

MINUTES OF THE CITY COUNCIL

CITY OF VILLA PARK, CALIFORNIA

The City Council of the City of Villa Park met in regular session Tuesday, April 26, 2005 at 7:30 PM in the City Council Chambers, 17855 Santiago Boulevard, Villa Park, California.

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

ROLL CALL:

COUNCILMEMBERS PRESENT:

Rich Freschi	Mayor
Patricia Bortle	Mayor Pro Tem
Bob Bell	Councilmember
Bob Fauteux	Councilmember
Rich Ulmer	Councilmember

STAFF PRESENT:

George Rodericks	City Manager
Len Hampel	City Attorney
Cristina Sundstrom	Deputy City Clerk
Warren Repke	City Engineer
Nancy Desai	City Accountant

FLAG SALUTE:

Villa Park Elementary School sixth-grader, Jessie Howe, led the flag salute.

INTRODUCTIONS AND PRESENTATIONS:

1. Presentation of Commendation for Outstanding Academic Achievement to Cathy Truong, Eighth Grade Student at Cerro Villa Middle School.

Mayor Freschi presented Cathy with a certificate of achievement and two certificates for pizza and ice cream courtesy of First Class Pizza and Dr. Java's Soda Fountain, respectively.

2. Presentation of Plaques to Sixteen CERT Program Graduates.

Mayor Freschi commended the latest CERT graduates and presented each of them with an engraved tile plaque. The following sixteen people were recognized by the Council and community:

- Terry Applebaum
- Pascale Edery
- Teri Brooks Elmendorf

- Mary Lynn Fader
- Birgit Miller
- Kathleen Moran
- Sandra Murg
- Frank Obuljen
- Meada Ouzounian
- Deborah Pauly
- Kay Rogers
- Susan Schwartz
- Elizabeth Ussher
- Natalie Young
- Neal Young
- Marie Young

Councilmember Bell introduced Chief Witesman and Captain Jeff Taylor. Captain Taylor stated that there are about 30 CERT graduates currently and that OCFA and Villa Park Women's League have developed a good partnership in bringing the training to the residents.

Councilmember Bell introduced employees from the new ambulance company, Americare, and explained a little about the reorganization. This company has 154 employees. These employees are willing to assist the OCFA with CERT training and CPR training. Americare desires to be active in the community in any way possible.

Lt. Chris Visconti made a presentation from Sheriff Carona to out-going City Manager Rodericks for his years of service to Villa Park. He wished him luck with his new position as City Manager of Belvedere at the end of May.

ORAL COMMUNICATIONS:

Nancy Alston, 309 Vista Madera, Newport Beach, made a brief presentation to the Council about Air Fair, founded about 2 and ½ years ago to block anymore expansion of John Wayne Airport. Air Fair is officially registered with the State of California as a Political Action Committee (PAC) and has filed with the United States Patent and Trademark Office for exclusive rights to trademark Air Fair. Number of passengers is limited to 10.8 million. Currently there are about 9.3 million passengers at John Wayne Airport. The interim cap of 10.3 million will be achieved by 2006. All caps will be off in 2015.

Air Fair has extensively researched air traffic growth and its effect on health, the environment, and noise. Research results can be accessed on their website or by contacting Air Fair (www.jwairfair.com).

This is strictly a grassroots organization. The organizing committee has met on a bi-weekly basis for the past two years in order to further our ends – Permanent Caps at John Wayne Airport and maintenance of existing curfew.

Elizabeth Ussher, 10562 Orangegrove Circle, President of the Villa Park Women's League, spoke about the safety flag project and the fundraising currently underway to fund it. She stated that her husband's company, Medical Response, is contributing to

this Women's League sponsored project. The next general meeting is May 25, 2005. The annual Women's League Garden Tour will take place on Sunday, May 1st from 11:00 a.m. to 5 p.m. The boutique will be held at Villa Park Elementary School at no cost. Tickets cost \$25.00 before the event and are available at the Green Pear and the cost is \$30.00 at the door.

Erik Kuli, 9102 El Rito, gave an update on the Foundation's scholarship being offered to high school seniors at Villa Park High School whose relative is an active member of the Foundation. Up to \$5,000 will be offered. The recipients will have to demonstrate a commitment to community service. The deadline has been extended to May 31, 2005.

The Annual Picnic will be held on May 29, 2005 at Irvine Lake. There will be a planning meeting on Monday, May 2, 2005 at Serrano Water District at 7:30 p.m. More volunteers are needed to help with the entertainment.

The first Red, White, and Blue Summerfest will take place on Saturday July 2, 2005. Packets will be available at City Hall within 3 to 4 weeks. The following activities will be happening at this event: Run/Walk (8:30 a.m.); Parade (10:30 a.m.); Chili Cook Off; Bounce House; Texas Hold'em; Face Painting; Support Our Troops Booth; Bake Off (11:30 a.m.); Celebration U.S.A.; Clowns; Kettle Corn; Snow Cones; Water Fun Booth; Ceramics Booth; Salsa Cook Off; and much, much more. Also, entertainment will be provided by a country western band for several hours.

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 March 8, 2005. Approved Action: That the City Council approve the City Council Minutes of March 8, 2005.
3. Consideration of City Council Minutes of March 17, 2005. Approved Action: That the City Council approve the Minutes of March 17, 2005.
4. Consideration of City Council Minutes of March 22, 2005. Approved Action: That the City Council approve the Minutes of March 22, 2005.
5. Consideration of Quarterly Reports for Period Ending March 31, 2005. Approved Action: That the City Council receive and file the Quarterly Reports for Period Ending March 31, 2005.
6. Consideration of List of Demands for March 31, 2005. Approved Action: That the City Council approve the List of Demands for March 31, 2005, numbered 1 through 24, in the amount of \$11,170.66.
7. Consideration of List of Demands for April 26, 2005. Approved Action: That the City Council approve the List of Demands for April 26, 2005, numbered 1 through 33, in the amount of \$191,332.28.

8. Consideration of Governor's Office of Emergency Services Agency Resolution Form (OES 130). Approved Action: That the City Council authorize the Mayor and City Council to execute Agency Resolution Form (OES 130) and authorize the City Clerk to return said form to the Governor's Office of Emergency Services.

9. Consideration of Reauthorization of a "Community Emergency Response Team (C.E.R.T.) Program" for Villa Park. Approved Action: That the City Council reauthorize the continuance of a C.E.R.T. Program to be funded by the available revenue allocated from the Orange County Fire Authority's Structural Fire Fund Entitlement Fund (SFFEF); any remaining available funds within the City of Villa Park's SFFEF Program would not be identified as unallocated at this time; direct staff to work with O.C.F.A. staff to continue providing a "C.E.R.T. Program" for Villa Park residents over the next two fiscal years; and report to the City Council with an annual status of the C.E.R.T. Program and include the number of personnel trained to date.

It was moved by Mayor Pro Tem Bortle, seconded by Councilmember Fauteux, and carried by the following roll call vote to approve Consent Agenda Items 1,2,3,5,6, and 7:

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

Item #4 was pulled by Mayor Freschi because he was absent from the Council meeting March 22, 2005.

It was moved by Councilmember Fauteux, seconded by Councilmember Ulmer, and carried by the following roll call vote to approve Consent Agenda Item #4:

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

MATTERS PRESENTED BY COUNCILMEMBERS:

Councilmember Fauteux briefly discussed the Donate Life Walk/Run event held on April 23, 2005 at Cal State Fullerton. This was the third celebration for Donate Life. This organization is involved in organ donation. There were about 4 to 5,000 participants. Councilmember Fauteux and his daughter Laura ran in this event.

1. Discussion of Resolution of the City Council of the City of Santa Ana Urging State of California to Move Forward to Establish a New Courthouse for the Court of Appeals in the Santa Ana Civic Center – Mayor Freschi.

Mayor Freschi led the discussion about keeping the 4th District Court of Appeals in the County Seat of Orange County, which is Santa Ana.

Councilmembers Bell and Fauteux stated they support keeping the 4th District Court of Appeals in Santa Ana.

Mayor Pro Tem Bortle stated that she read in the newspaper that this had already been accomplished, nevertheless, that she favored Villa Park making a statement of support for the project.

It was moved by Councilmember Bell, seconded by Councilmember Fauteux, and carried by the following roll call vote to send a letter of support to the City Council of the City of Santa Ana to reflect Villa Park's opinion that the 4th District Court of Appeals should remain in Santa Ana, the County Seat of Orange County:

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

CITY COMMISSION AND COMMITTEE REPORTS OR REFERRALS:

1. City/Schools Committee meeting held on April 25, 2005 – Councilmember Bell.

Councilmember Bell and Mayor Pro Tem Bortle attended this meeting where the main topic for discussion was the Parking Restriction Waivers for the Villa Park schools. This item, which appears on this Agenda, will be discussed later by City Manager Rodericks.

2. Villa Isle Street Closure Follow-up – Public Safety Committee- Councilmember Ulmer.

Councilmember Ulmer gave an update on the Villa Isle Street Closure. He and Mayor Pro Tem Bortle met with a few of the residents and agreed to meet again in the month of May for continued discussion with the neighbors to determine where this movement is leading.

3. Public Comment Q & A for Funding of City Sewers – City Manager.

City Manager Rodericks stated that sewer photos and video files are on the website for the public's viewing and that VPTV will be airing the video of the camera study of sewer lines Monday through Friday, 1:30 and 3:30 p.m.

ITEMS FOR CONSIDERATION:

1. Consideration of Resolution No. 2005-2814, a Resolution of the City Council of the City of Villa Park Supporting Assembly Bill 991 (DeVore) to Amend Sections 2021 and 202 of the Health and Safety Code, Related to Mosquito Abatement and Vector Control – Mayor Freschi.

Dr. Dick Meyer, Assistant Manager of O.C. Vector Control District, addressed the Council about the history of AB 991 and specifically how this Bill was originally crafted to include all Vector Control Districts in the state and then was amended twice to affect only Orange County's Vector Control District. He stated that Bill Oliva is an exceptional trustee.

This Bill proposes going to a "Round-Robin" type of arrangement with a total of 11 trustees on the Board. Dr. Meyer reported that prudent fiscal oversight results in efficient meetings that get the job done.

Orange County has the best mosquito abatement program in the state. He summarized by stating his opposition to AB 991.

Councilmember Bell stated that he was concerned about the cost factor of having a Board of 35 people who are not as effective as a smaller Board. While he appreciates the fine work of Bill Oliva, he questioned the efficiency of a 35-member Board. Councilmember Bell requested a copy of OCVCD's Budget.

Councilmember Fauteux asked Dr. Meyer to draw the line between oversight and actually working for the professional management of OCVCD. Dr. Meyer stated that a smaller Board would not operate with the same degree of expertise.

Mayor Pro Tem Bortle asked Dr. Meyer if the savings realized would be \$2,400 per month. He replied in the affirmative.

Mayor Freschi asked Dr. Meyer what the approximate number of Board of trustees on the Vector Control District in Los Angeles County. Dr. Meyer responded about 50 trustees serve in Los Angeles County.

Councilmember Ulmer stated that Villa Park is worried about losing its voice in Vector Control issues.

Public testimony was given by Shelby Oliva, wife of trustee Bill Oliva, addressed the Council about her concern that a small community such as Villa Park maintain its voice in dealing with significant issues like West Nile Virus, etc. She asked the Council to be careful in considering giving up our representation on the OCVCD Board.

Councilmember Fauteux discussed oversight groups within the County. He believes that oversight committees are not involved in operations. There is no room for self-serving in oversight committee work.

Mayor Freschi explained that he did not believe a Board of 35 trustees for an organization of 50 people sounded logical. He asked what difference would it make to have 11 or 35 people oversee what the General Manager of the OCVCD.

Public testimony was also given by Bill Oliva, OCVCD trustee for the last 19 years, who addressed the Council about his primary responsibilities as a trustee. He stated that he receives \$100.00 per meeting. Each operational committee has 9 members.

Mayor Pro Tem Bortle asked Mr. Oliva how many committees there are. Mr. Oliva stated 4 committees and one Executive Committee. The Orange County Sanitation District has a representative from each city. Having sat on the OCSD Board, she believes representation from each city works well in this instance.

Councilmember Ulmer stated that it seems that Villa Park would eventually be represented with 11 trustees.

Mr. Oliva stated that AB 991 is a very poorly crafted Bill and that it is extremely vague.

Councilmember Bell restated his opinion that cutting down the number of trustees would probably be a good idea.

It was moved by Councilmember Bell, seconded by Councilmember Fauteux, and carried by the following roll call vote to adopt Resolution No. 2005-2814, a Resolution of the City Council of the City of Villa Park, in support of AB 991 (DeVore):

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

PUBLIC HEARINGS:

1. Consideration of Variance Permit No. 0614 for encroachment of 3 ½ feet into the front yard setback of 50 feet for secondary structures (Location: 18121 Catherine Circle; Applicant: Arturo Mier.

Mayor Freschi opened the Public Hearing.

City Manager Rodericks reported that the applicant is requesting permission to complete construction on an approved detached second dwelling unit that encroaches 3 feet 6 inches into the required front yard setback of 50 feet for detached structures.

A variance is required for any reduction in a required setback area.

Through the Site Plan Review process, the applicant began construction of a detached second dwelling unit. On the approved plans, the applicant's architect noted the structure with all applicable setbacks. As the project construction progressed, the applicant and Building Inspector Tarin noted a discrepancy in the measurement between the structure and main structure. The Building Inspector requested that the applicant re-validate all setbacks for the structure. After determining the exact location of the property line, the applicant found that the structure encroached the 3 feet 6 inches into the required front yard setback of 50 feet. The applicant was notified that in order to leave the structure in its present location, a variance would be required and that all work on the affected section of the project would have to cease. Absent a variance approval, the structure would need to be modified or relocated to conform to the Code requirements.

Based on a review of the project application, while the proposed addition meets the requirements of height, lot coverage, and floor area, however, the structure does not meet the objectives of the Villa Park Zoning Code with respect to setback requirements and a variance is required.

The Villa Park Code allows for an Administrative Adjustment for variance requests that do not exceed a 25% reduction in the required setback and the applicant's request does not exceed a 25% reduction; however, findings for a variance are still required.

Staff recommends approval, with conditions designed to mitigate the impact of the structure on adjacent properties.

Public testimony was given by the applicant, Arturo Mier, who stated that he hired a licensed architect, Kevin Waters, to submit the plans and research all the city requirements. The plans were approved and so started the remodeling of the main structure. Building Inspector Tarin brought the error to his attention, by which time the framing was completed.

Councilmember Bell requested that City Manager Rodericks describe what Building Inspector Tarin did. City Manager Rodericks stated that the City does not validate the location of property lines. Mr. Mier stopped construction and waited to request a Variance.

Councilmember Ulmer asked what type of landscaping should be required. He stated that it appears that City codes were not followed.

Councilmembers Bell and Fauteux agreed that the architect should be held accountable.

City Manager Rodericks stated that the plans showed 50 feet back from the property line. Mr. Mier has conducted his own survey.

Public testimony was also given by Wayne, the applicant's son-in-law, of 2334 Rockingridge Circle in Orange, who stated that the error was called to their attention when the detached structure was mostly completed.

Mary Silzel, 18202 Montana Circle, wrote an email to City Manager Rodericks and the City Council explaining her opposition to the project. She stated that she notified the City ten weeks ago about setback violations on the project. In her opinion Villa Park is developing a reputation for not enforcing building codes. She asked the Council to oppose this Variance request.

Mr. Mier's licensed contractor (name inaudible on recording) stated that no one was made aware of the 7 foot right-of-way.

Mr. Mier's daughter, Gabrielle Steed, 9212 Smoketree Lane, stated once again for the record that her father was not made aware of the city's codes before starting the project.

Mayor Freschi told Ms. Steed that the Residential Handbook is made available to the public on the website and at City Hall. This handbook explains all the building codes and regulations, so that there is no excuse for Mr. Mier not getting this information before starting the project.

City Engineer Repke explained to her the concept of city right-of-ways. He stated that the first 7 feet back from the curb is never to be built upon. It is difficult in Villa Park, since there are no curbs and no sidewalks. It is advisable to have one's property surveyed, however, the City does not require this of a property owner.

City Attorney Hampel stated that tract maps and title reports show pertinent information as in this case would have been helpful. The issue is whether the variance is warranted based on the merits of the request.

Mayor Freschi stated that he believed the variance was warranted due to the unusual shape of the lot.

Councilmember Ulmer posed the question, "Can something be done to not have to tear it down?" He wondered how the City got itself this far into the situation.

Mr. Mier's son-in-law, Wayne, addressed the Council a second time to assure them that nothing was done intentionally and that an error was made purely and simply.

The project architect, Kevin Waters, addressed Council about alternatives to tearing down the structure(s) since the slab is in place.

Gerard Mier, 18188 Valley Drive, disagreed with Mary Silzel's remarks.

Mayor Freschi closed the Public Hearing.

It was moved by Councilmember Bell, seconded by Mayor Pro Tem Bortle, and carried by the following roll call vote to adopt Resolution No. 2005-2809, a Resolution of the City Council of the City of Villa Park, denying Variance Permit No. 0614 for encroachment of 3 ½ feet into the front yard setback of 50 feet for secondary structures (Location: 18121 Catherine Circle; Applicant: Arturo Mier):

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

2. Consideration of Conditional Use Permit No. 0615 for the addition of a detached storage shed in the side yard measuring 12 feet x 22 feet (Location: 18582 Marion Way; Applicant: Packy and Lynne McFarland).

Mayor Freschi opened the Public Hearing.

City Manager Rodericks reported that the applicant is requesting permission to construct a detached storage shed with a ridgeline of 8 feet in height and approximately 264 square feet.

The Villa Park Municipal Code requires a Conditional Use Permit for enclosed detached structures over 7 feet in height and exceeding 120 square feet.

Based on a review of the Villa Park Zoning Code, the proposed project complies with height, lot coverage, floor area and setback requirements.

Staff recommends approval of the project.

It is recommended that the City Council adopt Resolution No. 2005-2810, a Resolution of the City Council of the City of Villa Park, approving Conditional Use Permit No. 0615 for a detached storage shed, with conditions (Location: 18582 Marion Way; Applicants: Packy and Lynne McFarland).

Mayor Freschi 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. 2005-2810, a Resolution of the City Council of the City of Villa Park, approving Conditional Use Permit No. 0615 for a detached storage shed in the side yard measuring 12 feet x 22 feet, with conditions (Location: 18582 Marion Way; Applicants: Packy and Lynne McFarland):

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

3. Consideration of Variance Permit No. 0616 for an encroachment of 2 feet 6 inches into the required side yard setback of 12 feet 6 inches (Location: 9522 James Circle; Applicant: Isaac Hamodot).

Mayor Freschi opened the Public Hearing.

City Manager Rodericks reported that the applicant is requesting permission to encroach 2 feet 6 inches into the required side yard setback of 12 feet 6 inches for a master bedroom addition.

A variance is required for any reduction in a required setback area.

Side yard setbacks in the E-4 Small Estate Zone are determined based on the average lot width and are represented as 10% of that average lot width with a minimum setback of 10 feet and a maximum setback of 20 feet. Based on calculations for the required setback, the property has a setback of 12 feet 6 inches.

Based on a review of the project application, while the proposed addition meets the requirements of height, lot coverage, and floor area, however, the structure does not meet the objectives of the Villa Park Zoning Code with respect to setback requirements and a variance is required.

The Villa Park Code allows for an Administrative Adjustment for variance requests that do not exceed a 25% reduction in the required setback and the applicant's request does not exceed a 25% reduction; however, findings for a variance are still required.

Councilmember Fauteux asked the applicant, Mr. Hamodot, whether the neighbors have expressed concern over the project.

Public testimony was given by the applicant in response to Councilmember Fauteux's question that the neighbors had not expressed any concerns to him. He stated the reason he needed the variance was to make room for a master bedroom closet.

Councilmember Ulmer asked the applicant if he had thought of designing a master bedroom without a closet in this location.

Mr. Hamodot replied not unless he were to tear down the entire house.

Councilmember Bell stated that he was in support of the request, due to the configuration of the lot.

Councilmember Fauteux asked Mr. Hamodot if the wall will be landscaped.

He responded that the landscape plan will show trees and plants.

Staff recommends approval of the application.

It is recommended that the City Council adopt Resolution No. 2005-2811, a Resolution of the City Council of the City of Villa Park, approving Variance Permit No. 0616 for encroachment of 2 feet 6 inches into the required side yard setback of 12 feet 6 inches (Location: 9522 James Circle; Applicant: Isaac Hamodot).

Mayor Freschi 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. 2005-2811, a Resolution of the City Council of the City of Villa Park, approving Conditional Use Permit No. 0616 for an encroachment of 2 feet 6 inches into the required side yard setback of 12 feet 6 inches, with conditions (Location: 9522 James Circle; Applicant: Isaac Hamodot):

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

4. Consideration of Conditional Use Permit No. 0617 for the addition of a second story at a maximum ridgeline of 27 feet 6 inches (Location: 18752 Villa Woods Circle; Applicants: Danny and Donna Myers).

Mayor Freschi opened the Public Hearing.

City Manager Rodericks reported that the applicant is requesting permission to construct a second story addition at a maximum ridgeline of 27 feet 6 inches.

The Villa Park Municipal Code requires a Conditional Use Permit for the addition of a second story exceeding 25 feet in height.

The proposed addition has a maximum ridgeline of 27 feet 6 inches and therefore requires review by the City Council through the Conditional Use Permit process.

Based on a review of the Villa Park Zoning Code, the proposed project complies with height, lot coverage, floor area, and setback requirements.

Staff recommends approval of the project.

It is recommended that the City Council adopt Resolution No. 2005-2812, a Resolution of the City Council of the City of Villa Park, approving Conditional Use Permit No. 0617, for the addition of a 2nd story at a maximum ridgeline of 27 feet 6 inches (Location: 18752 Villa Woods Circle; Applicants: Danny and Donna Myers).

John Weelock, designer representing the applicant, addressed Council and stated he was present to answer any questions of the Council.

Mayor Freschi 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. 2005-2812, a Resolution of the City Council of the City of Villa Park, approving Conditional Use Permit No. 0617 for the addition of a second story at a maximum ridgeline of 27 feet 6 inches, with conditions (Location: 18752 Villa Woods Circle; Applicants: Danny and Donna Myers):

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

5. Consideration of Revision of Conditional Use and Variance Permit No. 0536 for the construction of a new two-story residence (Location: 18922 Santiago Boulevard; Applicant: Sam Olson).

Mayor Freschi opened the Public Hearing.

Councilmember Bell left the Council Chambers since he was part of the real estate transaction of the property.

City Manager Rodericks reported that the applicant is requesting a revision to Conditional Use and Variance Permit No. 0536.

The approved Conditional Use Permit provided for a two-story single-family residence above 25 feet in height, four garage stalls, a second dwelling unit and an increase in the maximum floor area. The Villa Park Municipal Code requires a Conditional Use Permit for the addition of a second story exceeding 25 feet, for 4 or more garage spaces, and for an increase in the maximum floor area and lot coverage.

The approved Variance Permit provided for a reduction in the required front yard setback for the second dwelling unit, a separate driveway access to the second dwelling unit, and an increase in the maximum lot coverage allowed. The Villa Park Municipal Code requires a Variance Permit for any reduction in a required setback area.

Ownership of the property has changed since the prior Conditional Use and Variance Permit approvals. All conditions and approvals transferred to the new owner, Sam Olson. The new owner is presenting a revision to the original Conditional Use and Variance Permit and is requesting approval of a modification to the configuration of the new home. The new structure is approximately 1,340 square feet less than the prior approved structure through the elimination of the basement area and a reduction in the size of the first floor area.

With these modifications, the applicant is proposing to bring the property into compliance with the floor area and lot coverage requirements. This is still without counting the restoration of the historic residence on the property against the required ratios.

The applicant is requesting all other conditions of approval remain the same. These include:

- The height of the proposed structure with a maximum ridgeline height of 31 feet 6 inches;
- Four or more garage spaces on the property with garage doors at 8 feet in height;
- Use of the historic structure as a second dwelling unit on the property;
- Reduction in the required 50 foot front setback for the detached second dwelling unit – to 25 feet;
- Maintenance of a separate entrance via driveway to the second dwelling unit;
- All applicable historic review conditions of approval.

Based on a review of the Villa Park Zoning Code, the proposed project complies with height, lot coverage, floor area, and setback requirements.

Staff recommends approval of the project.

It is recommended that the City Council adopt Resolution No. 2005-2813, a Resolution of the City Council of the City of Villa Park, approving a revision to Conditional Use and Variance Permit No. 0536, for the addition of a new second story residence with a 4 car garage (Location: 18922 Santiago Boulevard; Applicant: Sam Olson).

Kevin Love, architect and agent for Mr. Olson, was present to answer any questions from the Council. He stated that Mr. Olson is willing to work with all neighbors to accommodate landscape plans. The landscape plan will be reviewed by the Community Development Committee.

The applicant, Sam Olson, stated that the rubber tree root structure should not be a problem since it is located a block and a half away from Mr. Kleinberg. The rubber tree is about 150 years old and he would like to preserve it if possible.

Mayor Freschi addressed Mr. Olson about the letter neighbor John Kleinberg sent to the Council in which he expressed his concerns about drainage onto his property. He explained in his letter that he will eventually be building a secondary structure and would like to make sure the landscape plan is adhered to by Mr. Olson.

Councilmember Fauteux asked Mr. Olson about Mr. Ed Loritz's letter of concern submitted to the Council about weeds overgrown and other debris on the property.

Mr. Olson said he would be clearing the weeds and debris as soon as possible. As to the drainage, he stated he will not be changing the direction of the existing drainage and that all drainage will be directed to the curb.

City Engineer Repke stated that if run-off is increased, drainage may be a problem. He will look at the site and proposed drainage.

Councilmember Ulmer questioned whether the weeds will all be cleared. He asked to add a condition #14 stating that prior to entering the plan check phase, all weeds must be cleared from the property.

City Manager Rodericks stated that prior to building permits issued the weeds will be cleared.

Mayor Freschi closed the Public Hearing.

It was moved by Councilmember Ulmer, seconded by Mayor Pro Tem Bortle, and carried by the following roll call vote to adopt Resolution No. 2005-2813, a Resolution of the City Council of the City of Villa Park, approving Revised Conditional Use and Variance Permit No. 0536 for the construction of a new two-story residence, with the addition of condition #14 (Location: 18922 Santiago Boulevard; Applicant: Sam Olson):

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

Mayor Freschi called for a brief recess at 9:45 p.m. The meeting resumed at 9:53 p.m.

STAFF REPORTS:

City Manager:

1. Consideration of Administrative Policy 6-12 – Parking Restriction Waivers – Villa Park Schools.

At the March 2005 City Council meeting the City Council considered a draft policy for the waiver of parking restrictions at Villa Park schools. The City Council directed staff to modify the proposed policy based on comments from the meeting and rewrite the policy into an adoptable City format.

City Manager Rodericks reported that Administrative Policy 6-12 addresses the removal of short-term parking restrictions around Villa Park schools to accommodate special event requests from residents, school groups, and sports tournaments.

The policy provides that the following must be provided to the City 30 days in advance of the event:

- A written request with specifics of the event
- An application fee of \$50

City Engineer Repke is tasked with the initial review of the request. If the request is reasonable, the City Engineer provides a report to the City Manager for review by the Community Development/Public Safety Committee.

The Committee reviews the request and makes a recommendation to the City Council for approval or denial of the request, with any appropriate conditions.

Short-notice requests can be accommodated by immediate approval by the Committee without submittal before the City Council, however, such requests should not be considered routine and applicants are allowed one such request within any 12 month period.

With his/her request for a waiver, the applicant may simultaneously request a waiver of the \$50.00 fee. However, requests that are approved by the Committee without the benefit of a City Council review are not eligible for a fee waiver.

The policy only applies to parking restrictions surrounding the Villa Park schools. It is not a policy for the removal of parking restrictions on any other residential street or in any other area.

It is recommended that the City Council adopt Administrative Policy 6-12, Parking Restriction Waivers – Villa Park Schools.

It was moved by Councilmember Ulmer, seconded by Mayor Pro Tem Bortle, and carried by the following roll call vote to adopt Administrative Policy 6-12, Parking Restriction Waivers for Villa Park Schools:

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

City Attorney: No report.

City Clerk: No report.

City Engineer:

1. FY 2004-05 Sewer Rehabilitation Project.

City Engineer Repke reported that Staff prepared project plans and specifications for the 2004-05 Fiscal Year Sewer Rehabilitation Project. The project consists of lining approximately 3,550 linear feet of 8 inch and 12 inch sewer mains, as well as making point repairs of the existing pipes.

Authorization to advertise the Project for construction bids was received from the City Council at its February 22, 2005 meeting.

Construction bids for the project were opened on April 12, 2005. A total of four bids were received as follows:

Insituform Technologies, Inc.	\$192,175
Sancon Technologies	\$209,325
Wesco Infrastructure Technologies	\$209,375
Repipe California, Inc.	\$258,829

The Engineer's estimate for the project is \$225,000.

Upon review and evaluation of the bids, Staff determined that the lowest responsible and responsive bid was received by Insituform Technologies, Inc. in the amount of \$192,175.00.

Project funding is available from the funds included in the FY 2004-05 Budget, Sewer Rehabilitation account.

It is recommended that the City Council award a construction contract to Insituform Technologies, Inc. in the amount of \$192,175.00 and authorize the Mayor to execute the Contract.

It was moved by Councilmember Fauteux, seconded by Councilmember Ulmer, and carried by the following roll call vote to award a construction contract to Insituform Technologies, Inc. in the amount of \$192,175.00 and authorize the Mayor to execute the Contract:

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

2. FY 204-05 Street Maintenance Project.

City Engineer Repke reported that as a part of the annual street maintenance program, City Staff prepared project plans and specifications of the slurry sealing and asphalt of various streets for FY 2004-05.

Authorization to advertise the project for construction bids was received from the City Council at its February 22, 2005 meeting. In addition to the slurry sealing and asphalt overlay of various streets, the project also includes some pavement repair, curb and gutter repair and restriping.

Construction bids for the project were opened on April 14, 2005. A total of six bids were received as follows:

All American Asphalt	\$301,300
Hardy and Harper	\$316,917
Ben's Asphalt	\$325,400
R.J. Noble	\$335,788
Alliance Street Works	\$336,760
Palp DBA Excel Paving	\$364,780

The Engineer's estimate for the project was \$295,250.

After review and evaluation of the bids, Staff has determined the lowest responsible and responsive bid was received from All American Asphalt in the amount of \$301,300.00.

Project funding is available from the FY 2004-05 street patching, street sealing and pavement rehabilitation accounts.

The following is recommended:

That the City Council award the construction contract to All American Asphalt in the amount of \$301,300 for the 2004-05 FY Street Maintenance Program and authorize the Mayor to execute the Contract Agreement.

It was moved by Councilmember Ulmer, seconded by Councilmember Bell, and carried by the following roll call vote to award a construction contract to All American Asphalt in the amount of \$301,300.00 for the 2004-05 FY Street Maintenance Program and authorize the Mayor to execute the Contract Agreement:

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

OTHER BUSINESS:

City Accountant, Nancy Desai, gave a brief update on the Budget. She reported that there was an anticipated shortage in the Vehicle License Fees (VLF) collected to date.

ORAL COMMUNICATIONS:

Deborah Pauly, 18122 Gloria Circle, publicly commended out-going City Manager Rodericks for his service to the community and for his professionalism.

ORDINANCES: None.

RESOLUTIONS: None.

CLOSED SESSION:

1. Conference with Legal Council Re: Anticipated Litigation/Decision to Initiate Litigation Involving Cannon Street Wall of Slope Failures, Govt. Code Section 54956.9(c).
2. Discussion Re: City Manager Employment, Govt. Code Section 54957.
3. Discussion Re: Closed Session Pursuant to Govt. Code Section 54957.6: Conference with Labor Negotiator – Negotiator: George J. Rodericks for Unrepresented Employees: All City Employees.

At 10:05 p.m., the City Council adjourned to Closed Session.

The meeting was reconvened at 10:20 p.m. City Attorney Hampel reported that no action was taken on items #1 and #3. Regarding item #2, the City Council voted 5-0 to appoint Kenneth A. Domer as the new City Manager.

ADJOURNMENT:

It was moved by Mayor Freschi and carried unanimously to adjourn the meeting at 10:20 p.m. to an adjourned regular meeting on April 29, 2005 at 4:15 p.m., for the purpose of the Councilmembers meeting with Assemblyman Bob Huff and taking a tour with him of Villa Park with the Assemblyman.

Richard A. Freschi, Mayor
City of Villa Park

ATTEST:

George J. Rodericks, City Clerk
City of Villa Park