

## MINUTES OF THE CITY COUNCIL

### CITY OF VILLA PARK, CALIFORNIA

The City Council of the City of Villa Park met in a regular session Tuesday, July 22, 2008 at 6:30 p.m. in the City Council Chambers, 17855 Santiago Boulevard, Villa Park, California.

**CALL TO ORDER** Mayor Reese Called the meeting to order at 6:35 p.m.

### **ROLL CALL**

#### **COUNCILMEMBERS PRESENT**

Brad Reese	Mayor
James Rheins	Mayor Pro Tem
Deborah Pauly	Councilmember
W. Richard Ulmer	Councilmember
Vacant	Councilmember

#### **STAFF PRESENT**

Ken Domer	City Manager
Todd Litfin	City Attorney
Joe O'Neil	City Engineer
Michelle Danaher	Finance Manager
Jarad Hildenbrand	Assistant to the City Clerk

### **FLAG SALUTE**

Former Councilmember Rich Freschi lead the flag salute.

### **INTRODUCTIONS AND PRESENTATIONS**

- **Presentation to Former Councilmember Richard A. Freschi.** The Council presented former Councilman and new Serrano Water Board Director Rich Freschi with a plaque and American Eagle figure in appreciation of his 12 years of volunteer service on the City Council. Rich leaves behind a legacy of public involvement to include the VP Foundation, Boat Parade and many creative suggestions and ideas.
- **Chief of Police Services Lt. Tom Gallivan – Law Enforcement Issues.** Lt Gallivan reported on the declining crime rates in Villa Park but reiterated that residents should not become complacent.
- **Representative of the Villa Park Community Services Foundation, Inc.** Karen Holthe reported on recent foundation activities to include the anticipated release of the Villa Park History Book the week of August 11. Additionally, they have scheduled a book signing event for Sunday, August 17.

## **ORAL COMMUNICATIONS**

Jill Kuli, 9481 Henderson Way, commented that when the community group solicited signatures in support of the school bond, the intent was it for it to be in 2010.

Teri Brooks Elmendorf, 10291 Camden Circle, commented that Villa Park Elementary School Restoration Corporation had nothing to do with the initiation of the school bond as it would be a violation of their non-profit status.

Rich Freschi, 10151 Phelan Drive, stated word is spreading through the community that Council is going to endorse a bond issue to preserve the Villa Park Elementary School buildings. He questioned if the community really wanted to get involved in supporting anything the Orange Unified School Board is involved with.

## **PUBLIC HEARINGS**

1. Consideration of Conditional Use Permit No. 0682, A Request to Exceed the Height Limit of Twelve (12') Feet for Outdoor Living Areas/Patio Covers for a New Height Not to Exceed Fifteen (15') Feet. Location: 18832 Patrician Drive. Applicants: Greg and Susan Ashwill.

Mayor Reese opened the public hearing.

City Manager Domer presented the staff report and was available for questions.

Councilmember Ulmer questioned the location of the pictures referred to in a memo from Dr. Joaquin and Ruth Siles dated July 17, 2008. City Manager Domer stated the pictures were not attached in the memo; however pictures from an earlier letter are available.

Greg Ashwill, applicant, spoke in favor of the project.

Mayor Reese stated he visited the Siles's residence noting you could not see the structure from the home, except their balcony which did not appear to be used often. Additionally, even if the structure was 12', they'd only be losing the top portion and the majority of the patio cover would still exist. Accordingly, Mayor Reese stated he was in favor of the project.

Mayor Pro Tem Rheins questioned the exact height of the structure. Dan Weens, architect, 18172 Charter Road, stated with the tile it will finish right at 15'.

Mayor Pro Tem Rheins then questioned how the height of the structure came about. Dan Weens, architect, stated the landscape architecture drew up the original plans at 12'. They were then sent to the structural engineer who oversized all the horizontal, hip and rafter beams, accordingly, the project height grew to 15'.

Councilmember Ulmer stated the Siles's property looked out on two Eucalyptus trees and essentially nothing else. The request from staff to let the hedge grow covers probably 2/3's of the structure once grown. If the Siles's were alright with the structure, then he would be as well. Councilmember Ulmer stated we are now in that area where something needs to be done and would like to see the landscape on the Ashwill's property cover the entire building.

Discussion ensued relating to the Eucalyptus trees and landscape screening.

Dr. Joaquin Siles, 18852 Patrician Drive, spoke in opposition to the project.

Councilmember Pauly suggested continuing this item to next month, requesting that City staff direct the applicant to erect a story pole designating what the 12' limit is on the structure. She additionally suggested that the neighbor's get together to try and work the issue out.

Mayor Reese closed the public hearing.

It was moved by Councilmember Pauly, seconded by Councilmember Ulmer and carried by the following roll call vote to continue Conditional Use Permit No. 0682 to the August 26, 2008 City Council meeting:

AYES:	COUNCILMEMBERS:	Pauly, Ulmer, Rheins, Reese
NOES:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

2. Consideration of Conditional Use Permit No. 0683, A After-the-fact Request to Construct a Detached Garage Exceeding the Height Limit of Twelve (12') Feet by Two Feet (2'-8 3/16") Eight and 3/16 Inches. Location: 18951 Mesa Drive. Applicants: Stephen and Debra Hart.

Mayor Reese opened the public hearing.

City Manager Domer presented the staff report stating the applicant submitted a letter requesting a three month continuance of this item. The reason being the use of the structure will be strictly for that of a vehicle, therefore it requires an additional conditional use permit.

Mayor Pro Tem Rheins questioned if the applicant gave a reason for the three month extension. City Manager Domer stated the applicant did not. There is a two week period between now and the next due date for conditional use permits. With that, City staff believes a one month continuance would suffice.

Councilmember Pauly questioned how long the structure has been standing. City Manager Domer stated the City estimates 3 to 4 years. Councilmember Pauly then questioned if it had a building permit and asked what brought it to the City's attention. City Manager Domer stated it does not have a building permit and it was brought attention regarding a violation of the home occupation requirements, which is being handled separately.

Mayor Reese continued the public hearing.

It was moved by Mayor Reese, seconded by Councilmember Pauly and carried by the following roll call vote to continue Conditional Use Permit No. 0683 to the September 23, 2008 City Council meeting:

AYES:	COUNCILMEMBERS:	Reese, Pauly, Rheins
NOES:	COUNCILMEMBERS:	Ulmer
ABSTAIN:	COUNCILMEMBERS:	None

3. Consideration of Variance Permit No. 0684, A Request to Encroach Five Feet, (5'7"), Seven Inches into the Required Fourteen Feet (14' 1/4") One Quarter Inch Side Yard Setback for the Restoration of An Existing Basement Deck. Location: 18500 Villa Drive. Applicants: Stephen Toomey.

Mayor Reese opened the public hearing.

City Manager Domer presented the staff report and was available for questions.

Mayor Pro Tem Rheins question if the applicant was going to encroach further into the setback or just improve the existing deck. City Manager Domer stated the applicant is only improving the existing deck.

Joe Kerry, Structural Engineer for the project, spoke in favor of the project.

Councilmember Pauly questioned why the setback is 14' and not 10'. City Manager Domer stated the property is located in the Small Estates E-4 Zone. The side yard setback for the E-4 Zone is 10% of the average lot width with a minimum of 10'.

Mayor Reese closed the public hearing.

It was moved by Councilmember Ulmer, seconded by Mayor Pro Tem Rheins and carried by the following roll call vote to adopt Resolution No. 2008-3026, approving Variance Permit No. 0684:

AYES:	COUNCILMEMBERS:	Ulmer, Rheins, Pauly, Reese
NOES:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

4. Consideration of Resolution No. 2008-3022, A Resolution Declaring Conditions at 17832 Morrow Circle, Villa Park, California to Constitute a Public Nuisance, Ordering the Correction of Said Nuisance and Authorizing Abatement.

Mayor Reese opened the public hearing.

City Manager Domer presented the staff report requesting a one month continuance. The public nuisance process requires that a certified letter be sent to the property owner; however, staff was unable to locate them. Since the property is in the process of falling into bankruptcy or foreclosure, the continuance should allow enough time for staff to locate the owner to send them a certified letter.

Mayor Reese continued the public hearing.

It was moved by Councilmember Ulmer, seconded by Mayor Pro Tem Rheins and carried by the following roll call vote to continue the public hearing to the August 26, 2008 City Council meeting:

AYES: COUNCILMEMBERS: Ulmer, Rheins, Pauly, Reese  
NOES: COUNCILMEMBERS: None  
ABSTAIN: COUNCILMEMBERS: None

5. Consideration of Resolution No. 2008-3023, A Resolution Declaring Conditions at 18252 Hillcrest Circle, Villa Park, California to Constitute a Public Nuisance, Ordering the Correction of Said Nuisance and Authorizing Abatement.

Mayor Reese opened the public hearing.

City Manager Domer presented the staff report requesting a one month continuance for the same reason as the previous item.

Councilmember Pauly questioned if City staff has entered the house. City Manager Domer confirmed staff has.

Councilmember Pauly mentioned she had seen a commercial regarding copper theft and questioned if that was happening in here. City Manager Domer confirmed it was not, additionally, the Sheriff's Department is aware of these nuisance properties and routinely conducts vacation checks at them.

Mayor Reese continued the public hearing.

It was moved by Councilmember Pauly, seconded by Mayor Pro Tem Rheins and carried by the following roll call vote to continue the public hearing to the August 26, 2008 City Council meeting:

AYES: COUNCILMEMBERS: Pauly, Rheins, Ulmer, Reese  
NOES: COUNCILMEMBERS: None  
ABSTAIN: COUNCILMEMBERS: None

**CONSENT CALENDAR**

Councilmember Pauly pulled items number 8 and 9 for further discussion.

It was moved by Councilmember Ulmer, seconded by Mayor Pro Tem Rheins and carried by the following roll call vote to approve the remainder of the Consent Calendar:

AYES: COUNCILMEMBERS: Ulmer, Rheins, Pauly, Reese  
NOES: COUNCILMEMBERS: None  
ABSTAIN: COUNCILMEMBERS: None

The Consent Calendar consisted of the following items:

6. Consideration to Waive Reading in Full of all Ordinances, Resolutions and Meeting Minutes on the Agenda. Approved Action: That the City Council Waive Reading in Full of all Ordinances, Resolutions and Meeting Minutes on the Agenda.

7. Consideration of City Council Special Meeting Closed Session Minutes of June 24, 2008. Approved Action: That the City Council Approve the Closed Session Minutes of June 24, 2008.
10. Consideration of Treasurer's Report for the Month of June. Approved Action: That the City Council Receive and File the Treasurer's Report for the Month of June.
11. Consideration of Fourth Quarter Financial Report for Period Ending June 30, 2008. Approved Action: That the City Council Receive and File the Fourth Quarter Financial Report for Period Ending June 30, 2008.
8. Consideration of City Council Minutes of June 24, 2008.

Councilmember Pauly pulled item number 8 noting she has not yet received the salary and employee benefits breakdown minus the grants received. This was a very big grant year which skews the percentages when comparing year-to-year.

It was moved by Councilmember Pauly, seconded by Mayor Pro Tem Rheins and carried by a unanimous voice vote to approve the Minutes of June 24, 2008.

9. Consideration of the List of Demands from June 10, 2008 to July 9, 2008.

Councilmember Pauly pulled item number 9 noted the City pays LAFCO about \$1,100 a year. She then noted an \$18,000 expenditure relating to the Cannon Wall and requested a running total of costs.

City Manager Domer and Finance Manager Danaher stated they would run a report.

It was moved by Councilmember Pauly, seconded by Mayor Reese and carried by the following roll call vote to approve the List of Demands in the Amount of \$378,407.67:

AYES:	COUNCILMEMBERS:	Pauly, Reese, Ulmer, Rheins
NOES:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

## **RECESS**

It was moved by Councilmember Pauly and carried by a unanimous vote to move item number 18 up on the agenda.

## **ORDINANCES**

18. Consideration of Second Reading and Adoption of Ordinance No. 2008-529, An Ordinance of the City Council of the City of Villa Park Amending Chapter XII of the Villa Park Municipal Code Relating to Floodplain Management.

City Manager Domer presented the staff report and was available for questions.

Mark Lewis, 9771 Center Drive, questioned if the Ordinance will impact the selling of his house as well as what it will do to his current flood insurance premiums.

Regarding the potential of selling Mr. Lewis's house, City Engineer O'Neil stated it really has no impact other than that it is a disclosure item. Regarding the flood insurance premiums, if this program is not passed, access to the Federal subsidized insurance will not be available. Accordingly, Mr. Lewis would have to go into the free market for flood insurance.

Mr. Lewis questioned if there has been any talk of conducting a hydraulic study of the area to redraw the floodplain maps. City Engineer O'Neil state the flood maps are as recent as 2004. The problem lies with the undersized Center Street storm drain which is owned and maintained by the Orange County Flood Control Distict.

Councilmember Pauly questioned who set the flood map in 2004. City Engineer O'Neil stated FEMA and the State Department of Water Resources oversee the program.

It was moved by Councilmember Pauly, seconded by Councilmember Ulmer and carried by the following roll call vote to approve the Second Reading and Adopt Ordinance No. 2008-529:

AYES:	COUNCILMEMBERS:	Pauly, Ulmer, Rheins, Reese
NOES:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

### **ITEMS FOR CONSIDERATION**

12. On-Street Parking Modifications on Serrano Avenue and Nichols Avenue Relative to School and After School Impacts.

City Manager Domer presented the staff report and was available for questions.

Councilmember Pauly questioned if the City notified residents in the area. City Manager Domer stated individual letters have not been sent out; however, it has been on the E-net and the website.

Councilmember Pauly questioned if the schools were aware of the proposed changes. City Manager Domer stated it was discussed during the City/Schools Committee meetings. Since then it has not been discussed with the principals of Serrano Elementary and Cerro Villa because they have not been there. Before they left, it was a common discussion item and they were both in favor of doing something.

To maximize potential success, Councilmember Pauly suggested notifying school leaders giving them the opportunity to notify parents through the student's orientation packets.

It was moved by Mayor Pro Tem Rheins, seconded by Mayor Reese and carried by the following roll call vote to Authorize the City Engineer to Make Appropriate Parking Restriction Modificaitons to Serrano Avenue and Nichols Avenue as Recommended and Directed by the City Council:

AYES:	COUNCILMEMBERS:	Rheins, Reese, Pauly, Ulmer
NOES:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

13. Consideration of Designating a Voting Delegate and Alternate for the 2008 League of California Cities Annual Conference.

Assistant to the City Clerk Hildenbrand presented the staff report and was available for questions.

It was moved by Mayor Pro Tem Rheins, seconded by Councilmember Ulmer and carried by the following roll call vote to adopt Resolution No. 2008-3027, naming Mayor Reese as voting delegate and Mayor Pro Tem Rheins as alternate voting delegate:

AYES:	COUNCILMEMBERS:	Rheins, Ulmer, Pauly, Reese
NOES:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

14. Request for Parking Restrictions in Support of VP Fun in the Sun Run/Walk on August 2, 2008.

City Manager Domer deleted this item for consideration as the Run/Walk was cancelled.

**COUNCILMEMBER COMMUNICATIONS**

Mayor Pro Tem Rheins reported on the Orange County Vector Control, the California Joint Powers Insurance Authority, and the Orange County Library Advisory Board.

Councilmember Ulmer personally thanked Mayor Pro Tem Rheins for his extra effort and work regarding the Villa Park Library.

Mayor Reese reported on the Orange County Sanitation District and the Orange County Fire Authority.

Councilmember Ulmer reported on the Community Development Committee meeting.

Councilmember Pauly requested that City Manager Domer schedule a Public Utilities Committee meeting with Southern California Edison and Larry Labrado's replacement, Kim Koeppon, to discuss the Center Street pole relocation.

15. Travel and Meetings.

Mayor Reese, Mayor Pro Tem Rheins and Councilmember Ulmer reported on the League of California Cities meeting held

It was unanimously approved to receive and file the Travel and Meeting Report Detailing Reimbursed Meetings, Conferences or Seminars for the Time Period of June 24, 2008 to July 22, 2008

16. Individual Councilmember Items.

Mayor Reese stated the Orange Unified School District Board decided not to support a bond measure that would have included funds to restore the Villa Park Elementary School Historic Buildings. The good news is they will remain until next summer. Now, it is up to the citizens to get together and to look into ways to save the buildings.

17. Council Determination of Appropriate Action Given the Resignation of Councilman Freschi.

City Manager Domer presented the staff report and was available for questions.

It was moved by Mayor Pro Tem Rheins, seconded by Mayor Reese and carried by the following roll call vote to Not Appoint Someone as a Councilperson Leaving the Seat Vacant Until a New Individual is Elected to Fill the Seat at the November 4, 2008, Election:

AYES:	COUNCILMEMBERS:	Rheins, Reese, Pauly, Ulmer
NOES:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

**STAFF REPORTS**

City Manager/City Clerk

Assistant to the City Clerk Hildenbrand announced that all City Council meeting minutes since incorporation were digitized and are available to the public during normal business hours, however, they will soon be posted to the City's website for 24/7 access anytime, anywhere.

Finance Department

Finance Manager Danaher stated the auditors will be coming the second week in August.

City Attorney

No report.

City Engineer

City Engineer O'Neil stated the 2007-08 Sewer Storm Drain Rehabilitation Project is near finish.

Planning Department

No report.

**ORDINANCES**

19. Consideration of Second Reading and Adoption of Ordinance No. 2008-532, An Ordinance of the City Council of the City of Villa Park Amending Chapter VI, Public Nuisances, Adding Article 6-8 Maintenance of Real Property.

City Manager Domer presented the staff report and was available for questions.

It was moved by Mayor Pro Tem Rheins, seconded by Councilmember Ulmer and carried by the following roll call vote to approve the Second Reading and Adopt Ordinance No. 2008-532:

AYES:	COUNCILMEMBERS:	Rheins, Ulmer, Pauly, Reese
NOES:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

20. Consideration of Second Reading and Adoption of Ordinance No. 2008-537, 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 2008-09, Approving and Adopting Report and Providing For Collection of Charges on the Tax Roll.

City Manager Domer presented the staff report and was available for questions.

It was moved by Councilmember Pauly, seconded by Mayor Pro Tem Rheins and carried by the following roll call vote to approve the Second Reading and Adopt Ordinance No. 2008-537:

AYES:	COUNCILMEMBERS:	Pauly, Rheins, Ulmer, Reese
NOES:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

**RESOLUTIONS**

None.

**ORAL COMMUNICATIONS**

None.

**CLOSED SESSION**

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Initiation of litigation pursuant to Government Code § 54956.9 (c) - (1 case).

It was moved by Mayor Pro Tem Rheins, seconded by Councilmember Ulmer and carried unanimously to continue the item to a Special Meeting Closed Session of the City Council of the City of Villa Park on July 28, 2008, at the hour of 4:00 PM, in the Council Chambers at 17855 Santiago Boulevard, Villa Park, California.

**ADJOURNMENT**

It was moved by Mayor Reese and carried unanimously to adjourn at 10:10 p.m. to a Special Meeting Closed Session of the City Council of the City of Villa Park on July 28, 2008, at the hour of 4:00 PM, in the Council Chambers at 17855 Santiago Boulevard, Villa Park, California.

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Brad Reese, Mayor  
City of Villa Park

**ATTEST:**

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Kenneth A. Domer, City Clerk  
City of Villa Park