

MINUTES OF THE CITY COUNCIL

CITY OF VILLA PARK, CALIFORNIA

The City Council of the City of Villa Park met in regular session Tuesday, January 24, 2006 at 7:30 PM in the City Council Chambers, 17855 Santiago Boulevard, Villa Park, California.

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

ROLL CALL:

COUNCILMEMBERS PRESENT:

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

STAFF PRESENT:

Ken Domer	City Manager
Cristina Sundstrom	Deputy City Clerk
Leonard Hampel	City Attorney
Warren Repke	City Engineer
Nancy Desai	Finance/Administrative Manager

FLAG SALUTE/COLOR GUARD:

Dillon Brophy and Blair Boyce, sixth-graders from Villa Park Elementary School, led the flag salute. The Color Guard for U.S. Air Force Auxiliary Squadron 56 of Fullerton, led by Commander and Villa Park resident, Jordan Petree, presented the flags.

INTRODUCTIONS AND PRESENTATIONS

1. Presentation of Commendation for Outstanding Academic Achievement to Rachel Winkle, an Eighth-Grader from Cerro Villa Middle School.

Mayor Bortle presented Rachel Winkle with a certificate of academic achievement, a City pin, and certificates for First Class Pizza and Dr. Java's Soda Fountain. She introduced her parents and younger brother and a photograph was taken.

2. Introduction of Rockwell's Café New Owners – Robbie and Lori Cowle.

Councilmember Freschi introduced the new owners of Rockwell's Café to the audience and welcomed them to the community. They confirmed that they will extend the same generosity to the community as did the former owner, Marty Colleary.

3. Presentation of Proclamation to Orange County Sheriff's Investigator Chris Dunn.

Mayor Bortle presented a Proclamation to Investigator Dunn in recognition of his three years of service to the City. He will be relocating to the John Wayne Airport and replaced by Investigator Kim Milewski.

APPOINTMENTS

1. Investment Advisory Committee Appointments (three vacancies through 2008).

It was moved by Councilmember Fauteux, seconded by Councilmember Freschi, and carried by the following roll call vote to re-appoint incumbents Dan Carlberg, William Nelson, and James Rheins to serve on the Investment Advisory Committee for a term to expire in 2008 and also to appoint Joe Hagler as an alternate member to serve a two-year term who will attend all meetings and vote when another member is absent:

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

ORAL COMMUNICATIONS

Jim Rheins, 18241 Pamela Place, spoke on behalf of the Friends of the Villa Park Library. He spoke of the opportunity to expand, renovate and improve the library in cooperation with the City and the County. This effort will require a financial commitment, so fundraising will begin over a period of the next few months. A Children's Library section will be dedicated. He asked for help and financial support from the community.

Deborah Pauly, 18122 Gloria Circle, asked about the Quarterly Financial Newsletter being sent via E-Network to residents. She has not seen it lately and wondered whether it was still being printed and put on the City's website.

City Manager Domer replied that he will make sure it is put out over the E-Network.

Wayne Silzel, 18202 Montana Circle, reported that Serrano Water District Board Member, Lloyd Appelman was taken to St. Joseph's Hospital on January 24th after collapsing at his residence. Updates on his health can be found by contacting the Serrano Water District.

Jill Kuli, 9481 Henderson Way, spoke on behalf of the Villa Park Rotary Club to announce a recent award received by the District acknowledging 100% member participation in raising funds for the Preventable Blindness program. The Villa Park Rotary is collecting eye glasses for the visually impaired and a collection box is located at City Hall.

Teri Elmendorf, 10291 Camden Circle, spoke on behalf of the Villa Park Elementary School Restoration Corporation (VPESRC). There will be a 50-50 raffle, which will culminate in a drawing at the February 28, 2006 Council meeting. The tickets cost \$10 and proceeds go to VPESRC. Tickets will be sold at Ralph's.

Jody Roberto, Assemblyman Huff's aid, presented a certificate to Rachel Winkle for academic achievement. She stated that Assemblyman Huff is available to Villa Park and its resident any time and urged the public to contact his office with any concerns.

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 20, 2005. Approved Action: That the City Council approve the Minutes of December 20, 2005.
3. Consideration of List of Demands for January 24, 2005. Approved Action: That the City Council approve the List of Demands for January 24, 2006, numbered 1 through 51 in the amount of \$225,676.90.

It was moved by Councilmember Bell, seconded by Councilmember Freschi, and carried by the following roll call vote to approve Consent Agenda items # 1-3:

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

MATTERS PRESENTED BY COUNCILMEMBERS

1. Mayor Pro Tem Ulmer congratulated the City Attorney's law firm, Rutan and Tucker, on their 100th anniversary serving Orange County.
2. Councilmember Fauteux reported that Serrano Water District has a website. He also commended the Color Guard for their appearance at tonight's Council meeting.

CITY COMMISSION AND COMMITTEE REPORTS OR REFERRAL

1. City Commission Committee Appointments – Mayor Bortle.

Mayor Bortle announced the City Council Committee Appointments for 2006. The following appointments were made:

Aviation Advisory Committee	Fauteux, Chair and Bell, Alternate
Capital Improvement Committee	Ulmer, Chair and Bell, Alternate
City Liaison Committee	Bortle, Chair and Bell, Alternate
Community Development & Public Safety Committee	Ulmer, Chair and Bell, Alternate
Finance Committee (Includes JPIA)	Fauteux, Chair and Ulmer, Alternate

Library/Civic Center Committee	Bell, Chair and Bortle, Alternate
Foundation & Special Events Committee	Bortle, Chair and Ulmer, Alternate
Orange County Fire Authority	Bell, Chair and Ulmer, Alternate
Personnel Committee	Bortle, Chair and Ulmer, Alternate
Public Utilities	Freschi, Chair and Fauteux, Alternate
Orange County Sanitation District	Freschi, Chair and Fauteux, Alternate
Orange County Vector Control District	Fauteux, City Representative

It was moved by Councilmember Bell, seconded by Councilmember Freschi, and carried by the following roll call vote to approve Mayor Bortle's City Council Committee Appointments as listed above for 2006:

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

2. Recommendations of the Villa Park Emergency Preparedness Task Force (VPEPTF).

City Manager Domer reported that the City created the Emergency Preparedness Task Force, chaired by Mayor Bortle, in order to raise awareness and better prepare residents in case of natural disaster. VPEPTF consists of City staff, law enforcement and fire personnel, as well as representatives of the Villa Park community to include members with medical and Community Emergency Response Team experience.

VPEPTF has met several times, most recently on January 10, 2006. At this meeting, items of discussion included continued public awareness and how best to ensure our residents are prepared.

Pre-assembled Emergency Preparedness kits for single persons and families of four were agreed to be an immediate means for residents to be minimally prepared. Accordingly, VPEPTF directed the City Manager to coordinate the availability of pre-assembled kits for sale to residents. Kits will be made available through pre-order or possibly through advance purchase if a partnership is formed between the Villa Park Foundation and the City for emergency preparedness. It is estimated that the kits, which provide a three day supply of food, water, and other basic items, would sell for \$40 for the single person kit and \$110 for the four person kit.

Additionally, VPEPTF approved a recommendation to have the City Manager solicit outside expertise, not to exceed \$1,000, on developing a website connected to the City's website that would be specifically oriented to emergency preparedness. And finally, VPEPTF is recommending that the City of Villa Park expend up to \$2,000 on emergency supplies for City

purposes since the City currently is lacking such supplies. The supplies would be individually selected, versus bought in a kit, to ensure that specific City needs are satisfied.

City Manager Domer reported that the kits should be available for purchase in about 4 weeks.

Mayor Bortle stated that the Villa Park Foundation will be approached about helping VPEPTF. She also acknowledged the following VPEPTF members: resident and former Mayor Carol Kawanami; resident Bob Drobish; and resident and Foundation member John Fader.

Resident and VPEPTF member, Wayne Silzel, told the Council that CERT and Neighborhood Watch groups will be meeting soon to get organized for emergency preparedness. He stated that all groups need to be connected and that this will be the purpose of meeting.

It was moved by Councilmember Bell, seconded by Mayor Pro Tem Ulmer, and carried by the following roll call vote to approve the recommendation to authorize City Manager Domer to expend up to \$3,000 from account #5410 Budget Contingency within the Administration/Support Services Department for use on emergency supplies and website development related to emergency preparedness:

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

ITEMS FOR CONSIDERATION

None.

PUBLIC HEARINGS

1. Consideration of View Ordinance.

Mayor Bortle opened the Public Hearing.

City Manager Domer reported that at the City Council meeting in November, 2005 Councilmember Freschi proposed that the City consider a View Ordinance as a means to address existing and potential view blockages from trees and other plants on adjoining or down view properties. The City Council directed staff to agendize the item at this Council meeting as a Public Hearing in order to gain input from residents and to discuss whether to consider the item in the future as a First Reading.

City Attorney Hampel stated that the purpose of this draft of a view ordinance was to determine if there is in fact a need for such an ordinance in Villa Park. The basis for it is a means for conflict resolution. The intention of the ordinance is to preserve the integrity of trees, not to remove them. It creates no property rights and the City involvement is purposely minimal so as to not take a lot of staff time. The view is defined as extending 500 feet from a claimant's property and action may be brought only once every two years. The first step is mediation, step two is arbitration and step three is litigation.

Public testimony was given by Luis Kobashi, 9781 Daron Drive, who has lived in Villa Park for thirty years. He had an unobstructed view at one time, however presently the view is obstructed by overgrowth of trees belonging to his neighbors. He stated for the record that he was in favor of a view ordinance.

Public testimony was given by Bill Nelson, 18151 Charter Road, who is a realtor and stated that this ordinance would be unnecessary government intrusion, in his opinion.

Public testimony was given by Wayne Silzel, 18202 Montana Circle, who is a 33-year resident of Villa Park, stated that he is familiar with the importance of views to property values. However, he believes the ordinance lacks teeth. He believes the ordinance is superfluous.

Public testimony was given by Michael Branson, 18481 Jocotal, stated that he grew up in Villa Park and agrees with Mr. Silzel. He said that the proposed ordinance is too vague and that it would not really accomplish much since going to court is an option with or without it. He believes that this would make neighbors into enemies and urged the Council to vote against it.

Mayor Bortle closed the Public Hearing.

Councilmember Freschi stated that currently there is no legal remedy available to a complainant and that in extreme cases the court might consider a private nuisance judgment. He believes that this type of ordinance would give more teeth in court.

Councilmember Fauteux asked how a deed restriction affects the right to a view.

City Attorney Hampel replied that an easement deed would take priority over this ordinance.

Councilmember Bell stated that it appears a view ordinance is not needed in Villa Park.

Councilmember Fauteux stated that he spoke to six realtors who voiced his opinion that this is an after-the-fact reaction to the problem. These realtors asked why the City would want to get involved in this. Action can be taken without this ordinance. They suggested giving out an informational brochure available at City Hall that would explain the options to owners who are involved in such disputes.

Mayor Pro Tem Ulmer stated that unreasonable people will go straight to court anyway. He thinks the City should not be involved in such disputes.

Councilmember Freschi reminded Mayor Pro Tem Ulmer that this ordinance is designed to aid those neighbors who are not reasonable.

Mayor Bortle stated that she would not like to see the City adopt this ordinance.

It was moved by Councilmember Fauteux, seconded by Councilmember Bell, and carried by the following roll call vote to not consider a view ordinance as proposed in the draft prepared by City Attorney Hampel:

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

2. Consideration of Sewer Service User Charge.

Mayor Bortle opened the Public Hearing.

City Manager Domer gave a PowerPoint presentation on the state of the sewers. He reported that in order to comply with current and proposed Waste Discharge Requirements, in addition to efficiently and effectively manage the City's sanitary sewer system, a Sewer Service User Charge is proposed. If approved by Council, the Sewer Service User Charge will be implemented for all users of the City's sanitary sewer system in the residential and commercial zones, including schools. The proposed Sewer Service User Charge is \$16.15 per month for residential and ranges from \$0.95 to \$280.48 per month for commercial users and from \$92 to \$583.67 per month for schools. The proposed Sewer Service User Charge will only be used to improve and maintain the City's sanitary sewer system and it is proposed that the City conduct a seven year capital improvement program to address high priority rehabilitation and capacity improvements, in addition to annual maintenance and administration requirements.

Mayor Bortle commented that the matter of collection of charges should be referred to the Finance Committee and the details worked out in committee so that City Attorney Hampel can draft the ordinance and have it prepared for a First Reading on February 28, 2006.

City Attorney Hampel stated that one letter of protest was received from William May (18471 Villa Drive), who could not be present to address the Council this evening. This protest vote along with Vaughn Sarkisian's (10572 Potter Circle) public testimony in opposition to the charge would be entered into the record and counted as 2 votes in protest.

Public testimony was given by Don Ebrite, 18131 Lincoln Street, who asked the Council if the charge would raise money for the high priority items. If so, he is opposed to this. He stated that it seems to him that a large part of the work is deferred maintenance of the sewers. His interpretation of the information is that the lower priority jobs are excluded and he wonders if the funding is adequate to get the job done right.

City Manager Domer clarified the issue of deferred maintenance by explaining that the City has waited to examine problems on an as needed basis. State requirements have necessitated more detail on the City's part. Along with these requirements comes the obligation to fund the improvements and maintenance in a timely manner.

Public testimony was given by Patricia Lamb, 10211 Robinhood Circle, addressed the Council about the Commercial Zone rates. She asked whether it would be possible to receive a discount for payment in advance. She stated that she is happy to pay her share of the user charge. Mrs. Lamb asked the Council if the City will give a discount to residents if they pay for one year in advance.

City Manager Domer explained that Ralph's charge is the highest in the Commercial Zone based on usage.

City Manager Domer stated that any increase in the current proposed charge would have to be voted on by Council in the future. The collection is scheduled to go for up to 7 years and then be re-evaluated at that time.

Public testimony was given by Vaughn Sarkisian, 10572 Potter Circle, asked the Council some budget questions since he recently purchased a copy of the 2005-06 City Budget. After studying it, he could not find reference to a Budget Committee. He says he found at least 65% of the \$441,000 proposed annual sewer charge which would coincide with a 10-year program.

Mayor Bortle explained to him that there is an annual Budget meeting at which public input is invited.

City Manager Domer stated that the Finance Committee looks at the budget, as part of its responsibilities.

Mayor Bortle closed the Public Hearing.

It was moved by Councilmember Freschi, seconded by Councilmember Bell, and carried by the following roll call vote to direct staff to implement the sewer user charge:

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

It was moved by Councilmember Freschi, seconded by Councilmember Bell, and carried by the following roll call vote to direct staff to refer the matter of collection and the dollar amount of charges to the Finance Committee prior to February 2, 2006 so that City Attorney Hampel may complete the draft of the ordinance to bring before Council for a First Reading on February 28, 2006:

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

3. Consideration of First Reading of Ordinance No. 2005-514, an Ordinance of the City Council of the City of Villa Park, California Amending Article 23 of Chapter XXIII of the Villa Park Municipal Code Relating to Second Dwelling Units.

Mayor Bortle opened the Public Hearing.

City Manager Domer reported that this ordinance was discussed at previous Council meetings and at Community Development Committee meetings. The second dwelling ordinance is being amended to incorporate a tiered approach to sizes of dwelling units and amended to further define the definitions of attached breezeway, front yard area, detached patio, and detached as a vehicle to clarify and better support staff's efforts in studying secondary dwelling unit applications received by the City.

Hearing no public comment, Mayor Bortle closed the Public Hearing.

It was moved by Councilmember Fauteux, seconded by Councilmember Freschi, and carried by the following roll call vote accept the first reading of Ordinance No. 2005-514, an Ordinance of the City Council of the City of Villa Park, California Amending Article 23 of Chapter XXIII of the Villa Park Municipal Code relating to second dwelling units:

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

4. Consideration of First Reading of Ordinance No. 2005-515, an Ordinance of the City Council of the City of Villa Park, California Adding Article 23-23 to Chapter XXIII of the Villa Park Municipal Code Relating to Site Plan Review.

Mayor Bortle opened the Public Hearing.

Currently the Site Plan Review is conducted by the City Manager and projects found compliant with Villa Park Municipal Code, specifically the Zoning Code, are approved administratively. If an application is found to not be compliant, the City Manager will refer the application for City Council consideration for either a Conditional Use Permit or Variance.

The Site Plan Review process currently does not conduct an architectural review of development proposals. The proposed amendment adds such an architectural review component to the Site Plan Review process to allow for the City Manager to review each development proposal for architectural considerations in order to preserve the architectural integrity of a predominant style and/or to consider compatibility with surrounding homes within a neighborhood. The proposed ordinance authorizes the City Manager to seek third party assistance in making architectural considerations and to request modifications to a development proposal if the proposal is found not to be compliant with the proposed intent of the section. The City Council may hear appeals from applicants and is the only authorized body to deny an application, grant an appeal, or condition a project to gain compliance with the intent of this section. The modifications proposed in the Site Plan Review process are in lieu of a Design Review Process or Board, though do not preclude the eventual creation of such a process or board.

Mayor Bortle closed the Public Hearing.

It was moved by Councilmember Bell, seconded by Mayor Pro Tem Ulmer, and carried by the following roll call vote accept the first reading of Ordinance No. 2005-515, an Ordinance of the City Council of the City of Villa Park, California Adding Article 23-23 to Chapter XXIII of the Villa Park Municipal Code relating to site plan review:

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

STAFF REPORTS

City Manager:

1. Winter 2006 Edition of the City Newsletter.

City Manager Domer reported that the City produces a quarterly newsletter with information on City programs and services, partner agencies, community group information, public information articles, and public service announcements. The newsletter is slated to be sent to publishing and the mailing service for delivery to Villa Park residents during the second week of February. Due to policy decisions on to be acted upon at the January 24, 2006 Council meeting, some stories may change to reflect the decisions of Council.

Councilmembers Freschi and Fauteux commented that the newsletter could be edited for brevity and that it could be a little less busy and more reader-friendly.

It was moved by Councilmember Freschi, seconded by Councilmember Fauteux, and carried by the following roll call vote to publish the Winter 2006 City Newsletter after editing:

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

City Attorney:

1. Consideration of Resolution No. 2005-2851, a Resolution of the City Council of the City of Villa Park Rejecting and Denying Without Prejudice One or More FCC Forms 394 Relating to the Transfer of the Cable Television Franchise, And/Or Control Thereof, To An Entity Controlled by Time Warner, Inc. or Comcast Cable Communications, Inc.

City Attorney Hampel stated that Rutan and Tucker's attorney, Bill Marticorena, says that it looks like success is forthcoming with a transfer to Time Warner. He stated that on page 2 of the Resolution #18 and #19 should be added to reflect letters from Gary Matz to Bill Marticorena and from Bill Marticorena to Gary Matz.

Tim Keenan, a consultant representing Time Warner, addressed the Council about the fact that Time Warner looks forward to the transfer of service and partnering with Villa Park

It was moved by Councilmember Bell, seconded by Councilmember Freschi, and carried by the following roll call vote to adopt Resolution No. 2005-2851, a Resolution of the City Council of the City of Villa Park, California rejecting and denying without prejudice one or more FCC Forms 394 relating to the transfer of the Cable Television Franchise, and/or control thereof, to an entity controlled by Time Warner, Inc. or Comcast Cable Communications, Inc.:

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

City Engineer: No report.

OTHER BUSINESS

None.

ORAL COMMUNICATIONS

None.

ORDINANCES

1. Consideration of Second Reading of Ordinance No. 2005-516, an Ordinance of the City Council of the City of Villa Park, California Amending Article 19-16 to the Villa Park Municipal Code Relating to Turn Limitations.

City Manager Domer reported that in discussions with law enforcement personnel, concern was expressed about limiting the time of enforcement. By extending the time to 8:30 AM from 8:00 AM, this broadens the window so as to allow for adequate enforcement.

Public testimony was given by Deborah Pauly, 18122 Gloria Circle, who addressed the Council about shortening the prohibition hours to 8:00 AM. She stated that this does not help residents and that the Council should reconsider the entire ordinance. Could the City stipulate that this ordinance does not apply to residents?, she asked. She would prefer the Sheriffs patrolling Loma and Cannon Street for speeders and ticket for that than for left and right turns.

City Manager Domer replied that only ticketing non-Villa Park residents is illegal because that is what is known as selective enforcement. He stated that the City has prevailed in court and that the signs will be made larger for 'No Left Turns'.

Councilmember Freschi stated that he thought the ordinance she be left at no turns from 6:30 to 8:00 AM.

Councilmember Fauteux stated that since Deputy Sheriff Taylor believes 8:30 AM is necessary for the window of time, perhaps it should be scrapped altogether. He is against the 8:00 AM window.

Councilmember Bell stated that the 8:30 AM window of time makes sense and that this is fine with him.

Mayor Pro Tem Ulmer reported that he had numerous complaints about speed and volume of cars traveling on Loma Street. He favors the ordinance and the 8:30 AM window of time.

City Attorney Hampel explained that this would serve as a first reading of the amended ordinance and that the second reading will take place on February 28, 2006.

It was moved by Councilmember Fauteux, seconded by Councilmember Bell, and carried by the following roll call vote to accept the first reading of Ordinance No. 2005-516 and adopt an

Ordinance of the City Council of the City of Villa Park, California Amending Article 19-16 to the Villa Park Municipal Code Relating to Turn Limitations between the hours of 6:30 to 8:30 AM, Monday - Friday:

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

RESOLUTIONS

None.

CLOSED SESSION

None.

ADJOURNMENT

It was moved by Mayor Bortle and carried unanimously to adjourn the meeting at 10:10 PM to the next regular session of the City Council on February 28, 2006 at 7:30 P.M.

Patricia L. Bortle, Mayor
City of Villa Park

ATTEST:

Kenneth A. Domer, City Clerk
City of Villa Park