

MINUTES OF THE CITY COUNCIL
CITY OF VILLA PARK, CALIFORNIA

The City Council of the City of Villa Park met in regular session Tuesday, May 27, 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

COUNCILMEMBERS ABSENT:

Bill MacAloney	Councilmember
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STAFF PRESENT:

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

FLAG SALUTE:

Serrano Elementary School students Alex Tran, Dylan Fitzgerald and Joey Moeller led the flag salute.

INTRODUCTIONS AND PRESENTATIONS:

Mayor Bell presented a Certificate for Outstanding Academic Achievement to Jeff Liu, Villa Park High School's National Merit Scholarship Finalist.

Mayor Bell introduced and welcomed Lt. Chris Visconti as Villa Park's new Lieutenant and Chief of Police.

ORAL COMMUNICATIONS:

Jill Kuli spoke on behalf of the Villa Park Elementary School Restoration Corp. She announced that raffle tickets are available at the Picnic, June 1st, at a cost of \$5.00 each or five tickets for \$20.00 to benefit this non-profit organization. In the raffle last year and again this year, a trip to Hawaii was donated by Councilmember MacAloney, which was won by resident and Orange Unified School District Trustee, Kathy Moffat, who in turn re-donated it to the cause.

Teri Elmendorf announced that the VPCATV Board Meetings have been moved up this summer to 7:30 p.m. from 8:00 p.m. the first Wednesday of every month. The first half hour will be devoted to programming so the public may attend with ideas during this time. A new program by resident Cook Cecilia Steger will be filmed May 30,2003. Patricia Bortle attended the last VPCATV Meeting in May and Ms. Elmendorf wanted to publicly acknowledge this. There will be television cameras filming at the Picnic this year so volunteers will be on hand to talk to interested residents while they are enjoying themselves at Irvine Lake. She showed three logos created by resident Jeff Kunzelman for VPCATV to the audience.

Mayor Pro Tem Bortle spoke briefly about the talent of staff member Josh Sopp and the cable volunteers.

Vito Canuso, Vice President and Karen Holthe, Board Member, Villa Park Community Services Foundation, presented certificates of appreciation to various members of the community and VPCSF Board Members who volunteered their time to the Grand Premiere Gala event, May 17, 2003. Jill Kuli spoke briefly about the Interact Service Group students from Villa Park High School who received certificates of appreciation. Over two hundred people attended the event and about \$20,000 was generated. 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.

Erik Kuli announced the Annual Picnic June 1, 2003 from noon to 5 p.m. at Irvine Lake. Door Prizes, live entertainment, a climbing wall, and the car show are just a few of the attractions. Car show participants will receive two free tickets and a goody bag. Contact Erik Kuli at (714) 921-1505.

CONSENT AGENDA:

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

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

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 April 22, 2003. Approved Action: That the City Council approve the Minutes of April 22, 2003.
3. Consideration of List of Demands for April 30, 2003. Approved Action: That the City Council approve the List of Demands for April 30, 2003, numbered 1 through 25 in the amount of \$19,477.29.

4. Consideration of List of Demands for May 27, 2003. Approved Action: That the City Council approve the List of Demands for May 27, 2003 numbered 1 through 40 in the amount of \$208,836.36.

MATTERS PRESENTED BY COUNCILMEMBERS:

Councilmember McGowan discussed the Tri-Tunnel Proposal. Councilmember McGowan discussed O.C.R.A.A.'s continued support of the Tri-Tunnel Proposal and recommended the City Council also adopt a resolution in support.

Changes to the resolution were suggested by Councilmember Freschi.

It was moved by Mayor Pro Tem Bortle, seconded by Councilmember McGowan, and carried by the following roll call vote to approve Resolution No. 2003-2684 supporting the Tri -Tunnel Express Orange County/Riverside Transit and Utility Corridor Concept:

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

Councilmember McGowan spoke about a rate increase and secondary treatment costs through Orange County Sanitation District. The costs of groundwater replenishment will be shared evenly (50%/50%) by Orange County Water District and Orange County Sanitation District.

CITY COMMISSION AND COMMITTEE REPORTS OR REFERRALS: None.

ITEMS FOR CONSIDERATION: None.

PUBLIC HEARINGS:

1. Continued Consideration of Conditional Use Permit and Variance Application 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 feet in height.

Mayor Bell opened the Public Hearing.

Staff recommends that the City Council approve withdrawal of this application for resubmittal at a later date.

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

Following discussion, it was moved by Mayor Pro Tem Bortle, seconded by Councilmember McGowan, and carried by the following roll call vote to withdraw Conditional Use Permit and Variance Application No. 0518 (Location: 18341 Valley Drive; Applicants: Vinh Le and Tung Ngo) for Construction of items a.-e. listed above:

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

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

- Residence over 25 feet in height
- Four garage spaces on the property
- Second dwelling unit
- Reduction in front yard setback and separate driveway access for second dwelling unit

Mayor Bell stated that he would not participate in consideration of this item due to a possible conflict of interest. Mayor Pro Tem Bortle opened the Public Hearing.

City Manager Rodericks stated that the hearing must be continued pending completion of the environmental review comment period ending June 15, 2003.

It was moved by Councilmember McGowan, seconded by Councilmember Freschi, and carried by the following roll call vote that the City Council continue the item to the June 24, 2003 City Council Meeting pending completion of the environmental review comment period:

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

3. Consideration of Variance Application No. 0537 - (Location: 17841 Morrow Circle; Applicant: Jay Tukhi) for Construction of a Garage Addition to the Existing Single-Family Residence that Would Encroach into the Side Yard Setback by Five Feet.

Mayor Bell opened the Public Hearing.

City Manager Rodericks reported that the applicants are requesting a Variance for construction of a garage addition to the existing single-family residence that would encroach into the side yard setback by five feet along the east side of the property. Staff recommended approval of the application.

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

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Bortle, and carried by the following roll call vote to adopt Resolution No. 2003-2679-A approving Variance Application No. 0537 with conditions (Location: 17841 Morrow Circle; Applicant: Jay Tukhi) for Construction of a Garage Addition to the Existing Single-Family Residence that Would Encroach into the Side Yard Setback by Five Feet:

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

4. Consideration of Conditional Use Permit No. 0538 for Construction of a Pool House - (Location: 18812 Patrician Drive; Applicants: Timothy and Cheryl Strahan).

Mayor Bell opened the Public Hearing.

City Manager Rodericks reported that the applicants are requesting a Conditional Use Permit to construct a one-story pool house on their property located in the E4 Small Estates zoning district. Staff recommended approval of the application.

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

It was moved by Mayor Pro Tem Bortle, seconded by Councilmember Freschi, and carried by the following roll call vote to adopt Resolution No. 2003-2680 approving Conditional Use Permit No. 0538 for Construction of a Pool House with Conditions- (Location: 18812 Patrician Drive; Applicants: Timothy and Cheryl Strahan):

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

5. Consideration of Conditional Use Permit and Variance Application No. 0539 for Four Detached Structures and a Variance From the Front Yard Setback Area for Two of the Structures - (Location: 18161 Serrano Avenue; Applicants: Robert and Mirna Hess.

Mayor Bell opened the Public Hearing.

City Manager Rodericks reported that the applicants are requesting Conditional Use Permits for the following detached structures:

- Garden gazebo
- Garden overhead structure
- Patio structure
- Spa and barbecue area overhead structure

Applicants are also requesting a Variance from the front yard setback area for two of the structures. Staff recommended approval of the Conditional Use Permits for patio structure and spa and barbecue area overhead structure. However, City Manager Rodericks reported that staff cannot recommend approval for the Variance requests and, therefore, cannot support the Conditional Use Permits for the garden gazebo and garden overhead structure in their current locations. If they are relocated outside of that fifty (50) foot setback, Staff could support the request.

Applicant Robert Hess addressed the Council in support of this project.

Mayor Bell closed the Public Hearing.

It was moved by Mayor Pro Tem Bortle, seconded by Councilmember Freschi, and carried by the following roll call vote to adopt Resolution No. 2003-2681 approving Conditional Use Permit and Variance Application No. 0539 for Four Detached Structures and a Variance from the Front Yard Setback for two of the Structures - (Location: 18161 Serrano Avenue; Applicants: Robert and Mirna Hess):

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

6. Consideration of Variance Application No. 0540 for Construction of Walls Over Six Feet in Height - (Location: 18812 Smoketree Circle; Applicant: Frank Apeldoorn).

Mayor Bell opened the Public Hearing.

City Manager George Rodericks reported that the applicant is requesting a Variance to construct a retaining wall and adjacent block wall, with a combined height over six feet, on their property.

The applicant is proposing a modification to existing walls along the east side of the property to increase the amount of usable space along the side and rear of the property. A series of low retaining walls and adjacent walls are proposed. Staff reviewed this application for its consistency with proposed Ordinance No. 2003-494. However, upon further review of the plans in the detail, there is some question as to where the right-of-way extends on the property. Staff recommended the addition of a condition that prior to issuance of the building permit the applicant shall meet with the City Engineer and Building Inspector to determine the right-of-way construction line. If it is determined that the walls are proposed within that right-of-way, the applicant shall either relocate the wall outside of the right-of-way or apply for an encroachment permit.

Staff recommended approval of this application.

Jack Cleary, 18811 Peppertree Drive addressed the Council indicating that he was not informed of this request for a Variance.

City Manager George Rodericks confirmed to Mayor Bell that Mr. Cleary was not properly noticed due to an error on the mailing labels. The property was properly posted, however, it had been removed prior to the hearing.

Councilmember McGowan made comments that he would favor continuance to the Council Meeting on June 24, 2003 because Mr. Cleary is in such close proximity to the property.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Bortle, and carried by the following roll call vote to continue Variance Application No. 0540 for Construction of Walls Over 6 Feet in Height - (Location: 18812 Smoketree Circle; Applicant: Frank Apeldoorn) to a Public Hearing on June 24, 2003:

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

7. Consideration of Conditional Use Permit and Variance Application No. 0541 - (Location: 18391 Santiago Boulevard; Applicant: Steve Chorak) for Construction of the Following:

- Residence over 25 feet in height
- Variance from the side yard setback

Mayor Bell opened the Public Hearing.

City Manager George Rodericks reported that tonight we are looking at the Variance application *only*, requesting to construct the project the way it was with a five foot side yard setback. The Council approved Conditional Use Permit and Variance Application No. 0507 in September, 2002 for an addition to an existing single-family residence to raise the roof to a maximum height of 32 feet and for a 5 foot variance on the west side of the property. In April, 2003 the applicant's residence was completely destroyed by fire.

With regard to the variance, the applicant is requesting a side yard setback of 5 feet. The existing main residence maintained a 5 foot side yard setback. The applicant proposes to build the structure consistent with the pre-existing conditions. The City's Zoning Code does provide an exception for narrow lots, however, that exception only applies to lots with an average width of 50 feet. The applicant's property maintains a width of 66 feet.

In September, 2002 the applicant was approved for the addition of the previously existing structure, however, due to the fire the applicant's pre-existing residence lost its legal non-conforming status. In order to rebuild, the applicant requires the Variance. Staff recommended approval of the application.

Mayor Bell acknowledged letters received from the applicant's neighbors which stated their objections to the side yard setback of 5 feet. Discussion continued regarding height of the property and the setback requirements.

Privacy concerns were raised concerning windows on the west side of the property.

Sally Stack, 18471 Santiago Boulevard, addressed the Council in opposition to the height of the house and windows along the west side.

Carol Gabbe, 18381 Santiago Boulevard, addressed the Council in opposition to the deck and size of the structure.

Discussion amongst the Council continued with direction to the applicant to revise the plans to address the setback, windows, and height issues.

It was moved by Councilmember Freschi, seconded by Councilmember McGowan, and carried by the following roll call vote to continue the Public Hearing to the Town Hall Meeting on June 3, 2003:

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

Mayor Bell requested a short recess be taken at 9:27 p.m.

The Council Meeting reconvened at 9:35 p.m.

STAFF REPORTS:

City Manager:

Trail Realignment/Removal - Discussion Item

City Manager Rodericks stated that the City currently maintains surface rights to a trail easement that connects the Loma/Mesa trailhead to the Canyon Drive trail system. This easement and access cuts across approximately eight (8) properties and is the only connection between these two trail systems and is part of the City's Master Plan of Trails in the General Plan. Modification to the trail system and its connection points will require a modification to the City's General Plan.

On May 5th, 2003, the City received a request from the property owner at 9571 Loma Street to remove the trail easement along the property. The property owner discussed the removal of the trail with neighboring property owners and all have requested that the City review the issue.

The issue was reviewed by the City's Community Development Committee on May 20, 2003 and the Committee recommended that staff prepare a report on the alternatives and return it to the full City Council for discussion.

Jim Brodsky, 9571 Loma Street, addressed the Council in support of the proposal in light of the fact that the trail is poorly maintained and under utilized.

City Manager Rodericks stated that removal of the trail would require a change in the General Plan.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Bortle, and carried by the following roll call vote to support the recommendation and revisit this, with the help of the Community Development Committee, during the July Council Meeting:

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

City Attorney

Agreement with Taormina.

City Attorney Hampel stated that staff will come up with a revised and restated agreement with Taormina within the next month and that the regular rate review will proceed as a separate issue.

City Clerk None.

City Engineer

1. Consideration of Resolution No. 2003-2678-A Preliminarily Approving and Adopting Report for Sewer Pump Station Maintenance for Fiscal Year 2003-04 and Appointing Time, Date, and Place for Hearing Thereon.

Warren Repke stated that an annual assessment of \$15,200 is required to cover operating costs and the annual major maintenance and replacement needs based on the Five-Year Improvement Program. This equates to \$950.00 per parcel and should remain fairly constant over the next five years.

It was moved by Councilmember McGowan, seconded by Mayor Pro Tem Bortle, and carried by the following roll call vote to approve Resolution No. 2003-2678-A accepting the Report for Sewer Pump Station Maintenance Charges For a Portion of Tract No. 10523 and Tract No. 13204 for Fiscal Year 2003-04 and setting the time, date, and place for a Public Hearing on June 24, 2003:

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

2. Request Authorization to Advertise for Bids for the FY 2002-03 Residential Street Maintenance Program.

Warren Repke stated that as part of the annual street maintenance program, City staff has assembled a list of streets for inclusion in the slurry seal contract for FY 2002-03. These streets were selected with assistance from the new Pavement Management System as well as site reviews and area considerations. City staff will be presenting the complete results of the Pavement Management System at a future meeting.

Mayor Pro Tem Bortle discussed the increase in noise level in Palm Springs after some streets were slurry sealed with rubberized asphalt. The City Engineer discussed that there are different types of slurry with different gradations of aggregates. Type 1 is finer aggregate and does not last as long. Type 2 looks better longer but is more expensive. Mr. Repke stated he will get bids on both types 1 and 2.

Councilmember McGowan was in favor of the finer aggregate.

It was moved by Councilmember Freschi, seconded by Councilmember McGowan, and carried by the following roll call vote to approve the plans and specifications and contract documents entitled, "Slurry Sealing of Various Streets (FY 2002-03)" and that the Council authorize the City Engineer and City Clerk to advertise for construction bids:

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

OTHER BUSINESS: None.

ORAL COMMUNICATIONS: None.

ORDINANCES:

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

First Reading was approved at the April 22, 2003 City Council Meeting. 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. 2003-493 Amending Chapter XVI of the Villa Park Municipal Code Pertaining to Trees and Shrubs:

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

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

First Reading was approved at the April 22, 2003 City Council Meeting. It was moved by Councilmember McGowan, seconded by Mayor Pro Tem Bortle and carried by the following roll call vote to approve Second Reading and adopt Ordinance No. 2003-494 Amending Chapter XXIII of the Villa Park Municipal Code Pertaining to Walls and Fences:

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

Consideration of Second Reading and Adoption 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 he and Councilmember McGowan met at the site and determined a better placement for the sign would be at 175 feet versus 225 feet due to the signs proposed location in a front yard. The recommendation was to modify it to 175 feet north of the intersection of Villa and Valley on the east side.

City Manager Rodericks' recommendation would be to reintroduce this Ordinance for a First Reading as opposed to a Second Reading and Adoption this evening.

After a brief discussion led by Councilmember McGowan, it was noted that the majority of the Villa Drive residents do not favor parking on Villa Drive.

Ed Loftus, 18311 Villa Drive, addressed the Council in favor of no parking on Villa Drive. He stated that the majority of Villa Drive residents have lived on the street with the current Ordinance in place with no objections.

City Manager Rodericks stated that residents are advised to inform the Sheriff's Department in advance of a large party that there will be guests parking along their street.

It was moved by Mayor Pro Tem Bortle, seconded by Councilmember McGowan and carried by the following roll call vote to receive and file Ordinance No. 2003-495 Amending Section 19-3.4 of Chapter XIX of the Villa Park Municipal Code Relating to Parking Standards:

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

ADJOURNMENT:

It was moved by Mayor Pro Tem Bortle, seconded by Councilmember Freschi and carried unanimously to adjourn the meeting at 10:15 p.m. to June 3, 2003 at 7:30 p.m. for the purpose of a Town Hall Meeting.

Bob Bell, Mayor
City of Villa Park

ATTEST:

Kathy Adrian, City Clerk
City of Villa Park