

MINUTES OF THE CITY COUNCIL

CITY OF VILLA PARK, CALIFORNIA

The City Council of the City of Villa Park met in regular session Tuesday, June 22, 2004 at 7:30 PM in the City Council Chambers, 17855 Santiago Boulevard, Villa Park, California.

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

ROLL CALL:

COUNCILMEMBERS PRESENT:

Patricia Bortle	Mayor
W. Bill MacAloney	Mayor Pro Tem
Bob Bell	Councilmember
Bob Fauteux	Councilmember
Rich Freschi	Councilmember

STAFF PRESENT:

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

FLAG SALUTE:

Rich Ulmer, 18550 Martinique Court, led the flag salute.

INTRODUCTIONS AND PRESENTATIONS:

Jan Van Emon, City Historian, made a PowerPoint presentation showing the content of her book, which should be published by the end of 2004. She decided to write the book, "The Hidden Jewel", in chronological order. The book will have a glossy soft cover, however, a limited number of commemorative hard back editions will be available by request. The soft back edition will probably cost about \$30.00, while pricing of the hard back edition will depend upon the quantity produced. She explained to Council that she could use some secretarial assistance in completing the project.

Councilmember Freschi asked how one may order the book. He suggested that the requests be made through City Hall.

Lt. Chris Visconti of the Orange County Sheriff's Department, addressed the Council briefly on the car burglaries that had been occurring frequently until the recent apprehension of a suspect.

Investigator Chris Dunn spoke about the suspect who was taken into custody in early June, 2004. Vehicle thefts have ceased since his arrest.

ORAL COMMUNICATIONS: None.

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 April 27, 2004. Approved Action: That the City Council approve the City Council Minutes of April 27, 2004.
3. Consideration of City Council Minutes of May 25, 2004. Approved Action: That the City Council approve the Minutes of May 25, 2004 with one addition and correction to Mr. Ulmer's credentials on page one and one word deletion on page two.
4. Consideration of List of Demands for May 31, 2004. Approved Action: That the City Council approve the List of Demands for May 31, 2004, numbered 1 through 26 in the amount of \$24,166.66.
5. Consideration of List of Demands for June 22, 2004. Approved Action: That the City Council approve the List of Demands for June 22, 2004, numbered 1 through 27 in the amount of \$173,286.50.
6. Consideration of Agreement Between the City of Villa Park and the City Historian. Approved Action: That the City Council approve the Agreement between the City of Villa Park and the City Historian.
7. Consideration of Waiver of Monthly Fees for Lease Agreement GA 621-2 for the Villa Park Branch Library. Approved Action: That the City Council authorize staff to waive the monthly payments for "Rent, Janitorial, Utility, Maintenance, and Repair" under Section 4 of Lease Agreement GA 621-2 for the Villa Park Branch Library.

It was moved by Mayor Pro Tem MacAloney, seconded by Councilmember Bell, and carried by the following roll call vote to approve Consent Agenda Item 1 and Items 4 through 7:

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

It was moved by Mayor Pro Tem MacAloney, seconded by Councilmember Bell, and carried by the following roll call vote to approve Consent Agenda item #2:

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

It was moved by Councilmember Fauteux, seconded by Councilmember Freschi, and carried by the following roll call vote to approve Consent Agenda item #3, with one addition and correction to Mr. Ulmer's credentials on page one and one word deletion on page two:

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

MATTERS PRESENTED BY COUNCILMEMBERS: None.

Councilmember Fauteux announced that the memorial service for Bob Bennyhoff, publisher of the Foothills Sentry, will be on June 23, 2004 from 4:00 to 7:00 PM at Ridgeline Country Club.

CITY COMMISSION AND COMMITTEE REPORTS OR REFERRALS:

Councilmember Bell reported that he attended a retirement function for Battalion Chief Joan Steiner, who served many years for the Orange County Fire Authority. He stated that she will be missed by all.

ITEMS FOR CONSIDERATION:

1. Consideration of Modification to Administrative Policy Manual Definition of Out-of-Town Travel.

City Manager Rodericks reported that Section III.D. of the Finance Policy incorporated into the City's Administrative Policy Manual provides the procedures for reimbursement of actual and necessary expenses incurred in the performance of official duties.

Authorization to incur travel and meeting expenses not specifically listed in the Budget detail requires specific City Council approval. For annual conferences and meetings such as League of California City meetings or Departmental meetings, the detail in the Budget provides authorization to incur the expenses. Overnight stays for out-of-town travel is not defined as part of the policy and is incurred on a reasonable and customary basis.

A member of the City Council has requested discussion of the following:

Add to the City's policies a definition of "Out of Town" Travel as travel that exceeds a distance of 50 miles from the City of Villa Park. Incorporate a policy that overnight stays for travel that does not fall under the definition of "Out of Town" travel shall not be specifically authorized without prior City Council approval.

To incorporate such a policy, the following is offered as a modification:

"Section III.D – Accounts Payable
I – General POLICY

- F. Out of town travel shall be defined as one-way travel exceeding a distance of 50 miles from the City of Villa Park. Overnight stays for out-of-town travel may be authorized by approval of the City Budget or by specific City Council approval. Overnight stays for travel that do not qualify as out-of-town travel shall not be specifically authorized by the City Budget, but shall require separate prior City Council approval.”

It is recommended that the City Council review and discuss this modification.

Mayor Bortle stated that she was opposed to such a modification. She believes that if a Councilmember is willing to attend the entire League of California Cities Annual Conference, he/she should be able to stay over night at the expense of the City. Furthermore, she explained that it is her opinion that the conferences are beneficial to Councilmembers from an educational and networking perspective.

Mayor Pro Tem MacAloney stated that he believes the conferences are valid and that the City should encourage Councilmembers to attend and, if necessary, pay for overnight lodging in hotels for two nights.

Councilmember Bell stated his opposition to the City paying for overnight lodging for the annual conference.

Councilmember Freschi, who initiated the discussion of this policy modification, stated that the Councilmembers are volunteers and, therefore, should not stay in hotels paid for by the City. Since Long Beach is only 25 miles from Villa Park, he believes those Councilmembers who wish to stay overnight should pay for the lodging themselves.

Dr. Robert Helton, 10151 Briley Way, gave public testimony in favor of the City paying for conference lodging.

Councilmember Bell suggested one change to the proposed policy. If anything, he would like it to state, “one-way travel exceeding 100 miles from the City of Villa Park”, instead of 50 miles.

Councilmember Fauteux stated that he thinks one to three Councilmembers should be allowed to attend the conference and stay over as long as they are attending 100% of the sessions offered at the conference.

It was moved by Mayor Pro Tem MacAloney, seconded by Mayor Bortle, and carried by the following roll call vote to *not* approve the modification to the Administrative Policy Manual Definition of Out-of-Town Travel:

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

Councilmember Fauteux wanted to point out to the Council that the current policy states that the City Council can make an exception and reimburse Councilmembers for all their travel expenses, if so desired.

It was moved by Councilmember Freschi, seconded by Councilmember Fauteux, and carried by the following roll call vote to accept the modification of Section III D. of the Finance Policy:

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

PUBLIC HEARINGS:

1. Consideration of Continued Conditional Use and Variance Permit No. 0588 for master bedroom addition encroaching into required side yard setback and an increase in the maximum allowable lot coverage from 24% to 27% – Location: 9681 Dodson Way; Applicant: Robert Brumleu.

Mayor Bortle opened the Public Hearing.

City Manager Rodericks reported that the applicants have requested permission to construct a master bedroom addition that encroaches 2 feet into the required 10 foot side yard setback and a second story over the proposed garage that results in an increase in the maximum allowable lot coverage from 24% to 27%.

This Public Hearing was continued from the April 27, 2004 and May 25, 2004 City Council meetings.

A Variance is required for any reduction in the required setback area and for an increase in lot coverage over the maximum allowable.

The subject property is located in the E-4 Small Estate zoning district. The lot is improved with a single-story residential dwelling.

The applicant is proposing a master bedroom addition that encroaches 2 feet into the required side yard setback of 10 feet. The Villa Park Code also allows for an Administrative Adjustment for Variance requests that do not exceed a 25% reduction in the required setback. The requested application does *not* exceed a 25% reduction in the required setback.

The applicant is also requesting a reduction in the required lot coverage of 24% for two story structures. The applicant is proposing an addition above the proposed garage that would be considered a second story. Based on the City's zoning codes, this second story addition would change the maximum allowable lot coverage from 32% to 24%. The applicant is proposing lot coverage at 27%. Although not yet adopted, Ordinance No. 2004-503 introduced by the City Council at the June 15, 2004 Town Hall meeting and on the agenda for adoption on June 22, 2004 would permit the second story addition through the findings of a Conditional Use Permit.

Staff recommends approval of a Conditional Use Permit for the second story addition and increase in maximum allowable floor area of 24% to 27%. However, staff cannot recommend approval of the Variance request for the side yard encroachment.

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

The applicant, Mr. Brumleu, was in the audience but did not approach the podium for public comment.

Mayor Bortle closed the Public Hearing.

It was moved by Mayor Pro Tem MacAloney, seconded by Councilmember Bell, and carried by the following roll call vote to approve the increase in maximum allowable lot coverage from 24% to 27%, depending upon the approval of Ordinance No. 2004-503, an Ordinance of the City Council of the City of Villa Park amending Section 23-6.7 of Chapter XXIII of the Villa Park Zoning Ordinance Relating to Lot Coverage (Location: 9681 Dodson Way; Applicant: Robert Brumleu):

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

A motion was made by Councilmember Bell to approve the applicant's request for the master bedroom addition encroachment into the required side yard setback. *The motion failed* due to the lack of a second.

It was moved by Councilmember Fauteux, seconded by Mayor Bortle, and carried by the following roll call vote to deny Variance No. 0588, disallowing a 2 foot encroachment into the required 10 foot side yard setback (Location: 9681 Dodson Way, Applicant: Robert Brumleu):

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

2. Consideration of Conditional Use Permit No. 0594 to allow construction of a detached 4 car garage addition and addition to existing RV garage– Location: 18282 Fernando Circle; Applicants: Norm and Karen Lester.

Mayor Bortle opened the Public Hearing.

City Manager Rodericks reported that the applicant is proposing to add a detached 880 square foot garage addition to the property, bringing the total size of the structure to 1,035 square feet. The structures will be limited in height to 15 feet.

The subject property is located in the E-4 Small Estate zoning district. The lot is improved with a single-story residence and an existing detached RV garage. The Villa Park Municipal Code requires a Conditional Use Permit for all garage additions, bringing the total number of garage spaces to 4 or more and any detached structure exceeding 12 feet in height.

Based on a review of the project application, the proposed project meets the objectives of the Villa Park Zoning Code and 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's contractor, Dan Payne. He was present to answer any questions from the Council.

Public testimony was given by the applicant's neighbor, Barbara Steensland, 18292 Fernando Circle, who voiced a concern about being able to see the roof of the proposed garage from their patio. She asked that the Council to consider requiring screening on at least two sides.

Councilmember Bell asked the contractor if the applicant would be willing to screen the structure. He answered in the affirmative.

City Attorney Hampel stated that Condition #11 of the conditions of approval would address the screening issue.

Councilmember Fauteux asked two questions regarding the proposed location of the RV structure and access to it.

Mayor 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. 2004-2761, a Resolution of the City Council of the City of Villa Park, approving Conditional Use Permit No. 0594 for the addition of a 4 car detached garage and RV garage, with conditions (Location: 18282 Fernando Circle; Applicants: Norm and Karen Lester):

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

3. Consideration of Conditional Use and Variance Permit No. 0595 to allow construction of a recreational court with lighting and lighting encroaching into the required setback of 10 feet – Location: 9542 James Circle; Applicants: Russell and Christine Doll.

Mayor Bortle opened the Public Hearing.

City Manager Rodericks reported that the applicant is requesting permission for a recreational court with lighting. This is an after-the-fact request.

The subject property is located in the E-4 Small Estate zoning district.

The applicant has installed a 1,200 square foot recreational court with the following amenities:

- 10 foot by 10 foot containment netting
- Basketball goal with adjustable backboard
- 10 foot by 10 foot re-bouncer netting
- 18 foot light pole with two adjustable swivel lights

The City's standards for recreational courts allow for the following:

- Fencing not to exceed 10 feet in height
- Requirements for the installation of landscaping to minimize the impact
- Requirements for the removal of any net, canvas or other screening device in excess of other normal fence height requirements based on neighbor impact
- Permitted lighting hours from 7 AM to 10:30 PM
- No light fixture shall be located at a horizontal distance less than 10 feet from the nearest lot line
- No light supporting pole may be located at a horizontal distance less than 5 feet from the nearest lot line
- No light fixture or pole may be taller than 22 feet
- Power ratings of the lights shall not exceed 500 watts per light

Other conditions are applicable based on the type of installation. The applicant requires a Conditional Use Permit for the recreational court, associated fencing, and lighting. Due to the location of the lighting, a Variance is required for its placement.

Based on a review of the project application, the proposed project meets the objectives of the Villa Park Zoning Code with respect to the recreational court. The fencing can be allowed up to a height of 10 feet provided there is additional vegetative screening. However, the lighting is closer than the Code permits under the guidelines.

Staff can make a recommendation of approval with respect to the recreational court and associated fencing provided that the conditions of approval are met with respect to vegetative screening. However, staff cannot make a recommendation of approval for the lights, unless they are relocated to a compliant location.

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, Russell Doll, who offered to answer any of the Council's questions. He addressed the one letter of opposition (James and Patty Bauman, 9531 Lemon Street) by stating that he spoke to these neighbors about their concerns regarding the direction of the lighting.

Mayor Pro Tem MacAloney expressed concern about planting some trees that will grow fast enough.

Councilmember Bell stated that lighting must comply with the Code and that it should not penetrate into a neighbor's yard. He asked Mr. Doll why he did not place the netting on the other side.

Councilmember Freschi favored more screening with foliage.

Mr. Doll told Council that he is willing to plant trees in order to screen the light.

City Manager Rodericks stated that the pole location is an issue and that lighting still requires a Variance.

Mayor Bortle closed the Public Hearing.

It was moved by Mayor Pro Tem MacAloney, seconded by Councilmember Freschi, and carried by the following roll call vote to adopt Resolution No. 2004-2762, a Resolution of the City Council of the City of Villa Park, approving Conditional Use and Variance Permit No. 0595 for a recreational court with lighting and lighting encroaching into required 10 foot setback, with conditions (Location: 9542 James Circle; Applicants: Russell and Christine Doll):

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

4. Consideration of Conditional Use and Variance Permit No. 0596 to allow construction of an attached 4th car garage addition encroaching into a required 13 foot side yard setback – Location: 18221 James Road; Applicants: Philip and Denise Arciero.

Mayor Bortle opened the Public Hearing.

City Manager Rodericks reported that the applicant is requesting permission to expand an existing 2 car garage into a 4 car tandem garage. The addition is proposed to encroach into a required 13 foot side yard setback by 3 feet.

The subject property is located in the E-4 Small Estate zoning district.

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

The Villa Park Code allows for an Administrative Adjustment for Variance requests that do not exceed a 25% reduction in the required setback. The requested application does not exceed a 25% reduction in the required setback.

The objectives of the City's off-street parking requirements are to encourage garage stall parking of automobiles. Based on a review of the project application, the proposed project does not meet the objectives of the Villa Park Zoning Code with respect to setback requirements. However, the project does meet the objectives of the off-street parking guidelines encouraging the use of fully enclosed garage stalls to meet parking requirements on single-family lots. The applicant is proposing a minimum 10 foot side yard setback to allow for construction in line with the existing side yard setback for the existing originally constructed garage.

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, Phil Arciero, who was present to answer any questions from the Council.

Public testimony was given by Barbara Hemker, 9611 Christine Circle, who was concerned about the reason for granting the applicant a Variance. She stated that the City is approving so many Variances that she wonders whether they are merited.

Mayor Pro Tem MacAloney commented that the 13 foot side yard setback was not an issue for him. He stated he was in favor, in general, of getting cars off the streets of Villa Park.

Councilmember Bell agreed with Mayor Pro Tem MacAloney's comments regarding parking off the street.

Mayor Bortle closed the Public Hearing.

It was moved by Mayor Pro Tem MacAloney, seconded by Councilmember Bell, and carried by the following roll call vote to adopt Resolution No. 2004-2763, a Resolution of the City Council of the City of Villa Park, approving Conditional Use and Variance Permit No 0596, with conditions (Location: 18221 James Road; Applicants: Philip and Denise Arciero):

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

5. Consideration of Approval of the Statement of Investment Policy.

Mayor Bortle opened the Pubic Hearing.

City Manager Rodericks reported that, pursuant to the California Government Code, the City is required to annually adopt the Statement of Investment Policy. A Public Hearing is required prior to the City Council's adoption of the Policy.

To comply with a recommendation by the City's auditing firm, staff revised "Section III.E. – Accounts Payable" relating to Purchase Order Procedure to bring the policy in line with current practice. Procedure #3 was modified to show that all purchases must be made in accordance with Article 4-4 of the Villa Park Municipal Code and specifies an amount where a formalized purchase order is not required.

The amended section of the Policy is shown as Exhibits 1 and 2. The Policy is Exhibit 3.

Councilmember Fauteux suggested a modification to section V-Investments, 2.14 Diversification of the Statement of Investment Policy to make the policy compliant with the Government Code. After the change, the text reads as follows:

"Excepting investments made pursuant tot Government Code § 16429.1

and 53684, and obligations secured by the full faith and credit of the United States Government, no more than 50% of the surplus monies shall be invested in any one investment category.”

It is recommended that the City Council conduct a Public Hearing, and, if appropriate, adopt the Statement of Investment Policy.

Mayor Bortle closed the Public Hearing.

It was moved by Councilmember Fauteux, seconded by Councilmember Bell, and carried by the following roll call vote to adopt the amended Statement of Investment Policy:

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

6. Consideration of Sewer Pump Station Maintenance Charges for FY 2004-05 for Tracts 10523 and 13204.

Mayor Bortle opened the Public Hearing.

City Engineer Repke reported that, in order to get a grasp on pump station needs, and to rebuild the Capital Outlay Account, an engineering and maintenance evaluation of all system components was made and a five-year Capital Improvement Program developed to restore the main operating components to a high confidence level. The results of this evaluation indicated a total of \$57,500 will be required in major maintenance or replacement items over the next five years. This equates to \$11,500 per year.

During the 2003-04 Fiscal Year the following major maintenance or replacement work was completed at a cost of approximately \$14,000:

- Installation of new electrical control panel and cabinet

Programmed for the 2004-05 Fiscal Year is the following major maintenance and replacement work at a cost of \$10,600:

- Major maintenance on both pumps and motor for Pump No. 1
- Replacement of motor on Pump No. 2
- Clean force main

The following is recommended for Fiscal Year 2004-05 assessments:

1. Annual Operation and Maintenance Costs

- | | |
|---|------------|
| • Energy Charges | \$ 500.00 |
| • Maintenance Contract Charges | \$1,800.00 |
| • Emergency Call Out and Repair | \$ 500.00 |
| • Engineering and Administrative Services | \$ 800.00 |

2. Annual amount for projected major maintenance and replacement needs based on Five-Year Improvement Program \$11,500.00

Total Fiscal Year 2004-05 Charges is \$15,200.00.

Staff recommends approval of this application.

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

Mayor Bortle closed the Public Hearing.

It was moved by Councilmember Bell, seconded by Councilmember Freschi, and carried by the following roll call vote to approve the first reading of Ordinance No. 2004-507, an Ordinance of the City Council of the City of Villa Park Prescribing and Levying Charges for Maintenance of a Sewage Pumping Station for Fiscal Year 2004-05, approving and adopting report and providing for collection of charges on the tax roll:

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

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

Mayor Bortle 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 for those areas satisfying specific criteria.

In determining whether an area identified as eligible for preferential parking may be designated as a preferential district, the City Council shall consider factors and criteria which include:

- The extent to which the residents desire and need permit parking
- The extent to which legal on-street parking spaces are available for the use of residents and their guests
- The extent to which motor vehicles registered to persons residing in the area cannot be accommodated by the number of available off-street parking spaces
- The size and configuration of the area as it relates to the problems of enforcement of parking and traffic regulations and the potential impact of parking and traffic congestion, on this and adjacent areas as a result of the establishment of a district and
- Whether other regulatory measures would better solve the problem; e.g., parking restrictions and strict enforcement of such restrictions

Portions of Prado Woods Drive and Huntington Circle are inundated with parking associated with Villa Park High School during school activities and events during every day attendance.

All of the affected residents submitted a signed request, in compliance with the Ordinance, asking that their street be designated as a Preferential Parking District. Establishment of the Preferential Parking District was properly noticed pursuant to Ordinance No. 91-391. Letters have been sent to all residents on the affected streets notifying them of the Public Hearing issue.

It is recommended that the City Council conduct a Public Hearing and, if appropriate, adopt Resolution No. 2004-2760, a Resolution of the City Council of the City of Villa Park establishing a Preferential Parking District on Huntington Circle and on portions of Prado Woods Drive and establishing parking restrictions within said district.

Councilmember Bell stated that he has been designated an unofficial survey taker for the Villa Park High School parking situation. He does not want traffic to move further west. He also stated that he believes the parking problem is one for Orange Unified School District to solve and that perhaps a decision can be delayed until the Fall of 2004 when Councilmembers may speak to key members of their administration.

Mayor Bortle stated that discussions at the City/Schools Committee meeting of June 21, 2004 indicated that progress is being made with Villa Park High School and that she is in agreement with Councilmember Bell to continue this discussion at the July 27, 2004 City Council meeting.

Mayor Bortle closed the Public Hearing.

It was moved by Councilmember Bell, seconded by Councilmember Fauteux, and carried by the following roll call vote to continue discussion of Resolution No. 2004-2760, a Resolution of the City Council of the City of Villa Park, establishing a Preferential Parking District on Huntington Circle and portions of Prado Woods Drive and establishing parking restrictions within said district, to the City Council meeting on July 27, 2004:

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

8. Consideration of Resolution No. 2004-2764, a Resolution of the City Council of the City of Villa Park, adopting the budget, appropriating revenue and establishing the appropriations limit for FY 2004-05.

Mayor Bortle opened the Public Hearing.

Mayor Bortle closed the Public Hearing.

It was moved by Councilmember Bell, seconded by Mayor Pro Tem MacAloney, and carried by the following roll call vote to adopt Resolution No. 2004-2764, a Resolution of

the City Council of the City of Villa Park, adopting the budget, appropriating revenue and establishing the appropriations limit for FY 2004-05:

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

STAFF REPORTS:

City Manager:

1. Consideration of the First Amendment to Law Enforcement Services for Fiscal Year 2004-05.

City Manager Rodericks reported that contract costs under the Agreement increased by 1.37% or \$10,519 for the 2004-05 Fiscal Year.

The Agreement does not include the Motorcycle Officer, as this position is funded by Supplemental Law Enforcement Grant Funds under a separate approval process.

In Fiscal Year 2003-04, the contract cost was \$770,304. The 2004-05 contract cost is \$780,823 for an increase of \$10,519 (1.37%).

It is recommended that the City Council approve the First Amendment to Agreement between the City of Villa Park and the County of Orange and authorize the Mayor to execute the Agreement on behalf of the City.

It was moved by Councilmember Freschi, seconded by Councilmember Bell, and carried by the following roll call vote to approve the First Amendment to Law Enforcement Services Agreement for Fiscal Year 2004-05 between the City of Villa Park and the County of Orange:

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

City Attorney: No report.

City Clerk: No report.

City Engineer:

1. Consideration of Awarding Construction Contract – Fiscal Year 2003-04 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 meeting the objectives of City administrators, the City Pavement Management Program came into being as a means of crack sealing, slurry sealing, and asphalt concrete overlaying. In addition to pavement maintenance,

curb, gutter, and sidewalk repairs are also performed. Each year funds are budgeted to meet these objectives.

Authorization to advertise the 2003-04 FY Street Maintenance Project was received from the City Council at its May 25, 2004 meeting.

Evaluation of the bid has been completed and the lowest responsible and responsive bid was received from Hardy and Harper, Inc. for \$296,847.50 on June 15, 2004. The Engineer's estimate was \$281,615.

The low bid exceeds the Engineer's Estimate by 5.4%. In staff's opinion, however, the bid received is within an acceptable range of the Engineer's Estimate. The alternative is to reject the bid received and rebid the project. This would delay project construction by sixty days, pushing construction into the school season. There is also no assurance that a better bid will be received.

Construction would start in mid-July and be completed by August 31, 2004.

City staff recommends award of the construction contract to Hardy and Harper, Inc. in the amount of \$296,847.50.

It was moved by Councilmember Bell, seconded by Councilmember Fauteux, and carried by the following roll call vote to award a construction contract to Hardy and Harper, Inc. in the amount of \$296,847.50 for the 2003-04 FY Street Maintenance Program and authorize the Mayor to execute the contract Agreement:

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

OTHER BUSINESS: None.

ORAL COMMUNICATIONS: None.

Mayor Bortle requested a brief recess at 9:25 PM.

The meeting resumed at 9:30 PM.

ORDINANCES:

1. Consideration of Second Reading and Adoption of Ordinance No. 2004-503, an Ordinance of the City Council of the City of Villa Park, amending Section 23-6.7 of Chapter XXIII of the Villa Park Zoning Ordinance Relating to Building Site Coverage.

City Manager Rodericks reported that "Building Site Coverage" is defined as the relationship between the gross building areas of the building or buildings, including the area of courtyards enclosed on all sides, and the net area of the site. Site coverage includes the greater perimeter of all stories in a building. Swimming pools and lattice patio covers which are at least fifty (50%) percent open, do not exceed twelve (12) feet

in height, and are open on all sides, except where attached to the main structure are not included as lot coverage. Site coverage for a single-story structure in the R-1 Zone is 40%. If any portion of any structure on the lot exceeds single-story, the lot coverage is reduced to 30%. In the E-4 Zone the ratios are 32% and 24%, respectively.

On June 15, 2004 the City Council conducted a Public Hearing and introduced for first reading Ordinance No. 2004-503.

On the typical 20,000 square foot E-4 lot, a property owner can develop up to 6,400 square feet of single-story structures. If a property owner developed 6,400 square feet of site coverage, and then requested to add a second floor to the main structure, the property owner would be required to obtain a Variance to exceed the maximum allowable ratio of 24%. (This property owner would also be at the maximum allowable floor area ratio of 32%. This is a separate ratio that governs the maximum allowable floor area within the respective zone and is 32% and 40% within the E-4 and R-1 Zones, respectively).

If that property owner had developed 4,800 square feet of single-story structures, that property owner would be able to add 1,600 square feet of second floor to the main structure without the requirement of a Variance from the site coverage ratio.

The effect of the City's current Ordinance is to deny the addition of second stories to structures that have covered more than 24% of their lot with single-story structures, unless there are extraordinary circumstances that apply to the property that justify the granting of a Variance.

Detached structures, solid patio covers, second dwelling units, and sheds all count as site coverage.

There are a number of properties in Villa Park where the main residence is single-story and substantially greater than 3,800 square feet and the property contains outbuildings. These property owners are effectively barred from any second-story addition, unless a Variance were approved or a portion of the first floor is demolished. In addition, there are a number of properties that are single-story, but that retain sufficient attic or vaulted ceiling space to add an interior second story within modification to the exterior elevations of the structure. These property owners would also be barred from completing such renovations without first obtaining a Variance or demolishing existing floor space.

Ordinance No. 2004-503 maintains the existing ratios, but replaces the requirement of a Variance to exceed the maximum floor area ratio with that of a Conditional Use Permit. The findings required for a Variance are substantially more restrictive than that of a Conditional Use Permit. A Variance requires findings of special circumstance or hardship inapplicable to other properties in the same zone. Findings under a Conditional Use Permit are merely that: a) the project is in accordance with the objectives of the Code and purposes within the zone; b) that the use is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity; and c) that the use complies with the provisions of the Code. This alternative allows for a Public Hearing process and allows the Council to find that the proposed development is either compatible or incompatible with the surrounding properties. For example, a project proposing to add a second-story to a home within an area where the entire neighborhood is single-story may be found to be incompatible and be denied.

Alternatively, proposing that same second-story in a two-story neighborhood or where the Council determines there may be a future trend to do so may be deemed compatible and be approved.

It is recommended that the City Council accept for second reading and adopt Ordinance No. 2004-503, an Ordinance of the City Council of the City of Villa Park amending Section 23-6.7 of Chapter XXIII of the Villa Park Zoning Ordinance Relating to Lot Coverage.

It was moved by Councilmember Bell, seconded by Mayor Pro Tem MacAloney, and carried by the following roll call vote to accept the second reading and adopt Ordinance No. 2004-503, an Ordinance of the City Council of the City of Villa Park, amending Section 23-6.7 of Chapter XXIII of the Villa Park Zoning Ordinance Relating to Lot Coverage:

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

2. Consideration of Ordinance No. 2004-505, an Ordinance of the City Council of the City of Villa Park, Repealing Chapter XV of the Villa Park Municipal Code and Establishing New General Operating Procedures and Standards for Ambulance Transportation Services Within the City.

City Manager Rodericks reported that in 1998 the Orange County Fire Authority (OCFA) entered into three year agreements for ambulance services provided to the cities of Irvine, La Palma, Laguna Hills, Los Alamitos, Seal Beach, Stanton, and Villa Park. These agreements had the option to extend the contracts up to an additional three years. In 2001 action was taken to extend the original contracts and to add a contract for Laguna Woods.

Each of the cities served under the contracts adopt an Ordinance prepared by the OCFA establishing general operating procedures and standards for medical transportation services operating within the jurisdiction. Chapter XV of the Villa Park Municipal Code contains this Ordinance.

Ordinance No. 2004-505 repeals and replaces Chapter XV in its entirety with regard to ambulance service. The new Ordinance addresses new terminology regarding service areas, reorganizes the Ordinance, provides standards for ambulance service, and outlines a selection process followed by the OCFA in selecting an ambulance service provider.

For each of the eight cities listed above, the OCFA selects and administers ambulance services provider contracts. Existing agreements between the OCFA and ambulance service providers expire on June 30, 2004. Due to unforeseen delays in the administration and completion for the RFP, the final selection and award of the new ambulance agreements will not be completed in time for successful bidders to take over and commence services on July 1, 2004. Therefore, the OCFA Board of Directors extended the eight existing agreements, under the same terms and conditions, through August 2004.

The City's current provider of ambulance service is Medix. It is recommended that contact by any of the potential providers be referred to the OCFA as part of the formal bid process.

It is recommended that the City Council accept for second reading and adoption Ordinance No. 2004-505, an Ordinance of the City Council of the City of Villa Park repealing and replacing Chapter XV of the Villa Park Municipal Code in its entirety regarding ambulance service.

It was moved by Councilmember Freschi, seconded by Councilmember Bell, and carried by the following roll call vote to approve the second reading and adoption of Ordinance No. 2004-505, an Ordinance of the City Council of the City of Villa Park, an Ordinance of the City Council of the City of Villa Park repealing and replacing Chapter XV of the Villa Park Municipal Code in its entirety regarding ambulance service:

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

RESOLUTIONS:

1. Consideration of Resolution No. 2004-2770, a Resolution of the City Council of the City of Villa Park, declaring its intent to conduct a Public Hearing on conditions present at 19409 Mesa Drive, to determine whether such conditions constitute a Public Nuisance.

It was moved by Councilmember Freschi, seconded by Councilmember Fauteux, and carried by the following roll call vote to adopt Resolution No. 2004-2770, a Resolution of the City Council of the City of Villa Park, declaring its intent to conduct a Public Hearing on conditions present at 19409 Mesa Drive:

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

2. Consideration of 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.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem MacAloney, and carried by the following roll call vote to adopt 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, Freschi, MacAloney, Bortle
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

3. Consideration of Resolution No. 2004-2765, a Resolution of the City Council of the City of Villa Park, calling and giving notice of the holding of a General Municipal Election to be held on Tuesday, November 2, 2004, for the Election of certain officers as required by the provisions of the laws of the State of California relating to General Law Cities.

It was moved by Councilmember Freschi, seconded by Councilmember Bell, and carried by the following roll call vote to adopt Resolution No. 2004-2765, a Resolution of the City Council of the City of Villa Park, calling and giving notice of the holding of a General Municipal Election to be held on Tuesday, November 2, 2004, for the Election of certain officers as required by the provisions of the laws of the State of California relating to General Law Cities:

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

4. Consideration of Resolution No. 2004-2766, a Resolution of the City Council of the City of Villa Park, requesting that the Orange County Board of Supervisors consolidate a General Municipal Election to be held on Tuesday, November 2, 2004, with the statewide General Election to be held on the date pursuant to Section 10403 of the Elections Code.

It was moved by Mayor Pro Tem MacAloney, seconded by Councilmember Freschi, and carried by the following roll call vote to adopt Resolution No. 2004-2766, a Resolution of the City Council of the City of Villa Park, requesting that the Orange County Board of Supervisors consolidate a General Municipal Election to be held on Tuesday, November 2, 2004, with the statewide General Election to be held on the date pursuant to Section 10403 of the Elections Code:

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

5. Consideration of Resolution No. 2004-2767, a Resolution of the City Council of the City of Villa Park, adopting regulations for candidates for elective office pertaining to candidates' statements submitted to the voters at an election to be held on Tuesday, November 2, 2004:

It was moved by Mayor Pro Tem MacAloney, seconded by Councilmember Freschi, and carried by the following roll call vote to adopt Resolution No. 2004-2767, a Resolution of the City Council of the City of Villa Park, adopting regulations for candidates for elective office pertaining to candidates' statements submitted to the voters at an election to be held on Tuesday, November 2, 2004:

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

6. Consideration of Resolution No. 2004-2768, a Resolution of the City Council of the City of Villa Park approving the First Amendment to the Amended and Restated Exclusive Franchise Agreement with Taormina Industries, Inc. for the Collection, Transportation, Removal and/or Disposal of all Solid Waste Generated Within the City of Villa Park, California.

It was moved by Mayor Pro Tem MacAloney, seconded by Councilmember Freschi, and carried by the following roll call vote to adopt Resolution No. 2004-2768, a Resolution of the City Council of the City of Villa Park, approving the First Amendment to the Amended and Restated Exclusive Franchise Agreement with Taormina Industries, Inc. for the collection, transportation, removal and/or disposal of all solid waste generated within the City of Villa Park, California:

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

7. Consideration of Resolution No. 2004-2772, a Resolution of the City Council of the City of Villa Park, appointing the City Treasurer of the City of Villa Park and Rescinding Resolution No. 2005-2688.

It was moved by Councilmember Freschi, seconded by Councilmember Bell, and carried by the following roll call vote to adopt Resolution No. 2004-2772, a Resolution of the City Council of the City of Villa Park, appointing Dennis Kuli as the City Treasurer of the City of Villa Park and Rescinding Resolution No. 2003-2688:

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

Mayor Pro Tem MacAloney reported that at the Town Hall meeting on June 15, 2004, the City Council met in closed session to discuss the performance of City Manager, George Rodericks. By unanimous decision it was agreed to move him up to "Level D" on the Salary Steps.

ADJOURNMENT:

It was moved by Mayor Bortle and carried unanimously to adjourn the meeting at 9:55 PM. in memory of Martha Edna Dawn, Mayor Bortle's mother and in memory of long-time resident, Jim Rollins.

Patricia L. Bortle, Mayor
City of Villa Park

ATTEST:

George J. Rodericks, City Clerk
City of Villa Park