

MINUTES OF THE CITY COUNCIL
CITY OF VILLA PARK, CALIFORNIA

The City Council of the City of Villa Park met in regular session Tuesday, October 22, 2002, at 7:30 PM in the City Council Chambers, 17855 Santiago Boulevard, Villa Park, California.

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

ROLL CALL:

COUNCILMEMBERS PRESENT:

Bill MacAloney	Mayor
Bob Bell	Mayor Pro Tem
Rich Freschi	Councilmember
Robert McGowan	Councilmember
Russell Patterson	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:

Jess Doezie, Rachel Schindlebeck, and Taylor Courtney, students at Serrano Elementary School, led the flag salute.

INTRODUCTIONS AND PRESENTATIONS:

Mayor MacAloney presented a Commendation to Judy Jou, National Merit Semi-Finalist at Villa Park High School, for Outstanding Academic Achievement.

Mayor MacAloney presented Anita Bennyhoff, Publisher of the Foothills Sentry, with a plaque expressing appreciation for her dedicated service to the City of Villa Park.

ORAL COMMUNICATIONS:

Eddie Marquez, Southern California Edison, addressed the City Council regarding the energy situation.

Terry Elmendorf, Camden Circle, spoke about the parking situation at Villa Park Elementary School.

Jim Hastons, Huntington Circle, asked the City Council to please look into repaving Huntington Circle.

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 6, with the deletion of Item 2:

AYES:	COUNCILMEMBERS:	Patterson, McGowan, Freschi, Bell, MacAloney
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. Deleted.
3. Consideration of Tract 15679 Monumentation and Street Maintenance Bond. Approved Action: That the City Council approve the Monumentation Bond and Street Bond for Tract 15679, in the amount of \$6,097 and \$2,487 respectively, for release.
4. Consideration of Quarterly Reports for Period Ending September 30, 2001. Approved Action: Receive and file.
5. Consideration of List of Demands for September 30, 2002. Approved Action: That the City Council approve the List of Demands for September 30, 2002, numbered 1 through 34 in the amount of \$52,162.36.
6. Consideration of List of Demands for October 22, 2002. Approved Action: That the City Council approve the List of Demands for October 22, 2002, numbered 1 through 41 in the amount of \$214,153.60.

Item 2:

Consideration of City Council Minutes of September 24, 2002.

Mayor Pro Tem Bob Bell indicated he would abstain from voting on the September 24, 2002 Minutes as he did not attend the meeting.

It was moved by Councilmember McGowan, seconded by Councilmember Patterson, and carried by the following roll call vote to approve the City Council Minutes of September 24, 2002:

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

MATTERS PRESENTED BY COUNCILMEMBERS:

The following items were discussed by Councilmember Freschi:

- ? The Rotary Youth Exchange Program has scholarships available for teenagers to study abroad for an academic year in a foreign country.
- ? Both the Santa Parade and Boat Parade maps are on the City's web site – www.villapark.org.
- ? The City is now accepting applications for five board positions for the newly formed Villa Park Community Services Foundation. This is a non-profit organization designed to plan, organize, direct and coordinate the cultural and community events in Villa Park. Board members will be chosen at the November 19, 2002 City Council Meeting. Applications will be accepted until November 1st. For more information, visit www.villapark.org/foundation.htm or e-mail foundation@villapark.org.

CITY COMMISSION AND COMMITTEE REPORTS OR REFERRALS:

Orange County Sanitation District – Councilmember Patterson.

Councilmember Patterson reported on the Groundwater Replenishment Program.

ITEMS FOR CONSIDERATION: None.

PUBLIC HEARINGS:

Continued Consideration of Conditional Use Permit No. 0499 for a Detached Patio Cover – Location: 17845 Helena Circle; Applicant: Donald Moser.

City Manager Rodericks stated that at the August 2002 Meeting, the City Council denied the applicant's request for a variance for an attached patio cover that would encroach into the rear yard setback area. The City Council continued the Public Hearing as a Conditional Use Permit and allowed the applicant to redesign the patio cover as a detached structure.

The proposed patio would contain 463 square feet and would comply with the lot coverage, gross floor area and building setback and height requirements.

Mayor MacAloney reopened the public hearing.

Mrs. Moser, applicant, was in attendance to answer any questions.

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

It was moved by Councilmember McGowan, seconded by Mayor Pro Tem Bob Bell, and carried by the following roll call vote to approve Conditional Use Permit No. 0499 for a Detached Patio Cover, with conditions; 17845 Helena Circle – Applicant: Donald Moser:

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

Continued Consideration of After-the-Fact Conditional Use Permit No. 0500 to Allow a Detached Structure to Remain – Location: 9302 Tritt Circle; Applicant: John Anderson.

City Manager Rodericks stated that at the August 2002 Meeting, the City Council denied the applicant's after-the-fact variance request for a detached structure encroaching into the side and

front yard setback areas. The City Council continued the Public Hearing as a Conditional Use Permit and allowed the applicant to relocate the structure outside of the setback areas.

The existing storage shed contains 200 square feet and is 12 feet, 4 inches in height. The structure complies with the lot coverage, gross floor area and building setback and height requirements.

Mayor MacAloney reopened the public hearing.

John Anderson, applicant, was in attendance to answer any questions.

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

It was moved by Councilmember McGowan, seconded by Mayor Pro Tem Bob Bell, and carried by the following roll call vote to adopt Resolution No. 2002-2633 Approving Conditional Use Permit No. 0500 for an after-the-fact detached structure, with conditions; 9302 Tritt Circle – Applicant: John Anderson:

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

Continued Consideration of Conditional Use and Variance Permit No. 0509 for Construction of an Addition Above 25' in Height, 4 or More Garage Stalls on the Property, and a Variance from the Front Yard Setback – Location: 9482 Mary Circle; Applicants: Sam and Anne Olson.

At the applicants request, this item was continued from the September City Council Meeting.

City Manager Rodericks reported that the applicants are requesting conditional use permits for the following:

- 1) Construction of an addition to a single-family residence from the 25-foot height limit to 31 feet, 6 inches,
- 2) Four or more garage stalls on the property.

The applicants are also requesting a variance from the 15-foot side yard setback requirement to 10 feet, and a 1-foot encroachment into the front yard setback area.

The proposed additions would contain 4,602 square feet. The total number of garage spaces on the property will increase to four. The additions will comply with the lot coverage and gross floor area requirements.

Mayor MacAloney reopened the Public Hearing.

Kevin Love, architect representing Mr. and Mrs. Olson, addressed Council in support of the project.

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

Following discussion, It was moved by Councilmember Patterson, seconded by Councilmember Freschi, and carried by the following roll call vote to adopt Resolution No. 2002-2646 Approving Conditional Use and Variance Permit No. 0509 for a residential addition encroaching into the side and front yard setbacks and 4 of more garage spaces on the property, with conditions; 9482 Mary Circle – Applicants: Sam and Anne Olson. Two additional conditions shall be added, as follows:

- 1) The slope drains shall be cleaned and maintained to the satisfaction of the City Engineer;
- 2) All dead trees and plants shall be removed.

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

Consideration of Conditional Use Permit No. 0513 for Construction of a Gazebo – Location: 18910 Valley Drive; Applicant: Charles Niemann.

Mayor MacAloney excused himself from this Public Hearing because of a possible conflict of interest. He turned the meeting over to Mayor Pro Tem Bell.

City Manager Rodericks stated that the applicant is requesting permission to construct an 81 square foot gazebo on his property that would comply with the lot coverage, gross floor area and building setback and height requirements.

Mayor Pro Tem Bob Bell opened the Public Hearing.

Mr. Niemann was in attendance to answer any questions.

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

It was moved by Councilmember Freschi, seconded by Councilmember McGowan, and carried by the following roll call vote to adopt Resolution No. 2002-2649 approving Conditional Use Permit #0513 for a Gazebo, with conditions; 18910 Valley Drive – Applicant: Charles Niemann.

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

Consideration of Conditional Use and Variance Permit No. 0514 for Construction of Two Accessory Structures and Property Line Walls – Location: 10432 Center Drive; Applicants: Larry and Wanda Johnson.

City Manager Rodericks reported that the subject property consists of 2 lots located at 10412 and 10432 Center Drive, lots 7 and 8, respectively.

The applicants are requesting a conditional use permit to construct a 736 square foot accessory structure at the rear of their property on Lot 7 located on the corner of Center Drive and Villa Park Road.

The applicants are also requesting the following variances:

Lot 7:

- 1) Construction of a side yard property line wall along Villa Park Road to be built to a height of 8 ft. Current zoning restricts perimeter side and rear fencing/walls to 6 ft. in height.
- 2) Construction of a front to side yard corner location property line wall along Center Drive and Villa Park Road to be built to a height of 6 ft. Current zoning restricts walls and fences across the property frontage to 42" in height.

- 3) An increase in the height of the accessory structure on Lot 7 from the maximum allowable of 15 feet to 17 feet.

Lot 8:

Construction of a 520 square foot accessory structure falling under the site plan review guidelines exceeding the 7 ft. maximum height by 1 ft. 7 in. Such structures are allowed within 3 feet of a property line provided they are 7 feet or less in height.

Lot 7 consists of 20,028 s.f. and is currently being used as a personal and private fruit orchard and vegetable garden.

Lot 8 consists of 23,900 s.f. and is improved with an existing 3,376 s.f. one-story dwelling unit with attached garage, and a 1,302 s.f. detached garage/storage structure.

The applicant is proposing to increase the wall along Villa Park Road to 8 feet in height. With the existing height of the walls along Villa Park Road and Center Drive, the applicant has had a problem with trespassers entering the property over the low fencing and helping themselves to the orchard and garden produce. Under the City's Zoning Code, side walls are limited in height to 6 feet; therefore, the applicant requires a Variance.

The applicant is also proposing to remove a portion of the chain link fencing along Center Drive at the intersection of Center Drive and Villa Park Road. This portion of the property is considered the front of the property and therefore fencing is limited in height to 42 inches within the first twenty (20) feet of setback.

The applicant is proposing a fence height of six (6) feet along this radius. While the fence is in the front setback of twenty (20) feet and exceeds the 42 inch height requirement, it is outside of the visibility triangle and does not impact view onto Villa Park Road. Under the City's Zoning Code, fences in the front setback are limited to 42 inches; therefore, the applicants require a Variance.

Mr. Johnson and his architect Wayne Fukuda, addressed Council in support of the project.

The following individuals residing on Wulff Drive voiced their concerns about the size of the proposed accessory structures:

Rob Leiter, Miguel Vililla, and Lesley Zorola

Mayor MacAloney closed the Public Hearing.

Following discussion, it was moved by Mayor Pro Tem Bob Bell, seconded by Councilmember Freschi, and carried by the following roll call vote to adopt Resolution No. 2002-2650-A Approving Conditional Use Permit No. 0514 for Construction of an Accessory Structure on Lot 7, With Conditions – Location: 10432 Center Drive; Applicants: Larry and Wanda Johnson. Additional conditions shall be added as follows:

9. A landscape plan must be submitted and approved by the City Manager and implemented by the applicant, prior to final building permit approval, to adequately screen Structure A on Lot 7 from view from neighboring properties on Wulff Drive and Villa Park Road. Trees and/or shrubs in the approved plan may be new or existing.
10. A landscape plan must be submitted and approved by the City Manager and implemented by the applicant, prior to final building permit approval, to adequately screen Structure B on Lot 8 from view from neighboring properties on Wulff Drive. Trees and/or shrubs in the approved plan may be new or existing.

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

It was moved by Mayor Pro Tem Bob Bell, seconded by Councilmember Freschi, and carried by the following roll call vote to deny the variance requests for increased height on the accessory structures on Lots 7 and 8:

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

With regard to the variance request for property line walls, it was moved by Councilmember McGowan, seconded by Mayor Pro Tem Bob Bell, and carried by the following roll call vote to adopt Resolution No. 2002-2650-B Approving variance requests for property line walls on Lot 7:

An additional condition shall be added as follows:

9. The variance approval for the front to side yard corner location property line wall along Center Drive and Villa Park Road shall become null and void if and when a residence is built on Lot 7.

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

STAFF REPORTS:

City Manager:

November/December City Newsletter.

City Manager Rodericks requested authorization to produce the November/December edition of the City Newsletter.

It was moved by Councilmember Patterson, seconded by Councilmember McGowan, and carried by the following roll call vote to authorize production of the November/December edition of the City Newsletter, with changes as noted:

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

City Attorney: No report.

City Clerk: No report.

City Engineer: No report.

OTHER BUSINESS: None.

ORAL COMMUNICATIONS: None.

ORDINANCES:

Consideration of Final Adoption of Ordinance No. 2002-489 Amending Chapter IX of the Villa Park Municipal Code by Adopting the California Building Code, 2001 Edition; Volumes One, Two and Three; California Plumbing Code, 2001 Edition; California Mechanical Code, 2001 Edition; Uniform Housing Code, 1997 Edition; Uniform Code for Abatement of Dangerous Buildings, 1997 Edition; Uniform Code for Solar Energy Installations, 1997 Edition; California Electrical Code, 2001 Edition; and Uniform Swimming Pool, Spa and Hot Tub Code, 1997 Edition; and Modifications of Such Codes; and Repealing Ordinance No. 99-463.

Second Reading of this Ordinance was approved at the October 15, 2002 Adjourned City Council Meeting.

It was moved by Councilmember Freschi, seconded by Councilmember McGowan, and carried by the following roll call vote to adopt Ordinance No. 2002-489 Amending Chapter IX of the Villa Park Municipal Code by Adopting the California Building Code, 2001 Edition; Volumes One, Two and Three; California Plumbing Code, 2001 Edition; California Mechanical Code, 2001 Edition; Uniform Housing Code, 1997 Edition; Uniform Code for Abatement of Dangerous Buildings, 1997 Edition; Uniform Code for Solar Energy Installations, 1997 Edition; California Electrical Code, 2001 Edition; and Uniform Swimming Pool, Spa and Hot Tub Code, 1997 Edition; and Modifications of Such Codes; and Repealing Ordinance No. 99-463:

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

Consideration of Final Adoption of Ordinance No. 2002-490 Amending Chapter XI of the Villa Park Municipal Code by Adopting the 2001 California Fire Code, 2001, the Uniform Fire Code, 2000 Edition, with errata, published by the Western Fire Chiefs Association, and the whole thereof, including Appendices I-B through VI-K, excluding Appendix II-F, II-H, II-K, VI-E, and VI-F, and the Uniform Fire Code Standards, 1997 Edition as amended by the Uniform Fire Code Standards, 2000 Edition, published by the Western Fire Chiefs Association and Repealing Ordinance No. 99-462.

Second Reading of this Ordinance was approved at the October 15, 2002 Adjourned City Council Meeting.

It was moved by Councilmember Patterson, seconded by Councilmember Freschi, and carried by the following roll call vote to adopt Ordinance No. 2002-490 Amending Chapter XI of the Villa Park Municipal Code by Adopting the 2001 California Fire Code, 2001, the Uniform Fire Code, 2000 Edition, with errata, published by the Western Fire Chiefs Association, and the whole thereof, including Appendices I-B through VI-K, excluding Appendix II-F, II-H, II-K, VI-E, and VI-F, and the Uniform Fire Code Standards, 1997 Edition as amended by the Uniform Fire Code Standards, 2000 Edition, published by the Western Fire Chiefs Association and Repealing Ordinance No. 99-462:

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

Consideration of Second Reading and Adoption of Ordinance No. 2002-491 Adding Section I-5.6 and Article I-8 to the Villa Park Municipal Code to Create a Procedure for Imposing and Collecting Administrative Fines for Violations of the Villa Park Municipal Code.

First Reading of this Ordinance was approved at the September 24, City Council Meeting.

It was moved by Councilmember Freschi, seconded by Councilmember Patterson, and carried by the following roll call vote to:

- (1) Approve Second Reading and Adopt Ordinance No. 2002-491, An Ordinance of the City Council of the City of Villa Park Adding Section I-5.6 and Article I-8 to the Villa Park Municipal Code to Create a Procedure for Imposing and Collecting Administrative Fines for Violations of the Villa Park Municipal Code; and
- (2) Approve Administrative Policy No. 6-11 regarding the Administrative Hearing Process.

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

RESOLUTIONS: None.

CLOSED SESSION: None.

Council and Staff commended Councilmember Patterson on his outstanding service to the City of Villa Park during the past four years.

ADJOURNMENT:

It was moved by Mayor MacAloney, and carried unanimously to adjourn the meeting at 9:30 p.m.

W. Bill MacAloney, Mayor
City of Villa Park

ATTEST:

Kathy Adrian, City Clerk
City of Villa Park