetings of the Community Services Foundation are held at 12 Noon on the third Monday of each month at the Villa Park Town Hall.

Memberships are available in the Foundation at different levels. Individual memberships are offered for \$50 per year. There are also Business and Corporate level memberships.

For more information on the Foundation, please contact the Foundation Secretary at (714) 998-1500 or visit the City's website at www.villapark.org.

Teri Elmendorf, committee member of the City of Villa Park Annual Picnic at Irvine Lake, presented an update on this year's picnic that will be held on Sunday, June 1, 2003 from 12 Noon to 5:30 PM. Tickets are \$3.00 and children 5 and under are free.

For further information, please contact Eric Kuli at (714) 921-1505.

If you are interested in participating in the car show at the picnic, please contact Teri Elmendorf at (714) 997-9288 for more information.

Teri Elmendorf, Camden Circle, announced that the Villa Park Elementary School historical buildings were placed on the National Registry of Historical Sites on March 27, 2003.

Meetings of the Villa Park Elementary School Restoration Corporation (VPESRC) are held on the 3rd Tuesday of every month.

CONSENT AGENDA:

It was moved by Councilmember McGowan, seconded by Councilmember MacAloney, and carried by the following roll call vote to approve Consent Agenda Items 1 through 5:

| | | |
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| AYES: | COUNCILMEMBERS: | MacAloney, McGowan, Freschi, Bortle, Bell |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |

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 March 25, 2003. Approved Action: That the City Council approve the Minutes of March 25, 2003.
3. Consideration of Quarterly Reports for Period Ending March 31, 2003. Approved Action: Receive and file.
4. Consideration of List of Demands for March 31, 2003. Approved Action: That the City Council approve the List of Demands for March 31, 2003, numbered 1 through 19 in the amount of \$21,981.47.
5. Consideration of List of Demands for April 22, 2003. Approved Action: That the City Council approve the List of Demands for April 22, 2003, numbered 1 through 31 in the amount of \$177,558.48.

MATTERS PRESENTED BY COUNCILMEMBERS: None.

CITY COMMISSION AND COMMITTEE REPORTS OR REFERRALS:

City Liaison Committee - Mayor Pro Tem Bortle

Mayor Pro Tem Bortle discussed the school meeting she attended regarding the Master Facilities Plan and School Bond.

Public Utilities Committee – Councilmember Freschi

At the request of Councilmember Freschi, Teri Elmendorf, President, Villa Park Community Access Television Corporation, provided an update on the progress of improvements to the VPCATV cable studio and programming.

ITEMS FOR CONSIDERATION: None.

PUBLIC HEARINGS:

Consideration of Variance Application No. 0533 (Location: 9862 Leatrice Drive; Applicants: Larry Schaffer & Dr. Christie MacDonald) for Gated Access off Leatrice Drive.

Mayor Bell opened the Public Hearing.

City Manager Rodericks reported that the applicants are requesting a variance to permit the construction of fences, walls and gates over 42” in height within the required front setback area on their property at 9862 Leatrice Drive. The combination wrought iron/block wall fence is proposed along the street frontage at varying heights up to a maximum of five feet at the proposed electronic gate location.

It is the opinion of staff that no special circumstances are applicable to the property to warrant granting of the variance.

Larry Schaffer, applicant, addressed Council in support of his request.

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

Following discussion, it was moved by Councilmember MacAloney, seconded by Mayor Pro Tem Bortle, and carried by the following roll call vote to deny Variance Application No. 0533 (Location: 9862 Leatrice Drive; Applicants: Larry Schaffer & Dr. Christie MacDonald) for Gated Access off Leatrice Drive:

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| AYES: | COUNCILMEMBERS: | MacAloney, McGowan, Freschi, Bortle, Bell |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |

Consideration of Conditional Use Permit No. 0534 for Construction of Two Freestanding Patio Covers and a Fireplace – Location: 10081 Old Ranch Circle; Applicants: Edward and Lee Ann Bruce.

Mayor Bell opened the Public Hearing.

City Manager Rodericks stated that the applicants are requesting a conditional use permit to allow the construction of two detached patio covers adding 788 square feet to the total lot coverage. In addition, the applicants are requesting permission to construct a freestanding fireplace over 7 feet in height. The structures comply with all lot coverage, gross floor area, building height and setback requirements for detached structures.

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

It was moved by Councilmember Freschi, seconded by Councilmember MacAloney, and carried by the following roll call vote to adopt Resolution No. 2003-2678 approving Conditional Use Permit No. 0534 for Construction of Two Freestanding Patio Covers and a Fireplace, with conditions – Location: 10081 Old Ranch Circle; Applicants: Edward and Lee Ann Bruce:

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| AYES: | COUNCILMEMBERS: | MacAloney, McGowan, Freschi, Bortle, Bell |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |

Consideration of Conditional Use Permit No. 0535 for Construction of a Two-Story Addition and Four Garage Spaces - Location: 10132 Briley Way; Applicants: Steve and Christie Vliss.

Mayor Bell opened the Public Hearing.

City Manager Rodericks reported that the applicants are requesting conditional use permits for construction of a 2,222 s.f. two-story addition with a maximum height of 28 feet. In addition, the applicant will maintain the property with a total of 4 garage spaces. The structure complies with all lot coverage, gross floor area, building height and setback requirements.

Steve Vliss, applicant, and David York, architect, were in attendance to answer questions.

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

It was moved by Councilmember Freschi, seconded by Councilmember MacAloney, and carried by the following roll call vote to adopt Resolution No. 2003-2679 approving Conditional Use Permit No. 0535 for Construction of a Two-Story Addition and Four Garage Spaces, with conditions - Location: 10132 Briley Way; Applicants: Steve and Christie Vliss:

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| AYES: | COUNCILMEMBERS: | MacAloney, McGowan, Freschi, Bortle, Bell |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |

Consideration of Conditional Use Permit and Variance Application No. 0536 (Location: 18922 Santiago Boulevard; Applicant: Carl Beckmann) for Construction of the Following:

Mayor Bell stated that he would not participate in consideration of this item due to a possible conflict of interest. He excused himself from the meeting.

Mayor Pro Tem Bortle opened the Public Hearing.

City Manager Rodericks advised that this item is to be continued to the May 27, 2003 City Council Meeting pending completion of the environmental review.

It was moved by Councilmember McGowan, seconded by Councilmember Freschi, and carried by the following roll call vote to continue Consideration of Conditional Use Permit and Variance Application No. 0536 (Location: 18922 Santiago Boulevard; Applicant: Carl Beckmann) to the May 27, 2003 City Council Meeting:

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| AYES: | COUNCILMEMBERS: | MacAloney, McGowan, Freschi, Bortle |
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| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |
| ABSTAIN: | COUNCILMEMBERS: | Bell |

Consideration of First Reading of Ordinance No. 2003-494 Amending Chapter XXIII of the Villa Park Municipal Code Pertaining to Walls and Fences.

Mayor Bell opened the Public Hearing.

City Manager Rodericks stated that this ordinance more clearly defines guidelines for fences and walls in Villa Park and makes the existing ordinance easier to interpret.

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

It was moved by Councilmember MacAloney, seconded by Mayor Pro Tem Bortle, and carried by the following roll call vote to approve First Reading of Ordinance No. 2003-494 Amending Chapter XXIII of the Villa Park Municipal Code Pertaining to Walls and Fences:

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| AYES: | COUNCILMEMBERS: | MacAloney, McGowan, Freschi, Bortle, Bell |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |

STAFF REPORTS:

City Manager:

Consideration of May/June City Newsletter.

City Manager Rodericks requested authorization to produce the May/June edition of the City Newsletter.

Following discussion, it was moved by Councilmember Freschi, seconded by Councilmember McGowan, and carried by the following roll call vote to authorize production of the May/June edition of the City Newsletter, with changes as recommended:

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| AYES: | COUNCILMEMBERS: | MacAloney, McGowan, Freschi, Bortle, Bell |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |

Consideration of CERT Program

City Manager Rodericks reported that Citizen's Emergency Response Team (CERT) is a national, citizens emergency response program. Participants in the program learn basic survival skills such as light search and rescue, use of fire extinguishers, basic disaster scene management and first aid.

The primary goal of CERT is for a city to have an established and trained force of volunteers to set up emergency response teams in neighborhoods without assistance of first responders or other city staff. Because of the impact on Emergency Services following a major disaster, citizens may have to be self-reliant for seventy-two hours or longer. CERT members provide direct neighborhood support and help to bridge the gap until professional assistance can be provided.

The Orange County Fire Authority has identified CERT programs as an authorized use of Structural Fire Fund Entitlement Fund (SFFEF) revenues.

The projected program costs over a four-year period beginning July 1, 2003 and running through June 30, 2007 are anticipated to be \$58,525. A budget of \$14,275 for the first-year program will be requested. The budget would cover first-year start-up and course related costs.

It was moved by Mayor Pro Tem Bortle, seconded by Councilmember Freschi, and carried by the following roll call vote to approve the following:

- That the Villa Park City Council authorizes the establishment of a Community Emergency Response Team program to be funded by the available revenue allocated from the Orange County Fire Authority's Structural Fire Fund Entitlement Fund (SFFEF) Program. Such program will be operated within the guidelines approved by the Orange County Fire Authority Board of Directors and as a program of the City of Villa Park as authorized by the City Council.
- Any remaining available funds within the City of Villa Park's SFFEF Program would be identified as Unallocated. As Unallocated Funds, these funds would not be able to be expended until such time as the City with Fire Authority Approval revised their SFFEF Program to include allocations of any or all additional funds.
- That the City request that the Orange County Fire Authority Board of Directors approve the Villa Park CERT Program as presented and appropriate the identified funds for this program to facilitate future reimbursements for allowable CERT Program expenses incurred in support of the CERT program.
- Direct city staff to work with Fire Authority staff to establish a "CERT program for Villa Park residents within one of the identified alternatives. Alternative selected will be as directed by the City Manager at the discretion of the City Council.
- Report back to the City Council quarterly on status of the CERT Program.

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| AYES: | COUNCILMEMBERS: | MacAloney, McGowan, Freschi, Bortle, Bell |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |

City Attorney:

Consideration of Alternatives, Including Authorization of Litigation Against Brian and Traci Tran and Developers Surety & Indemnity Company re Loma Street Improvements.

City Attorney Hampel suggested that this item be discussed following the Closed Session.

City Clerk: No report.

City Engineer:

City Engineer Repke advised that during the next four to five weeks, National Plant Services would be in the City viewing the City's sewer system. This is part of the ongoing sewer inspection and monitoring project.

OTHER BUSINESS: None.

ORAL COMMUNICATIONS: None.

ORDINANCES:

Consideration of First Reading of Ordinance No. 2003-493 Amending Chapter XVI of the Villa Park Municipal Code Pertaining to Trees and Shrubs.

It was moved by Councilmember McGowan, seconded by Councilmember MacAloney, and carried by the following roll call vote to approve First Reading of Ordinance No. 2003-493 Amending Chapter XVI of the Villa Park Municipal Code Pertaining to Trees and Shrubs:

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| AYES: | COUNCILMEMBERS: | MacAloney, McGowan, Freschi, Bortle, Bell |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |

Consideration of First Reading of Ordinance No. 2003-495 Amending Section 19-3.4 of Chapter XIX of the Villa Park Municipal Code Relating to Parking Standards.

City Manager Rodericks stated that at the request of a resident on Villa Drive to allow parking on the lower section of Villa Drive, the City's Public Safety Committee reviewed the street and came up with Ordinance 2003-495 to mitigate the requests.

Mark Klugman, Villa Drive, discussed his reasons for making this request.

Brett Bittle, Villa Drive, also addressed Council on this issue.

Councilmember MacAloney made a motion to continue this item to the next City Council Meeting so that the Public Safety Committee can review the request.

Following discussion, Councilmember MacAloney withdrew his motion.

Following further discussion, it was moved by Mayor Pro Tem Bortle, seconded by Councilmember Freschi, and carried by the following roll call vote to approve First Reading of Ordinance No. 2003-495 Amending Section 19-3.4 of Chapter XIX of the Villa Park Municipal Code Relating to Parking Standards, to read as follows:

"p. Villa Drive, east side, from a point 225 feet north of the intersection of Valley Drive and Villa Drive to the northerly end of Villa Drive; Villa Drive west side."

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| AYES: | COUNCILMEMBERS: | MacAloney, McGowan, Freschi, Bortle |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | Bell |

RESOLUTIONS:

Consideration of Resolution No. 2003-2671 Supporting Assembly Bill 229 (Pacheco).

City Manager Rodericks stated that at the March 25, 2003 City Council Meeting, Council directed staff to prepare a letter of support and to prepare a resolution in support of Assembly Bill 229 (Pacheco). AB229 raises the public project contract limit from \$15,000 to \$50,000 for school districts.

A letter of support has been sent and Resolution No. 2003-2671 Supporting Assembly Bill 229 (Pacheco) is before Council tonight for adoption.

It was moved by Councilmember McGowan, seconded by Councilmember MacAloney, and carried by the following roll call vote to adopt Resolution No. 2003-2671 Supporting Assembly Bill 229 (Pacheco):

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| AYES: | COUNCILMEMBERS: | MacAloney, McGowan, Freschi, Bortle, Bell |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |

Consideration of Resolution No. 2003-2672 Authorizing Application for Funds for the Transportation Enhancement Activity (TEA) Program Under the 1998 Transportation Equity Act for the 21st Century for the Taft Avenue Landscaping Project.

City Engineer Repke advised that this program makes funds available to the Orange County Transportation Authority (OCTA) for transportation enhancement activities within the County of Orange.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Bortle, and carried by the following roll call vote to adopt Resolution No. 2003-2672 Authorizing Application for Funds for the Transportation Enhancement Activity (TEA) Program Under the 1998 Transportation Equity Act for the 21st Century for the Taft Avenue Landscaping Project:

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|---------|-----------------|---|
| AYES: | COUNCILMEMBERS: | MacAloney, McGowan, Freschi, Bortle, Bell |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |

Consideration of Resolution No. 2003-2673 Authorizing Application for Funds for the Transportation Enhancement Activity (TEA) Program Under the 1998 Transportation Equity Act for the 21st Century for the Mesa Drive/Canyon Drive Multi-Use Trail Project.

City Engineer Repke advised that this program makes funds available to the Orange County Transportation Authority (OCTA) for transportation enhancement activities within the County of Orange.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Bortle, and carried by the following roll call vote to adopt Resolution No. 2003-2673 Authorizing Application for Funds for the Transportation Enhancement Activity (TEA) Program Under the 1998 Transportation Equity Act for the 21st Century for the Mesa Drive/Canyon Drive Multi-Use Trail Project:

| | | |
|---------|-----------------|---|
| AYES: | COUNCILMEMBERS: | MacAloney, McGowan, Freschi, Bortle, Bell |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |

CLOSED SESSION:

Closed Session Pursuant to Government Code Section 54957.6; Conference with Labor Negotiator – Negotiator: George J. Rodericks: Unrepresented Employee: All City Employees.

Closed Session Pursuant to Government Code Section 54954.5; Anticipated Litigation by City of Villa Park Against Brian and Traci Tran and Developers Surety & Indemnity Company.

At 9:15 PM, the City Council adjourned to a Closed Session.

The meeting was reconvened at 9:50 PM.

City Manager Rodericks reported that no action was taken with regard to the Closed Session Pursuant to Government Code Section 54957.6; Conference with Labor Negotiator – Negotiator: George J. Rodericks: Unrepresented Employee: All City Employees.

With regard to the Closed Session Pursuant to Government Code Section 54954.5; Anticipated Litigation by City of Villa Park Against Brian and Traci Tran and Developers Surety & Indemnity Company, it was moved by Councilmember Freschi, seconded by Councilmember McGowan, and carried by the following roll call vote to authorize the City Attorney to proceed with litigation against Brian and Traci Tran and Developers Surety & Indemnity Company:

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| AYES: | COUNCILMEMBERS: | MacAloney, McGowan, Freschi, Bortle, Bell |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |

ADJOURNMENT:

It was moved by Mayor Pro Tem Bortle and carried unanimously to adjourn the meeting at 9:50 p.m.

Bob Bell, Mayor
City of Villa Park

ATTEST:

Kathy Adrian, City Clerk
City of Villa Park