

MINUTES OF THE CITY COUNCIL

CITY OF VILLA PARK, CALIFORNIA

The City Council of the City of Villa Park met in a special session Tuesday, January 23, 2007 at 7:30 p.m. in the City Council Chambers, 17855 Santiago Boulevard, Villa Park, California.

CALL TO ORDER Mayor Ulmer called the meeting to order at 7:30 p.m.

ROLL CALL

COUNCILMEMBERS PRESENT

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| Rich Ulmer | Mayor |
| Brad Reese | Mayor Pro Tem |
| Rich Freschi | Councilmember |
| Deborah Pauly | Councilmember |
| James Rheins | Councilmember |

STAFF PRESENT

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| Ken Domer | City Manager |
| Len Hampel | City Attorney |
| Warren Repke | City Engineer |
| Jason Carson | Associate Planner |
| Jarad Hildenbrand | Assistant to the City Clerk |

FLAG SALUTE

Juliannde Brandenburger, from Serrano Elementary, led the flag salute.

Mayor Ulmer presented Juliannde with a City pin and a gift certificate to Rockwell's Bakery.

INTRODUCTIONS AND PRESENTATIONS

Certificate of recognition was presented to Jonathon Ditty, a senior from Lutheran High School for his Outstanding Academic Achievement.

Mayor Ulmer read a biography on Jonathon. At the January 23, 2007 Jonathon was presented with a certificate of recognition for outstanding academic achievement along with a gift certificate to First Class Pizza.

Certificate of recognition was presented to Michelle Marcus, a senior from Villa Park High School for her Outstanding Academic Achievement.

Mayor Ulmer read a biography and presented Michelle with a certificate of recognition for outstanding academic achievement along with a gift certificate to First Class Pizza.

Mayor Ulmer introduced Deputy Lillian Graneo, Villa Park's newest Sheriff's Deputy. City Manager Domer added that within her first couple weeks in Villa Park she was first on-scene to a medical emergency call where she performed life-saving CPR on a non-responsive infant.

ORAL COMMUNICATIONS

Mayor Ulmer opened Oral Communications.

Felix Schwartz, Commissioner on the Orange County Human Relation Commission, presented the City Council with copies of their Annual Report. Services specifically in Villa Park in collaboration with Orange County Sheriff Department documented one hate crime in Villa Park in 2005 and three cases were mediated within the Courts where one of the parties was a resident of Villa Park in Fiscal Year 2005-2006.

Richard Aldridge and son Logan, Orange YMCA, extended an invitation to the City Council inviting them to join in the Annual Indy 500 Derby, Saturday, February 3rd. The Derby will be held at 11:30 a.m. in the Village Mall of Orange.

Paula Burton, 18482 Valley Drive, shared an update on Celebration USA. Constitution Day will be on September 17, 2007 on the Villa Park High School baseball field in order to accommodate more citizens.

The Snowball Express took place December 15, 2006. Paula Burton and students gave a special presentation to 300 families and 600 children of fallen heroes who were flown in from all over the country to bring joy to the families throughout the holidays.

Nicole Jones, 10292 Via Corta, spoke about the censorship during City Council meetings and letting citizens speak on what they want. City Council and Staff should not be allowed to pick and choose who they want to hear from. Also, Council should ensure that the Orange County Sheriff's Department investigates fully the stealing and tampering of election signs this past election.

Steve Marquez, 10712 Dorothy Circle, expressed concern regarding possible inappropriate actions within City polling facilities last election.

Teri Elmendorf, 10291 Camden Circle, requests that Mayor Ulmer reconsider his Committee appointments.

Grace Bjornstad, 10551 Orangegrove Circle, spoke on concerns she has with the City. Citizens of Villa Park have the right to voice their opinion and their First Amendment rights should not be taken away.

City Attorney Hampel stepped in and stated these matters are not within the jurisdiction of the City Council and all alleged election matters should be directed to the Registrar of Voters and the District Attorney.

Mayor Ulmer closed Oral Communications.

CONSENT AGENDA

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 December 12, 2006. Approved Action. That the City Council approve the Minutes of December 12, 2006.
3. Consideration of City Council Minutes of December 19, 2006. Approved Action. That the City Council approve the Minutes of December 19, 2006.
4. Consideration of City Council Minutes of January 5, 2007. Approved Action. That the City Council approve the Minutes of January 5, 2007.
5. Consideration of List of Demands from December 13, 2006 to January 15, 2007. Approved Action. That the City Council approve the List of Demands from December 13, 2006 to January 15, 2007 in the amount of \$383,932.49.
6. Refund Amount for Candidate Statements. Approved Action. That the City Council approve a Refund in the amount of \$216.00 to each candidate in the 2006 General Municipal Election.
7. First and Second Quarter Combined Financial Newsletter. Approved Action. That the City Council receive and file the First and Second Quarter combined Financial Newsletter.

Councilmember Freschi Pulled Item 4.

It was moved by Councilmember Freschi, seconded by Mayor Ulmer and carried by the following roll call vote to approve Consent Agenda, items numbered 1, 2, 3, 5, 6, and 7:

| | | |
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| AYES: | COUNCILMEMBERS: | Pauly, Rheins, Freschi, Reese, Ulmer |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |
| ABSTAIN: | COUNCILMEMBERS: | None |

4. Consideration of City Council Minutes of January 5, 2007. Approved Action. That the City Council approve the Minutes of January 5, 2007.

Councilmember Freschi abstained from Item 4 since he was absent from the January 5, 2007 meeting.

It was moved by Councilmember Pauly, seconded by Councilmember Rheins and carried by the following roll call vote to approve Consent Agenda, item number 4:

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|----------|-----------------|-----------------------------|
| AYES: | COUNCILMEMBERS: | Pauly, Rheins, Reese, Ulmer |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |
| ABSTAIN: | COUNCILMEMBERS: | Freschi |

MATTERS PRESENTED BY COUNCILMEMBERS

8. Travel and Meetings.

Councilmember Rheins, Councilmember Pauly, and Mayor Pro Tem Reese reported on the City Council Academy held in Sacramento.

Councilmember Rheins reported on the League of California Cities General Meeting. The topic discussed for the night was clean fuel technologies.

Councilmember Freschi stated Serrano Water District is working on our streets and do not seem to be repairing them to our standards. Council and Staff should look into having SWD repair our streets.

Mayor Ulmer spoke on the Advocacy Committee he attended. The Advocacy Committee is where issues of the future are discussed early on with Mayors of various cities. Mayor Ulmer also spoke with a number people at a Mayors' conference in Anaheim regarding outdated underperforming conventional malls. Those malls are finding new lives as thriving vibrant retail centers. Mayor Ulmer acknowledged that our Towne Centre needs some attention relative to the beautification effort.

9. Parking Issues Related to Roberto Street and Fitchen Ranch Road - Councilmember Pauly.

Councilmember Pauly commended City Manager Domer for taking care of the Fitchen Ranch Road parking issue. Also, she mentioned that Roberto Street should be looked at. What ends up happening on Roberto Street is that Non-Villa Park residents cars are parking on both sides of the street and blocking the entrance. Council should investigate and look at making Roberto a "No Parking Street."

Councilmember Freschi mentioned Council and Staff should review the previous minutes. This has been an ongoing issue and if we make it a "No Parking Street," the cars will just end up parking on the adjacent streets. This is a problem that we may just have to live with because there is simply not enough parking in those condos.

Councilmember Rheins brought up the concern of item number 26. This is an emotional issue and he asks that Council move this item to the first on Items for Consideration.

It was moved by Councilmember Rheins, seconded by Mayor Ulmer and carried by the following roll call vote to move item number 26 to the first on Items for Consideration:

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|----------|-----------------|--------------------------------------|
| AYES: | COUNCILMEMBERS: | Pauly, Freschi, Rheins, Reese, Ulmer |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |
| ABSTAIN: | COUNCILMEMBERS: | None |

Councilmember Freschi stated that as long as we are doing this we might as well move up the Public Hearings based on the people who have come to participate.

It was moved by Councilmember Freschi, and seconded by Mayor Pro Tem Reese and carried by a voice vote to move the Public Hearings to before the Items for Consideration.

CITY COMMISSION AND COMMITTEE REPORT OR REFERRALS

Councilmember Pauly reported on the Public Utilities Committee. Last week she attended the Serrano Water District; it was a re-organizational meeting for them and the new Board President is Larry Pharris and the new Vice President is Ken Henderson. Serrano has put out to bid for a new block wall along the Taft side of the Smith Reservoir. Also, the Lemon and Taft Street water pipe burst; when Serrano dug it up to repair, they discovered that the pipe was from 1930. Serrano installed new valves and a new fire hydrant which should not disrupt the water supply to the residents.

Councilmember Pauly also attended the Public Utilities committee meeting with our waste hauler. Villa Park Disposal representative Dave Ault reported on a problem called "Ghost tonnage". That is when a trash hauler from one city dumps and reports against another city meeting their required State mandated diversion rates. Villa Park was the target of that recently and that is why our diversion rates have been off lately. On a lighter note, Villa Park does an outstanding job of recycling. Each resident produces around 155 pounds of trash per week and 60 % of that is yard waste and recycle.

Mayor Pro Tem Reese reported on the Community Development Committee meeting he attended along with Mayor Ulmer. The meeting was very constructive and a recent discrepancy was resolved.

Councilmember Freschi stated CDC is a public meeting and he would like to obtain a copy of the Minutes after each meeting.

City Manager Domer stated Associate Planner Carson is working on the Minutes and they will be distributed later this week. Also, CDC Agendas, Staff Reports, and Minutes are also available online.

Mayor Ulmer pointed out that the CDC has now resolved 3 specific cases where concerned neighbors have come to resolve their issues.

ITEMS FOR CONSIDERATION

Prior in the meeting, the following item was moved from Resolutions to first on Items for Consideration.

26. Consideration of Resolution No. 2007-2927, a Resolution of the City Council of the City of Villa Park Establishing the Order of Business for City Council Meetings and Rescinding Resolution Nos. 99-2481, 80-661, and 78-557.

City Manager Domer presented the staff report stating the City Council sets the format of the City Council meetings through the approval of a Resolution. It is proposed that the City adopt a new Resolution setting the format for City Council meetings and that an opportunity for an invocation or moment of silence be placed on the agenda. It is recommended that the City Council discuss the draft invocation policy and consider its adoption.

City Attorney Hampel reported that in the case of an Invocation, if dealing with a school district it would be invalid. However, in the case of Legislative bodies the courts have carved out an exception. Historically Legislative bodies have opened their preceding with an invocation. Invocations, while not encouraged, were only disapproved to the extent that they would be sectarian in nature. Courts have approved nonsectarian prayers in the case of Legislative bodies. The Council could have an invocation limited to a nonsectarian prayer or a moment of silence.

At this time Mayor Ulmer opened the item for public comment.

Arnold Goodman, Teri Applebaum, Nancy Jenkins, spoke in opposition of the invocation policy.

Mayor Ulmer closed the item from public comment.

Councilmember Freschi mentioned the idea of moving Public Hearings right after Oral Communications and before the Consent calendar.

It was moved by Councilmember Freschi, seconded by Councilmember Pauly and carried by the following roll call vote to move Public Hearings after Oral Communications and before the Consent Calendar on the Agenda:

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|----------|-----------------|--------------------------------------|
| AYES: | COUNCILMEMBERS: | Rheins, Pauly, Freschi, Reese, Ulmer |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |
| ABSTAIN: | COUNCILMEMBERS: | None |

Councilmember Rheins addressed that Religion is very private; if a Councilmember requires divine direction or help before a Council meeting they should do it in private before the meeting. It does not belong during a Council meeting.

Councilmember Freschi feels that the Government does not have the right to tell you what to do and when to do it when dealing with religion.

Mayor Pro Tem Reese said that when elected, he some day wanted to see a non-secular designed invocation during the Council meeting.

It was moved by Councilmember Freschi, seconded by Councilmember Rheins and carried by the following roll call vote to adopt Resolution No. 2007-2927, a Resolution of the City Council of the City of Villa Park establishing the order of business for City Council meetings; deleting Item No. 3 Invocations, incorporating the moving of Public Hearings after Oral Communications:

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|----------|-----------------|---------------------|
| AYES: | COUNCILMEMBERS: | Freschi, Rheins |
| NOES: | COUNCILMEMBERS: | Reese, Pauly, Ulmer |
| ABSENT: | COUNCILMEMBERS: | None |
| ABSTAIN: | COUNCILMEMBERS: | None |

Council discussion ensued to include providing more time for the residents to comment on the proposal based on a lack of a clear description on the agenda and therefore the item did not convey the invocation issue strongly enough for adequate review.

It was moved by Councilmember Freschi, seconded by Councilmember Rheins and carried by the following roll call vote to adopt Resolution No. 2007-2927, a Resolution of the City Council of the City of Villa Park establishing the order of business for City Council meetings; moving of Public Hearings to after Oral Communications:

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|----------|-----------------|--------------------------------------|
| AYES: | COUNCILMEMBERS: | Freschi, Rheins, Pauly, Reese, Ulmer |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |
| ABSTAIN: | COUNCILMEMBERS: | None |

City Manager Domer stated per Council direction he would notice the Draft Invocation Policy in the E-Network every Friday and create a link on the City's website outlining the policy.

It was moved by Councilmember Freschi, seconded by Councilmember Pauly and carried by the following roll call vote to notice the Draft Invocation Policy per Council direction; and continue the Item for Consideration of adding an Invocation to the Agenda to the February 27, 2007 meeting:

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| AYES: | COUNCILMEMBERS: | Freschi, Pauly, Reese, Ulmer |
| NOES: | COUNCILMEMBERS: | Rheins |
| ABSENT: | COUNCILMEMBERS: | None |
| ABSTAIN: | COUNCILMEMBERS: | None |

RECESS

Prior in the meeting, Public Hearings were moved to this spot on the Agenda.

PUBLIC HEARINGS

20. Consideration of Conditional Use Permit No. 0659, a request to construct a new two story residence exceeding the roof height limit of twenty-five (25) feet for a new roof height of twenty-eight (28) feet. (Location: 19222 Valley Drive. Applicants: John and Neena Sarkaria) Continued item from December 19, 2006.

Associate Planner Carson presented information regarding the Consideration of Conditional Use Permit No. 0659, at 19222 Valley Drive, which was continued from the December 19, 2006, City Council Meeting, for applicants Mr. and Mrs. Sarkaria.

At issue is a request to exceed the roof height limit not to exceed 28 feet average maximum roof height on a sloped property and an overall maximum structure elevation of 578 feet.

The initial review of this application by Staff resulted in a determination that the granting of this Conditional Use Permit would introduce a significant view infringement to those residents surrounding the subject site. Council agreed and advised the applicant to revise the proposal to address height and view infringement concerns, continuing the case to this date.

The applicant, in working with his consultants, has been able to make a number of modifications to address those concerns. Beginning with the finish grade elevation, the Civil Engineer has approved lowering of the finish grade approximately 3 feet which will set the elevation at 550 feet. Also, modifications to the structure that include reducing the pitch of the roof have lowered the structure height to 28 feet.

Combined, the proposed plan modifications will reduce the structure height 2 feet, 4 inches and the finish grade 3 feet to lower the maximum structure height a total of 5 feet, 4 inches, and the maximum structure elevation to 578 feet.

At this time Staff is able to recommend approval of the request to exceed the roof height limit not to exceed 28 feet average maximum roof height and not to exceed an elevation of 578 feet based on the determination that the revised proposal has reduced material injury to the public welfare, specifically derived from the view infringement impacts to surrounding residents, to a level considered effectively mitigated.

Mayor Ulmer opened the public hearing.

Dr. John Sarkaria, 10111 Briley Way, stated that working with the Civil Engineer he was able to lower the pad and he feels he has made a great effort trying to fit the house into the community.

Ted Parker and Harvey Beagle, spoke in opposition of the Conditional Use Permit.

Mayor Ulmer closed the public hearing.

City Manager Domer stated the grade level is 553 feet; the applicant can build a 25 foot house legally without a conditional use permit. The view would be no different if the applicant were to build a 28 foot house from a grade level of 550 feet. The concern of looking at a 28 foot tall residence is a landscaping issue and will be addressed when the landscaping plans are brought before the Community Development Committee.

Council discussion ensued.

It was moved by Councilmember Freschi, seconded by Councilmember Pauly and carried by the following roll call vote to adopt Resolution No. 2006-2921, a Resolution of the City Council of the City of Villa Park approving Conditional Use Permit No. 0659, a request to exceed roof height limit for a new roof height, not to exceed 28 feet average height, and a maximum overall structural elevation of 578 feet on a sloped property to be certified by a civil engineer:

| | | |
|----------|-----------------|-------------------------------|
| AYES: | COUNCILMEMBERS: | Freschi, Pauly, Rheins, Ulmer |
| NOES: | COUNCILMEMBERS: | Reese |
| ABSENT: | COUNCILMEMBERS: | None |
| ABSTAIN: | COUNCILMEMBERS: | None |

Mayor Pro Tem Reese wanted clarification that it would be 100% legal if the applicant were to build a 25 foot house from where the property sits today.

Associate Planner Carson confirmed if the applicant were to build a 25 foot house from a grade level of 553 feet; the overall height would be 578 feet. It would be 100% legal.

21. Consideration of Conditional Use Permit No. 0661, a request for a property total of four (4) garage bays. (Location: 18782 Peppertree Drive. Applicant: Zabi Subat).

Associate Planner Carson presented information regarding the Consideration of Conditional Use Permit No. 0661, at 18782 Peppertree Drive, for applicants Mr. and Mrs. Subat.

The request is to exceed the maximum allowable garage spaces permitted from 3 to 4.

The subject property is located at 18782 Peppertree Drive and is in the E-4 Small Estate Zone. Lot areas within this area have a minimum lot size of 20,000 square feet, though several in the vicinity are considerably larger. The existing use is a single-family residential dwelling and surrounding uses are residential.

The applicant is proposing a number of improvements to the residence along with the addition to the garage, none of which are the subject of this Conditional Use Permit. The garage addition will expand the structure on the east side of the property approximately 9 feet and will maintain an approximate 43 foot setback from the adjacent property line. The side yard setback combined with existing landscaping should provide sufficient screening of the addition for the neighbors to the east.

At this time Staff is recommending approval for the request to exceed the maximum allowable garage spaces permitted from 3 to 4.

Mayor Ulmer opened the public hearing.

Jack Cleary, President of the Patrician-Butler HOA, and Ken Thompson give full support of Conditional Use Permit No. 0661.

Mayor Ulmer closed the public hearing.

It was moved by Councilmember Rheins, seconded by Councilmember Pauly and carried by the following roll call vote to adopt Resolution No. 2007-2924, a Resolution of the City Council of the City of Villa Park approving Conditional Use Permit No. 0661, a request to exceed the maximum number of garage parking bays from 3 to 4:

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|----------|-----------------|--------------------------------------|
| AYES: | COUNCILMEMBERS: | Rheins, Pauly, Freschi, Reese, Ulmer |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |
| ABSTAIN: | COUNCILMEMBERS: | None |

22. Consideration of Variance Permit No. 0662, a request to encroach five (5) feet into the required ten (10) foot setback on the south side of the property. (Location: 9782 Santiago Boulevard. Applicant: Bruce Gleason).

Associate Planner Carson presented information regarding the Consideration of Variance Permit No. 0662, at 9782 Santiago Boulevard, for applicants Mr. and Mrs. Gleason.

The request is to reduce the minimum side yard setback from 10 feet to 5 feet.

The subject property is located within the E-4 Residential Zone and the surrounding uses are residential with the exception of the Middle School to the east. The topography of the site is generally flat. The configuration of the lot is one in which the width (93.09 feet) is significantly disproportionate to the depth (386.30 feet average).

Based on a review of submitted plans, a site review, and knowledge of the area, Staff is able to make the following findings:

- I. Staff cannot identify any practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Zoning Code created by denying this variance.
- II. Staff cannot make findings of exceptional or extraordinary circumstances or conditions applicable to the property or the intended use of the property that do not apply generally to other properties in the same zone.
- III. The strict or literal interpretation and enforcement of this regulation will not deprive the applicant of privileges enjoyed by the owners of other properties in the same zone.

At this time Staff is not able to recommend approval for the request to reduce the minimum side yard setback from 10 feet to 5 feet due to a lack of finding, required to be established by all Variance applicants.

Mayor Ulmer opened the public hearing.

Bruce Gleason, Applicant, spoke in favor of his Variance Permit.

Mayor Ulmer closed the public hearing.

Councilmember Freschi spoke in favor of the Variance stating the shape of the property is a sufficient reason to approve the Variance because the applicant can not park cars side-by-side.

Councilmember Pauly asked the normal width of a 20,000 square foot lot.

Associate Planner Carson stated most are between 110 - 130 feet wide. City Manager Domer stated that the municipal code does not set a minimum for width except that the side yard setback can be no less than 10 feet without a variance.

Council discussion ensued.

It was moved by Councilmember Freschi, to adopt Resolution No. 2007-2926, a Resolution of the City Council of the City of Villa Park approving Variance Permit No. 0662, a request to reduce the required side yard setback from 10 feet to 5 feet.

Hearing no second it was moved by Mayor Pro Tem Reese, seconded by Mayor Ulmer and carried by the following roll call vote to adopt Resolution No. 2007-2926, a Resolution of the City Council of the City of Villa Park denying Variance Permit No. 0662, a request to reduce the required side yard setback from 10 feet to 5 feet:

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| AYES: | COUNCILMEMBERS: | Reese, Ulmer, Pauly, Rheins |
| NOES: | COUNCILMEMBERS: | Freschi |
| ABSENT: | COUNCILMEMBERS: | None |
| ABSTAIN: | COUNCILMEMBERS: | None |

10. Review of Cellular Phone Issues and Potential for Locating Cell Towers within the City.

City Manager Domer presented the staff report stating the City contracted with ATS Communications to perform a study of potential sites in the City so that the City could best plan for the infrastructure needs of our residents as well as to reduce the potential amount of such facilities within our City.

The consultant, Tony Ingeerri with ATS Communications, presented the findings regarding an optimum site in the vicinity of Taft and Sycamore.

City Manager Domer stressed that it is important for the City to be in the driver's seat on the wireless facility matter and that it was needed to partner not just with organizations like the Serrano Water District, but with the residents as well to make sure that the City brings in the infrastructure and to do so in a way that is beneficial to the City and the residents.

City Manager Domer stated any such facility needed to meet the aesthetic standards of the City as well as ensuring that facilities serve the greater good of the City.

Tony Ingeerri, President with ATS Communications, presented their findings regarding an optimum site in the vicinity of Taft and Sycamore. The complete wireless plan is soon to be available, however, due to recent events, including the Serrano Water District bringing forth an action item on the location in question, the information regarding the Taft/Sycamore site specifically was brought forward to the Council for

informational purposes. Information regarding the site as well as available carriers were discussed by the consultant. A Villa Park resident, Jay Wasserman, spoke regarding the site and overall wireless technology. Mr. Wasserman is involved with site acquisitions and telecommunications, though not with the current site in question. Mr. Wasserman provided a comprehensive overview of cellular technologies.

Resident Jim Worden spoke in opposition to the location and need for a wireless facility.

City Council discussion regarding wireless facilities and the specific location at Taft and Sycamore ensued. Questions from Council to both the City Manager and the Consultant were asked regarding the process, alternative sites, the consultant's contract and the City's participation in the contract.

After a lengthy discussion, the ATS Consultant was asked to address the review of alternative locations throughout the City. Briefly into the Consultant's remarks, the Consultant fainted and the Mayor called for a recess.

MEDICAL RECESS

The Mayor called the meeting back in order after the Consultant was attended to by medical personnel and deemed okay. The consensus by Council was that more information was required and that no action should be taken at this time. The staff recommendation was to seek Council direction and return at a further date for action. Accordingly, it was moved to bring the item back at the February 27, 2007 City Council Meeting at which time the Wireless Master Plan would be finalized so that more information could be made available.

It was moved by Councilmember Freschi, seconded by Councilmember Rheins and carried by the following roll call vote to continue the time to the February 27, 2007 City Council meeting.

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| AYES: | COUNCILMEMBERS: | Freschi, Rheins, Pauly, Reese, Ulmer |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |
| ABSTAIN: | COUNCILMEMBERS: | None |

11. Consideration of Public Utilities Commission Proposal for Splitting the 714 Area Code.

Mayor Ulmer opened the item for discussion.

City Manager Domer turned it over to Councilmember Pauly who attended two of the meetings on behalf of the City. Councilmember Pauly presented her staff report stating everyone is pretty well aware of the proposed 714 area code change. It is estimated that the amount of numbers in the 714 area code prefixes will be exhausted at the end of 2008. To resolve this issue the California Public Utilities Commission (CPUC) is

implementing "Code Relief." An important thing to remember is no matter what happens; if that call was a local call it will remain a local call. There will be no increase in fees and will not be considered a long distance call. Alternative No. 4 is a geographical split and Villa Park lines up with Orange and Anaheim. Alternative No. 5 which is actually an overlay; what that means is every new phone that goes online within the existing 714, will have the new 657 area code. Alternative No. 6 is also a geographical split. Orange Councilmember's speaking as individuals are leaning towards Alternative No. 4. Anaheim introduced their "Local Alternative Aide" version to the CPUC. This Alternative incorporates all of Orange, Garden Grove and Cypress; trying to keep tourists attractions together in the same area code.

Councilmember Pauly recommends that the City of Villa Park wait to make a decision on which plan to back. She is in communication with the City of Anaheim and they are informed that Villa Park is interested in creating a partnership so the same message is delivered when lobbying. However, if we say nothing it is bad because the CPUC will do what ever they want to do.

Council discussion ensued.

Mayor Ulmer closed the item for discussion.

It was moved by Councilmember Pauly, seconded by Mayor Ulmer and carried by a voice vote to continue this item until the February 27, 2007 meeting.

12. Consideration of Legislative Proposals.

Mayor Ulmer opened the item for discussion.

City Manager Domer presented the staff report stating the City of Villa Park does not have a formal process for submitting legislative proposals to members of the State Legislature for consideration. During 2005 and 2006, several issues were discussed with staff of our local Assemblyman to determine their viability as legislative proposals. At the end of December 2006, the City was contacted by Assemblyman Huff's office to review three legislative proposals that were determined viable. The deadline for submitting legislative proposals to the Legislative Counsel is January 26, 2007 at 5PM. Three legislative proposals in the interest of the City are: 1) Requiring the filing of an emergency plan by community care facilities to the local jurisdiction in which they are located; 2) allowing the option for Cities to post legal notices to a city website or other website location; and, 3) creating a narrow exemption to the Business and Profession Code to allow for consumption of alcohol, with limits, at a public school facility for cities under 10,000 residents that do not have public facilities of their own.

Council took the three proposals one by one.

Item 1

Councilmember Freschi believes it is unreasonable to make community care facilities file a separate report with City Hall.

Mayor Ulmer stated we are not asking them to do anything more, the care facilities already have an emergency plan, all we are doing is asking for a copy.

Council discussion ensued.

Item 2

Council discussion ensued as to the posting of public notices and the cost for the City to do so. General consensus is that having notices on the internet would be of benefit to the City and the residents.

Item 3

Councilmember Rheins mentioned Plummer Auditorium, in Fullerton, is on school grounds and during intermission alcohol sales are allowed.

Council discussion ensued as to the legislative process for the language of the policy.

Councilmember Pauly mentioned this is a good example of why Villa Park needs a formal process for submitting legislative proposals.

Nancy Jenkins spoke in opposition of allowing alcohol on school grounds.

Mayor Ulmer stated that committees are there for a reason, which is why we need to formalizing a process.

Mayor Ulmer closed the item for discussion.

It was moved by Councilmember Pauly, seconded by Mayor Pro Tem Reese and carried by the following roll call vote to authorize the City Manager to submit the following legislative proposals for consideration: Community Care Facility Emergency Plan Submission and Alternate Public Notice Posting Requirements. That the City Council authorize the City Manager to work with local legislative representatives on the passage of the legislative proposals. And that the City Council direct the City Manager to develop a policy for legislative proposals for Council approval.

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|----------|-----------------|-----------------------------|
| AYES: | COUNCILMEMBERS: | Pauly, Reese, Rheins, Ulmer |
| NOES: | COUNCILMEMBERS: | Freschi |
| ABSENT: | COUNCILMEMBERS: | None |
| ABSTAIN: | COUNCILMEMBERS: | None |

13. Consideration of Award of Contract to S. Hart Construction for Media Room and Library Expansion Project.

City Manager Domer presented the staff report stating this item had previously been heard November 21, 2006, December 19, 2006, and again today. After reviewing all information staff recommendation is to reject all bids at this time and bring back an option for City Council consideration at the March 27, 2007 City Council meeting.

Mayor Ulmer opened the item for discussion.

Teri Elmendorf, Villa Park Cable Access Board of Directors, stated that at their last Board meeting, the Directors voted to withdraw from the project. Also, 21 months ago Contractor Steve Hart was asked to have plans drawn for the project, in which he would be reimbursed. According to her this was a request made by former City Manager Rodericks. To date the \$2,000 has not been paid back to Mr. Hart.

City Manager Domer stated typically during the proposal the submitter incurs all costs. The agreement will be looked into though.

Council discussion ensued as to bid negotiations.

Mayor Ulmer closed the item for discussion.

It was moved by Councilmember Rheins, seconded by Councilmember Freschi and carried by the following roll call vote to reject all bids at this time:

| | | |
|----------|-----------------|--------------------------------------|
| AYES: | COUNCILMEMBERS: | Rheins, Freschi, Pauly, Reese, Ulmer |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |
| ABSTAIN: | COUNCILMEMBERS: | None |

14. Consideration of Transfer of Villa park Community Access Television Corporation Generators for City Use and Reduction of Outstanding Loan.

Mayor Ulmer opened the item for discussion.

City Manager Domer presented the staff report stating this is an item to transfer two generators from the Villa Park Community Access Cable Television Corporation to the City in a corresponding reduction to their outstanding loan to the City. The two Honda generators were purchased for \$1,609.94 each and the wheel kit for \$149.72. It is recommended that the City Council approve of the purchase for \$1,100.00 each at which time the City would forgive \$2,200.00 for the VPTV's loan repayment. The VPTV loan to the City would reduce from \$7,892.07 to \$5,692.07.

Mayor Ulmer closed the item for discussion.

It was moved by Councilmember Freschi, seconded by Councilmember Rheins and carried by the following roll call vote to approve the purchase of two Honda EU 3000 generators for \$2,200.00 and direct the City Manager to adjust the loan to VPTV accordingly:

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

15. Consideration of Budget Augmentation for 2005-06 Street Improvement Program and Mesa Street Improvements.

Mayor Ulmer opened the item for discussion.

City Engineer Repke presented the staff report stating this is a consideration for a 2006-2007 budget adjustment regarding the street maintenance and Mesa Drive project. The project was originally funded from the 2005-06 FY budget as follows:

| | |
|------------------------------------|-------------|
| Pavement maintenance account | = \$325,000 |
| Misc. street improvement account | = \$50,000 |
| Mesa Street improvement cash bonds | = \$54,235 |
| | ----- |
| Amount projected for project | \$429,235 |
| | |
| Amount actually expended | = \$58,416 |
| | ----- |
| Amount available for transfer | = \$370,819 |

Although the construction contract was awarded in May, 2006 construction was delayed and the majority of the work was not completed until October, 2006. It is recommended that the 2006-07 budget amount for street maintenance (account 4340-5376) be adjusted from \$350,000 to \$720,000 utilizing the \$370,819 in available funds not expended in the 2005-06 budget.

Mayor Ulmer closed the item for discussion.

It was moved by Councilmember Rheins, seconded by Mayor Pro Tem Reese and carried by the following roll call vote to approve a Budget Augmentation of \$370,000 for Fiscal Year 2006-07 from Fiscal Year 2005-06 Street Improvement Program and Mesa Street Improvements:

| | | |
|----------|-----------------|--------------------------------------|
| AYES: | COUNCILMEMBERS: | Rheins, Reese, Pauly, Freschi, Ulmer |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |
| ABSTAIN: | COUNCILMEMBERS: | None |

16. Consideration of Contract with Townsend Public Affairs for Grant Opportunity and State Infrastructure Bond Proceed Support.

City Manager Domer presented the staff report stating Townsend Public Affairs (TPA) is an advocacy agency that represents multiple private and public sector clients. As Council knows the City has begun a Strategic Financial Plan in order to review revenue opportunities and reduce expenditures. One thought on increasing revenues is going after grant opportunities.

Mayor Ulmer opened the item for discussion.

Sean Fitzgerald, TPA Representative, was available for Council questions.

Council discussion ensued as to Townsend Public Affairs' scope of work and projected results for the City of Villa Park.

Mayor Ulmer closed the item for discussion.

It was moved by Councilmember Pauly, seconded by Mayor Pro Tem Reese and carried by the following roll call vote to award a Sole Source contract with Townsend Public Affairs for an initial six month term, renewable for an additional six months with City Council approval, not to exceed an initial six month total of \$16,500.00:

| | | |
|----------|-----------------|--------------------------------------|
| AYES: | COUNCILMEMBERS: | Pauly, Reese, Freschi, Rheins, Ulmer |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |
| ABSTAIN: | COUNCILMEMBERS: | None |

17. Consideration of Proposal to Provide Engineering Services to Update the City Pavement Management Program Report.

Mayor Ulmer opened the item for discussion.

City Engineer Repke the City's last program was prepared in 2002. OCTA requires that Cities maintain an approved Pavement Management Program (PMP) to be eligible for Measure M funding. To maintain eligibility the City must update its PMP every two years.

The new PMP provides a five-year street maintenance program. This update will give us a good handle on the current pavement management needs and allow us to develop a new five-year program with funding requirements for consideration of the City Council. The update will include an upgrade in software, review of the street network segments, field condition rating, development of maintenance and rehabilitation strategies, and placing records of prior projects into the PMP and City GIS.

Cost of the update is \$50,420. There is no impact on the budget since funding would be provided from the \$350,000 2006-07 budget for street rehabilitation.

Mayor Ulmer closed the item for discussion.

It was moved by Councilmember Rheins, seconded by Councilmember Pauly and carried by the following roll call vote to authorize preparation of the 2007 Pavement Management Program Update with funding from the 2006-07 Street Rehabilitation Account (Funds 01-02-05, Account No. 4340-5376):

| | | |
|----------|-----------------|--------------------------------------|
| AYES: | COUNCILMEMBERS: | Rheins, Pauly, Freschi, Reese, Ulmer |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |
| ABSTAIN: | COUNCILMEMBERS: | None |

18. Consideration of the Winter 2007 Newsletter.

Mayor Ulmer opened the item for discussion.

City Manager Domer presented the staff report stating the City produces a quarterly newsletter with information regarding City programs, services, agencies, community groups, and public service announcements. The newsletter is slated to be sent to publishing, then delivered to residents the second week of February.

Councilmember Freschi mentioned the idea of adding information regarding the TIP Program, new businesses, recognition to Rockwell's and First Class Pizza for their donations, and information on upcoming community events.

Mayor Ulmer closed the item for discussion.

It was moved by Councilmember Freschi, seconded by Councilmember Pauly and carried by the following roll call vote to Approve and Authorize the Production of the Winter 2007 Newsletter:

| | | |
|----------|-----------------|--------------------------------------|
| AYES: | COUNCILMEMBERS: | Freschi, Pauly, Rheins, Reese, Ulmer |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |
| ABSTAIN: | COUNCILMEMBERS: | None |

19. 2007 Strategic Financial Plan Review and Planning Process.

Mayor Ulmer opened the item for discussion.

City Manager Domer presented the staff report stating The City Council met in a Town Hall session Tuesday, January 16, 2007, for a review of the 2003-2008 Strategic Financial Plan and Planning Process to Update the City's Strategic Financial Plan in preparation of the 2007-2008 Budget Process. Ideas were explored to raise City revenue sources and lower expenditures.

Council discussion ensued determining the next Strategic Financial Plan meeting date and various ways of lowering the cost of the Sheriff's Department contract.

Mayor Ulmer closed the item for discussion.

It was moved by Councilmember Freschi, seconded by Mayor Ulmer and carried by a unanimous voice vote targeting March for the next Strategic Financial Plan meeting; in the mean time directing Staff to begin researching Cities, the type of law enforcement provided, contract or in-house, and the cost of service.

STAFF REPORTS

City Manager / City Clerk

City Manager Domer presented an update on FEMA. The City Council voted on January 5th to accept the response to the City's first appeal for reimbursement from FEMA for the Cannon Wall. With that direction from Council, staff assembled the necessary documentation as requested by FEMA for transmittal to the State Office of Emergency Services. OES will repackage the material and send it along to FEMA. In reviewing what we have sent, OES will provide the City with an estimate of the reimbursement.

Based on the information contained in FEMA's response letter, we are looking at 75% of the \$293,894 in difference between the original project estimate – which was \$72,217 - and the actual cost of construction that was \$366,112. 75% of the \$293,000 is \$220,420. When you add that to the \$72,217 already reimbursed, the total amount should be near \$292,638. This is approximately 80% of the overall cost (approximately \$73,000 is left for the City).

At issue for FEMA not reimbursing wholly is their contention that part of the wall was actually improved, versus repaired. Upon further review of the information regarding the repair of the wall to challenge FEMA's contention, we would look at additional costs to prove our point and a second appeal could re-open the entire issue, thereby even invalidating the 75% response. Accordingly, it was staff recommendation to accept the response.

Also, the application and information regarding the Investment Advisory Committee is available on line and the application period is open until February 14th.

City Attorney

None.

City Engineer

None.

ORDINANCES

23. Consideration of Ordinance No. 2006-521, an Ordinance of the City Council of the City of Villa Park amending Chapter XIX replacing Section 19-3.2 of the Villa Park Municipal Code, to read Residential Parking Designation.

Mayor Ulmer opened the public hearing.

City Manager Domer presented the staff report stating the City Council heard a first reading of a proposed ordinance to amend several sections of the Villa Park Municipal Code relating to parking. Based on public concern at the August 22, 2006 City Council meeting and October 10, 2006 Town Hall meeting, two proposed amendments were eliminated. Based on a Community Development Committee meeting held on September 28, 2006, the school zone parking restriction was discussed and a new alternative was proposed. That alternative was to create a Residential Parking Only District around the high school. If student parking begins to impact a designated residential neighborhood, the property owners could contact the Sheriff's Department to report potential violators for ticketing.

Staff recommends that the City Council conduct a second reading and adopt Ordinance No. 2006-521.

Mayor Ulmer closed the public hearing.

It was moved by Councilmember Freschi, seconded by Councilmember Rheins and carried by the following roll call vote to Approve the Second Reading and Adopt Ordinance No. 2006-521, an Ordinance of the City Council of the City of Villa Park Amending Chapter XIX replacing Section 19-3.2 of the Villa Park Municipal Code, to read Residential Parking Designation:

| | | |
|----------|-----------------|--------------------------------------|
| AYES: | COUNCILMEMBERS: | Freschi, Rheins, Pauly, Reese, Ulmer |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |
| ABSTAIN: | COUNCILMEMBERS: | None |

24. Consideration of Ordinance No. 2006-522, an Ordinance of the City Council of the City of Villa Park Readopting Voter Approved Term Limits as set forth in Ordinance No. 98-456.

Mayor Ulmer opened the public hearing.

City Manager Domer presented the staff report stating the City adopted a revised term limit ordinance at its August 1st special meeting. Ordinance No. 2006-520 amending the City's Term Limits Ordinance to allow for a member of the City Council to seek election after a two year layoff was not approved by voters at the November 7, 2006 General Election. It has been determined that the City Council should re-adopt the original 1998 Ordinance No. 98-456. Accordingly, Ordinance No. 2006-522 is the original 1998 Ordinance limiting members to 2 full terms.

Staff recommends that the City Council conduct a second reading and adopt Ordinance No. 2006-522.

Mayor Ulmer closed the public hearing.

It was moved by Councilmember Freschi, seconded by Councilmember Rheins and carried by the following roll call vote to Approve the Second Reading and Adopt Ordinance No. 2006-522, an Ordinance of the City Council of the City of Villa Park Readopting Section 2-2.14 of Chapter II of the Villa Park Municipal Code as Relating to Term Limits for City Council Members:

| | | |
|----------|-----------------|--------------------------------------|
| AYES: | COUNCILMEMBERS: | Freschi, Rheins, Pauly, Reese, Ulmer |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |
| ABSTAIN: | COUNCILMEMBERS: | None |

25. Consideration of Ordinance No. 2007-523, an Ordinance of the City Council of the City of Villa Park Amending Section 19-4.1 of Chapter XIX of the Villa Park Municipal Code Designating Speed Limits.

Mayor Ulmer opened the public hearing.

City Engineer Repke presented the staff report stating that once every five years the California Vehicle Code requires an Engineering and Traffic Survey to establish speed limits. The survey must be performed with the use of radar if radar is to be employed to enforce the speed limits. The last survey in Villa Park was performed in 2001. The City retained the services of Hartzog & Crabill, Inc., a Traffic Engineering Consultant firm to perform the survey. The survey consisted of 12 streets broken into 28 segments. There are 2 segments where an increase is recommended. These segments are on Villa park Road from Wanda Road to Lemon Street. According to the survey report the 85th

percentile speeds were 45.7 and 46.8 mph for these segments. The posted speed limits both east and west for these segments are 45 mph.

Jerry Stock, Hartzog & Crabill, was available for any technical questions.

Councilmember Freschi mentioned that 5 years ago the same recommendation to increase the speed limit on Villa Park Road was proposed. Right now the speed limit is 40 mph and people are traveling at 45 mph. If we increase the limit to 45 mph, people would travel 50 mph. Since there is a school nearby City Council should not increase the speed limit and keep it as is at 40 mph.

Councilmember Rheins stated Center Street is about a mile long with a 30 mph speed limit. There is one area with a 35 mph speed limit, which is perhaps the most dangerous part of the street. Councilmember Rheins proposed to make all Center Street a 30 mph zone. It was seconded by Councilmember Freschi.

Mayor Ulmer closed the public hearing.

City Manager Domer stated the changes will move items number 3 and 4 from subsection a. to subsection b.; and item number 12. in subsection c. to subsection d. in chapter 19-4.1 of the Villa Park Municipal Code.

It was moved by Councilmember Freschi, seconded by Councilmember Rheins and carried by the following roll call vote to Approve the First Reading, and adopted changes, of Ordinance No. 2007-523 Amending Section 19-4.1 of Chapter XIX of the Villa Park Municipal Code Designating Speed Limits:

| | | |
|----------|-----------------|--------------------------------------|
| AYES: | COUNCILMEMBERS: | Freschi, Rheins, Pauly, Reese, Ulmer |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |
| ABSTAIN: | COUNCILMEMBERS: | None |

RESOLUTIONS

Item Number 26 was read prior in the meeting.

ORAL COMMUNICATIONS

Mayor Ulmer opened the floor for oral communications; after no response he closed oral communications.

CLOSED SESSION

None.

AJOURNMENT

It was moved by Mayor Ulmer and carried unanimously to adjourn the meeting January 24, 2006 at 12:59 a.m.

W. Richard Ulmer, Mayor
City of Villa Park

ATTEST:

Kenneth A. Domer, City Clerk
City of Villa Park