

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 25, 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:

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

COUNCILMEMBERS ABSENT:

None.

STAFF PRESENT:

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

FLAG SALUTE:

Kelly Rodeck, 9th grade student from Villa Park Elementary School, led the flag salute.

INTRODUCTIONS AND PRESENTATIONS:

Mayor Bell presented a commendation to Amie Zimmer, student at Cerro Villa Middle School, for outstanding academic achievement.

Councilmember Freschi presented a Proclamation to Villa Park Rotary President Tom Davis, declaring March 2003 "Rotary 4-Way Test" month.

Orange County Sheriff's Department Deputies Steve Taylor and Lionel Luna briefly discussed the Neighborhood Watch Program. If anyone is interested in learning more about the Program, please contact the City Hall at 714-998-1500.

ORAL COMMUNICATIONS:

Erik Kuli, President, Board of Directors, Villa Park Community Services Foundation, provided an update on the Foundation and the planning of the "kick-off" event 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.

Erik Kuli announced that the first meeting of the Villa Park Annual Picnic Committee would be held on Monday, March 3, 2003 at 7:30 p.m. at the Serrano Water District.

This year's picnic will be held on Sunday, June 1st.

Bret Young, Wulff Drive, addressed Council on behalf of the Villa Park Firefighters' Association.

CONSENT AGENDA:

It was moved by Councilmember MacAloney, seconded by Councilmember Freschi, and carried by the following roll call vote to approve Consent Agenda Items 1 through 4:

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 January 28, 2003. Approved Action: That the City Council approve the Minutes of January 28, 2003.
3. Consideration of List of Demands for January 31, 2003. Approved Action: That the City Council approve the List of Demands for January 31, 2003, numbered 1 through 28 in the amount of \$10,629.64
4. Consideration of List of Demands for February 25, 2003. Approved Action: That the City Council approve the List of Demands for February 25, 2003, numbered 1 through 24 in the amount of \$136,601.04.

MATTERS PRESENTED BY COUNCILMEMBERS: None.

CITY COMMISSION AND COMMITTEE REPORTS OR REFERRALS:

Mayor Pro Tem Bortle discussed the City Liaison Committee meeting she attended along with Mayor Bell and City Manager Rodericks. The Committee meets once a month with the City of Orange and the Orange Unified School District Board Members and Superintendent. The parking problem at Villa Park High School was among the topics discussed.

ITEMS FOR CONSIDERATION: None.

PUBLIC HEARINGS:

Consideration of Conditional Use and Variance Permit No. 0518 (Location: 18341 Valley Drive; Applicants: Vinh Le and Tung Ngo) for Construction of the Following:

- a. Two-story single-family residence above 25 feet in height;
- b. Eight garage stalls on the property;
- c. Detached pool cabana;
- d. Increase in the 32% maximum floor area allowed to 40%;
- e. Variance approval for retaining walls in excess of 6' in height.

Mayor Bell opened the Public Hearing.

City Manager Rodericks advised that the applicants have requested a continuance of this item to the March City Council Meeting.

It was moved by Councilmember MacAloney, seconded by Mayor Pro Tem Bortle, and carried by the following roll call vote to continue consideration of Conditional Use and Variance Permit No. 0518 to the February 25, 2003 City Council Meeting:

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

Consideration of Conditional Use Permit No. 0523 for Construction of Two Accessory Structures on the Property - Location: 18181 Serrano Avenue; Applicant: Yueh-Feng Li, Long-Sheng Li.

City Manager Rodericks reported that the applicants are requesting a conditional use permit to construct a 100 square foot gazebo and a 120 square foot patio cover on their property. All structures comply with the setback, floor area, lot coverage, and height restrictions under the conditional use permit.

City Manager Rodericks suggested that an additional condition be added as follows:

“Prior to issuance of permit for driveway approach and wall, property owner shall provide a notarized letter from adjacent property owner showing approval and consent of plan in relation to driveway easement.”

Mayor Bell opened the Public Hearing.

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

It was moved by Councilmember MacAloney, seconded by Councilmember Freschi, and carried by the following roll call vote to adopt Resolution No. 2003-2660 Approving Conditional Use Permit No. 0523 for construction of two accessory structures, With Conditions - Location: 18181 Serrano Avenue; Applicants: Yueh-Feng Li, Long-Sheng Li:

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

Consideration of Conditional Use Permit No. 0524 for Construction of a Detached Gazebo – Location: 18291 Fernando Circle; Applicants: Joy and Steve Stanowicz.

City Manager Rodericks reported that the applicants are requesting a conditional use permit to construct a 484 square foot detached gazebo at the rear of their property. The structure would comply with the lot coverage, gross floor area and building setback and height requirements.

Mayor Bell opened the Public Hearing.

Mr. Kerry Snyder, architect, was available to answer any questions on behalf of the applicants.

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

It was moved by Councilmember McGowan, seconded by Mayor Pro Tem Bortle, and carried by the following roll call vote to adopt Resolution No. 2003-2661 Approving Conditional Use Permit No. 0524 for Construction of a Detached Gazebo, with conditions – Location: 18291 Fernando Circle; Applicants: Joy and Steve Stanowicz:

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

Consideration of Conditional Use Permit No. 0525 for Construction of a Detached Patio Cover – Location: 18602 Jocotal Avenue; Applicants: Jay and Terry Applebaum.

City Manager Rodericks stated that the applicants are requesting a conditional use permit to construct a 324 square foot patio cover at the rear of their property. The structure would comply with the lot coverage, gross floor area and building setback and height requirements.

Mayor Bell opened the Public Hearing.

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

It was moved by Councilmember Freschi, seconded by Councilmember McGowan, and carried by the following roll call vote to adopt Resolution No. 2003-2662 Approving Conditional Use Permit No. 0525 Construction of a Detached Patio Cover, with conditions – Location: 18602 Jocotal Avenue; Applicants: Jay and Terry Applebaum:

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

Consideration of Revision to Condition No. 3 of Conditional Use Permit and Variance No. 0476 – Location: 18976 Mesa Drive; Applicants: Mr. and Mrs. Tom White.

Mayor Bell stated that he would abstain from voting on this matter due to a potential conflict of interest. He turned the meeting over to Mayor Pro Tem Bortle.

City Manager Rodericks stated that at their meeting in March 2002, the City Council approved Conditional Use Permit and Variance Application No. 0476 to permit construction of a new single-family residence exceeding a height of 25 feet, a detached pool house and a detached museum exceeding a height of 15 feet. Condition No. 3 of Resolution approving the Conditional Use Permit and Variance stated “The maximum roof heights shall be limited to those heights specified on the approved plan and shall be certified”.

As the grading operation was nearing completion, it was discovered that grading to the approved elevations would result in approximately 6,000 cubic yards of excess soil material that would need to be exported from the site. This would result in a major trucking operation with safety and noise concerns within the City.

The applicants are requesting an increase of two feet in the approved roof elevations for the residence and pool house only. The proposed increase in roof elevations will allow corresponding increases in the building pad elevations and disposition of the excess soil without export from the site. The actual building heights from pad to roof are not being revised.

Mayor Pro Tem Bortle opened the Public Hearing.

George Kerns, Salkin Engineering, and Tom White, property owner, answered questions from the City Council.

Mayor Pro Tem Bortle closed the Public Hearing.

Following discussion, it was moved by Councilmember MacAloney, seconded by Councilmember Freschi, and carried by the following roll call vote to approve the increase in roof elevation of the residence and pool house as shown on the revised site plan, dated February 4, 2003, subject to the original conditions and the following additional conditions:

- Applicant to submit a revised Precise Grading Plan to the City Engineer for review and approval.
- Pay all applicable additional plan check and grading permit fees.

AYES: COUNCILMEMBERS: MacAloney, McGowan, Freschi, Bortle

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: Bell

STAFF REPORTS:

City Manager:

Tree Removal – Center Drive.

City Manager Rodericks advised that a resident on Montana Circle has requested that consideration be given to the removal of 11 pine trees along the west side of Center Drive. The trees are adjacent to a deteriorating wood fence and the resident is desirous of replacing the fence with a block wall. Replacement of the wood fence with a block wall will necessitate cutting the root systems of the adjacent trees and may possibly jeopardize their stability.

The trees are located in the parkway and are City trees. The cost to remove the 11 trees is \$2,800. The resident has offered to pay for a portion of the removal. In addition, the resident has offered to replace the trees with crape myrtle trees at their cost.

The trees were inspected by the City's tree landscaper and it was determined that the root systems of the trees would be irreparably damaged by the footings of the new block wall. As a result, the trees could become unstable during high winds or other acts of God. This instability could cause the trees to topple into the neighboring property and/or the street possibly causing damage.

Discussion ensued about how to clarify the Villa Park Municipal Code with regard to staff approval of trimming, removal, or replacement of trees on City property.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Bortle, and carried by the following roll call vote to authorize the City Manager to spend up to \$700.00 for the removal of eleven (11) pine trees at the rear of the property at 18311 Montana Circle, along Center Drive:

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

Upon further discussion, it was moved by Mayor Pro Tem Bortle, seconded by Councilmember McGowan, and carried by the following roll call vote to instruct the property owner to replace the trees as follows:

- A minimum of eight (8) crape myrtle trees, spaced evenly along the right-of-way shall be planted.
- The trees must be a minimum 36-inch box with a minimum trunk diameter of 2 inches.
- The adjacent property owner shall water and otherwise maintain the trees in a proper manner – this shall be done at a minimum through a drip irrigation system.

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

It was the consensus of Council to have City Attorney Hampel and City Manager Rodericks review the City's ordinance regarding trees and prepare suggested revisions for the City Council.

Strategic Plan – Oral Report.

City Manager Rodericks provided an update on the progress of preparing the City's 5-Year Strategic Plan.

Discussion ensued regarding the use of an outside facilitator or the City Manager acting as a facilitator.

City Manager Rodericks advised that proposals have been requested from various companies. When they are available, Councilmembers Freschi and MacAloney, as members of the City Council Finance Committee, will review them.

City Attorney: No report.

City Clerk: No report.

City Engineer:

City Engineer Repke provided an update on the following projects he is working on for the City:

- Pavement Management Study
- Sanitary sewer system evaluation
- National Pollution Discharge Elimination System (NPDES).

OTHER BUSINESS: None.

ORAL COMMUNICATIONS:

Kathy Moffitt, Board Member, Orange Unified School District, addressed Council regarding how the State Budget will be affecting the school district's budget.

ORDINANCES:

Consideration of First Reading of Ordinance No. 2003-492 Amending Section 19-4.1 of Chapter XIX of the Villa Park Municipal Code Designating Speed Limits.

City Manager Rodericks stated that pursuant to Council's request at the January City Council Meeting, City Attorney Hampel has prepared an ordinance to reduce the speed limit on Serrano Avenue to its "prima facie" limit of 25 mph. This Ordinance is necessary in order to modify the Villa Park Municipal Code.

Following discussion, it was moved by Councilmember Freschi, seconded by Mayor Pro Tem Bortle, and carried by the following roll call vote to approve First Reading of Ordinance No. 2003-492 Amending Section 19-4.1 of Chapter XIX of the Villa Park Municipal Code Designating Speed Limits:

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

RESOLUTIONS: None.

CLOSED SESSION: None.

ADJOURNMENT:

It was moved by Mayor Pro Tem Bortle and carried unanimously to adjourn the meeting at 9:45 p.m.

Bob Bell, Mayor
City of Villa Park

ATTEST:

Kathy Adrian, City Clerk
City of Villa Park