

MINUTES OF THE CITY COUNCIL
CITY OF VILLA PARK, CALIFORNIA

The City Council of the City of Villa Park met in regular session Tuesday, March 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:

Alex Devine, Kristin Rutledge and Ashley Janssen, students from Serrano Elementary School, led the flag salute.

Councilmember MacAloney requested a moment of silence for our Troops in Iraq.

INTRODUCTIONS AND PRESENTATIONS:

Mayor Bell presented a commendation to Christine Yang, a student at Villa Park High School, for outstanding academic achievement.

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.

Eric Kuli, Chairman 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.

Jill Kuli, Henderson Way, expressed her appreciation to Mike Knowles, maintenance worker, for his dedication to the City of Villa Park. To show her support she is helping to organize a Clean Villa Park Week in April. More information will be available as the event nears.

Karen Christensen, representing the Villa Park Women's League, presented the City with a plaque that reads:

"The City of Villa Park
Schulmerich Carillon Chimes
were donated by the
Villa Park Women's League
Tasting Spoons Cookbook Fund
May 2002"

Deborah Pauly, Chairperson, Legislative Coalition for Orange Unified School District, addressed Council to request their support on Assembly Bill 229 (Pacheco). AB229 raises the public project contract limit from \$15,000 to \$50,000 for school districts.

Following discussion, it was the consensus of Council to direct staff to prepare a letter of support and to prepare a resolution in support of Assembly Bill 229 (Pacheco) for the April meeting.

Teri Elmendorf, Camden Circle, announced that the Villa Park High School Video Tech class in conjunction with Villa Park Cable Community Access Television Corporation, are planning to put pictures of United States Servicemen on Villa Park's Cable TV Channel 3. Anyone interested in providing photos of family members or friends, send them to Dr. Linda Bartrom, % Villa Park High School, at 18042 Taft Avenue, Villa Park, CA 92861. Please put name, rank, and where they are currently stationed on the back of the photograph.

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:

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 February 25, 2003. Approved Action: That the City Council approve the Minutes of February 25, 2003.
3. Consideration of Amendment No. 6 to Cooperative Agreement No. C-95-994 between Orange County Transportation Authority and City of Villa Park. Approved Action: That the City Council approve Amendment No. 6 to Cooperative Agreement No. C-95-994 between Orange County Transportation Authority and City of Villa Park.
4. Consideration of List of Demands for February 28, 2003. Approved Action: That the City Council approve the List of Demands for February 28, 2003, numbered 1 through 33 in the amount of \$9,586.57.
5. Consideration of List of Demands for March 25, 2003. Approved Action: That the City Council approve the List of Demands for March 25, 2003, numbered 1 through 32 in the amount of \$138,466.38.

MATTERS PRESENTED BY COUNCILMEMBERS: None.

CITY COMMISSION AND COMMITTEE REPORTS OR REFERRALS: None.

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):

City Manager Rodericks reported that the applicants are requesting conditional use permits and a variance 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.

Mr. Le, applicant, was available to answer questions.

George Kerns, Salkin Engineering, spoke on behalf of the adjacent neighbor at 18411 Valley Drive, expressing concerns about the proposed retaining walls.

Mr. Ed Loftus, 18311 Villa Drive, also expressed concerns about the proposed retaining walls.

Council discussed concerns regarding the retaining walls, increasing the maximum allowable floor area, and the lack of information on the conceptual plan submitted by the applicant..

It was moved by Councilmember MacAloney, seconded by Councilmember McGowan, and carried by the following roll call vote to continue consideration of Conditional Use and Variance Permit No. 0518 for 60 days so that the applicant can submit a final grading plan, soils report, engineered drawings to the satisfaction of the City Engineer, and to show a reduction in the floor area requested:

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

Consideration of Revision to Variance Application No. 0485 for Construction of a Single-Family Residence on a Substandard Lot – Location: 18262 Windsor Drive; Applicant: Nadeem Shariff.

City Manager Rodericks advised that at its meeting of May 28, 2002, the City Council approved Variance Application No. 0485 to permit construction of a single-family residence on a substandard lot. Condition No. 1 of Resolution No. 2002-2606 approving the Variance stated, "The structure shall be in accordance with the approved plans on file with the City Clerk."

The applicant is now requesting a change in the layout of the proposed residence and access way. The revised layout also meets the requirements for building height, square footage, lot coverage and setbacks.

Mayor Bell opened the Public Hearing.

Shais Khan, applicant, spoke in support of his project.

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

It was moved by Councilmember McGowan, seconded by Councilmember MacAloney, and carried by the following roll call vote to approve Revision to Variance Application No. 0485 for Construction of a Single-Family Residence on a Substandard Lot, With Conditions – Location: 18262 Windsor Drive; Applicant: Nadeem Shariff:

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

Consideration of Conditional Use Permit No. 0526 for Construction of a Pool Structure - Location: 18441 Valley Drive; Applicant: Todd Essenmacher.

City Manager Rodericks reported that the applicant is requesting permission to complete construction of a pool on his property. Typically, pools do not require Conditional Use Permit approval as they do not exceed 7' in height and are not considered "structures" under the City's planning guidelines.

However, during construction, it was determined that due to the type of pool construction (i.e., vanishing pool), the down slope height of the pool would exceed a height of 7' dramatically. The down slope height of the pool and associated retaining wall will be approximately 13'6".

As staff reviewed the application, it was determined that the pool would constitute a "structure" and the height of the down slope wall was of such a height that the pool itself became an accessory structure and was therefore subject to the City's guidelines for accessory structures.

Mayor Bell opened the Public Hearing.

The applicant's engineer, George Kerns, President, Salkin Engineering, was available to answer any questions.

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

Following discussion, it was moved by Councilmember Freschi, seconded by Mayor Pro Tem Bortle, and carried by the following roll call vote to adopt Resolution No. 2003-2663 Approving Conditional Use Permit No. 0526 for construction of a Pool Structure, With Conditions - Location: 18441 Valley Drive; Applicant: Todd Essenmacher.

Condition #2 shall be revised as follows:

2. Building permits and approvals must be obtained prior to commencement of construction, and shall be consistent with all earthquake standards complying with the building code. If the approval is after-the-fact, building permits and approvals are still required.

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

Consideration of Conditional Use Permit and Variance Application No. 0527 for Construction of a Block Wall and Structure Within the Required Setback – Location: 17771 Santiago Boulevard; Applicant: Phil's 76 Station.

City Manager Rodericks reported that the applicant is requesting a conditional use permit for construction of a Soil Vapor Extraction System (VES) on the property located at 17771 Santiago Boulevard; a variance to allow the structure to encroach into the rear yard setback by 5 feet; and a variance to allow walls in excess of 7 feet.

ConocoPhillips Company (CPC) is working closely with the Orange County Health Care Agency to clean up historic release of gasoline at the 76 Station. CTC proposes to construct and operate a Soil Vapor Extraction System (VES), enclosed by a 15.5 by 20 foot, 8-foot high block wall. The purpose of the VES is to reduce petroleum hydrocarbon concentrations beneath the site in order to minimize the threat to underlying usable aquifers.

The 76 Station is located in the Commercial Neighborhood Zone, Service Stations. The Commercial Neighborhood Zone subsection applicable to Service Stations establishes a building setback line for all structures at 17 feet from the ultimate street right-of-way line. Walls are limited to 42 inches within 20 feet of the ultimate street right-of-way line.

The structure is proposed to be located at the rear of the property adjacent to the intersection of Wanda Road and Santiago Boulevard. The proposed structure is 310 square feet and is enclosed by a block wall at a height of 8 feet. At its closest corners, the structure is proposed at 12 feet from the adjacent property line.

The structure is temporary in nature and is proposed for a period of three (3) years.

Mayor Bell opened the Public Hearing.

Discussion ensued among Council, Phil Hurwitz, applicant, and Christopher Swartz, ConocoPhillips Company, as to the location of the structure.

With no further 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. 2003-2664 Approving Conditional Use Permit and Variance Application No. 0527 for Construction of a Block Wall and Structure Within the Required Setback, With Conditions – Location: 17771 Santiago Boulevard; Applicant: Phil's 76 Station; and in compliance with the drawing prepared by Councilmember McGowan and the applicant, Phil Hurwitz:

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

Consideration of Conditional Use Permit No. 0528 for Construction of a Pool Pavilion – Location: 19062 San Ramon Circle; Applicants: Raymond and Donna Thagard.

City Manager Rodericks reported that the applicants are requesting permission to construct an 840 s.f., one-story pool pavilion consisting of a sitting room, wet bar, 338 s.f. covered dining terrace, toilet room, changing room and storage room. The structure would comply with all lot coverage, gross floor area, building height and setback requirements for detached structures.

Mayor Bell opened the Public Hearing.

Mr. Thagard, applicant, was available to answer questions.

With no public testimony forthcoming, Mayor Bell 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 adopt Resolution No. 2003-2665 Approving Conditional Use Permit No. 0528 for Construction of a Pool Pavilion, With Conditions – Location: 19062 San Ramon Circle; Applicants: Raymond and Donna Thagard:

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

Consideration of Conditional Use Permit No. 0529 for Construction of a Freestanding Patio Cover With Fireplace – Location: 18560 Martinique Court; Applicant: Leslie Adams.

City Manager Rodericks stated that the applicant is requesting permission to construct 576 s.f. patio cover and fireplace on the property at 18560 Martinique Court. The structure would comply with all lot coverage, gross floor area, building height and setback requirements for detached structures.

Mayor Bell opened the Public Hearing.

The applicant's landscape architect, Kerry Snyder, was available to answer questions.

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

Following discussion, it was moved by Councilmember McGowan, seconded by Mayor Pro Tem Bortle, and carried by the following roll call vote to adopt Resolution No. 2003-2666 Approving Conditional Use Permit No. 0529 for Construction of a Freestanding Patio Cover With Fireplace, With Conditions – Location: 18560 Martinique Court; Applicant: Leslie Adams:

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

Consideration of Conditional Use Permit No. 0530 for Construction of a Freestanding Patio Cover – Location: 10141 Sycamore Circle; Applicant: John Campbell.

City Manager Rodericks reported that the applicant is requesting permission to construct a 360 s.f. patio cover on the property at 10141 Sycamore Circle. The structure would comply with all lot coverage, gross floor area, building height and setback requirements for detached structures.

Mayor Bell opened the Public Hearing.

John Campbell, applicant, was available to answer questions.

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

Following discussion, it was moved by Mayor Pro Tem Bortle, seconded by Councilmember Freschi, and carried by the following roll call vote to adopt Resolution No. 2003-2667 Approving Conditional Use Permit No. 0530 for Construction of a Freestanding Patio Cover, With Conditions – Location: 10141 Sycamore Circle; Applicant: John Campbell:

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

Consideration of Variance Application No. 0532 for Construction of Walls and Gates – Location: 18161 Serrano Avenue; Applicants: Robert and Mirna Hess.

City Manager Rodericks reported that the applicants are requesting permission to construct walls and gates over 42" in height within the required front yard setback area on their property at 18161 Serrano Avenue.

The property has an existing block wall along its frontage, the bulk of which will remain unchanged on the property. The applicant is proposing the installation of relocated access along Serrano Avenue due to the elimination of a shared driveway. Elimination of this shared access driveway was approved for the neighboring property, 18181 Serrano Avenue in February 2003.

The applicant is proposing the installation of gated vehicular access at a relocated driveway along Serrano Avenue. As a result, remodeling of a portion of the existing block wall will be required. The applicant contends that to keep the wall architecturally consistent, walls in excess of 42" are required connecting the existing wall to the proposed location of the driveway gated access. In addition, a connection from the existing block wall to the new block wall along the old driveway is required. This connection is proposed at a consistent height to the existing block wall at 6 feet 5 inches and will consist of both block wall and wrought iron fencing.

City Manager Rodericks stated that the property does not have any apparent physical characteristics; however the existing fencing creates an aesthetic and architectural issue the Council may wish to consider. The encroachment into the required front setback is greater than 25% and staff cannot recommend approval.

Mayor Bell opened the Public Hearing.

Bob Hess addressed Council on his behalf.

Mayor Bell closed the Public Hearing.

Following discussion, it was moved by Mayor Pro Tem Bortle, seconded by Councilmember Freschi, and carried by the following roll call vote to adopt Resolution No. 2003-2669 Approving Variance Application No. 0532 for Construction of Walls and Gates – Location: 18161 Serrano Avenue; Applicants: Robert and Mirna Hess:

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

STAFF REPORTS:

City Manager:

City Manager Rodericks and the Councilmembers discussed the recent briefing on homeland security they attended, which was held at the Emergency Operations Center at Loma Ridge.

City Attorney:

City Attorney Hampel provided an update on the demand letters sent to Brian Tran regarding payment for street improvements.

Following discussion, it was the consensus of Council to authorize the City Attorney to prepare a report outlining litigation proceedings, and contact the property owner and bonding company notifying of the City's intent to pursue legal action.

City Clerk: No report.

City Engineer: No report.

OTHER BUSINESS: None.

ORAL COMMUNICATIONS: None.

ORDINANCES:

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

First Reading of the ordinance was approved at the March City Council Meeting.

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 Second Reading and Adopt 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:

Consideration of Resolution No. 2003-2670 Authorizing the Submittal of a Grant Application, the Incurring of an Obligation, the Execution of a Grant Agreement and any Amendments Thereto, and any Other Documents Necessary to Secure a CEGP Grant from the State of California, Department of Housing and Community Development.

Following discussion, it was moved by Councilmember Freschi, seconded by Councilmember MacAloney, and carried by the following roll call vote to adopt Resolution No. 2003-2670 Authorizing the Submittal of a Grant Application, the Incurring of an Obligation, the Execution of a Grant Agreement and any Amendments Thereto, and any Other Documents Necessary to Secure a CEGP Grant from the State of California, Department of Housing and Community Development:

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

CLOSED SESSION: None.

ADJOURNMENT:

It was moved by Mayor Pro Tem Bortle and carried unanimously to adjourn the meeting at 10:00 p.m.

Bob Bell, Mayor
City of Villa Park

ATTEST:

Kathy Adrian, City Clerk
City of Villa Park