

MINUTES OF THE CITY COUNCIL

CITY OF VILLA PARK, CALIFORNIA

The City Council of the City of Villa Park met in a regular session Tuesday, February 26, 2008 at 7:30 p.m. in the City Council Chambers, 17855 Santiago Boulevard, Villa Park, California.

CALL TO ORDER

Mayor Reese called the meeting to order at 7:30 p.m.

ROLL CALL

COUNCILMEMBERS PRESENT

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

STAFF PRESENT

Ken Domer	City Manager
Todd Litfin	City Attorney
William "Joe" O'Neil	City Engineer
Jason Carson	Associate Planner
Michelle Danaher	Finance Manager
Jarad Hildenbrand	Assistant to the City Clerk

FLAG SALUTE

Tanner Elder and Keri Tombrello from Villa Park Elementary School led the flag salute. Mayor Reese presented them with a City pin and gift certificate to Rockwell's Bakery.

INTRODUCTIONS AND PRESENTATIONS

Presentation of Academic Achievement Award to Kayleigh Marlin from Cerro Villa Middle School.

Mayor Ulmer read a biography about Kayleigh Marlin and presented her with a certificate of achievement and gift certificate to First Class Pizza.

Presentation from John Emerick, Representative from the YMCA of Orange.

YMCA of Orange Representatives White Lightning, Bumble Bee and Roaring Thunder thanked the City Council for their participation in the Pine Wood Derby and invited them to the annual pancake breakfast to be held Saturday, March 22, 2008, from 7:00 a.m. to 10:00 a.m. at Hart Park in the City of Orange.

Presentation from Dr. Ahuja, Representative from the Orange County Human Relations Commission.

Dr. Ahuja presented the 2006-2007 Annual Report of the Orange Council Human Relations Council and noted there were no hate crimes reported in the City of Villa Park.

Presentation from Stacey Barnett, Home Hospitality - Adopt a Marine for Thanksgiving.

In opposition to a resolution adopted by the City of Berkeley, Stacey Barnett, resident and junior at Villa Park High School, encouraged residents to make this Thanksgiving one to remember by participating in Camp Pendleton's Home Hospitality Adopt a Marine for Thanksgiving program. Ms. Barnett additionally requested that the City Council adopt a resolution in support of the Marine Corp and the Home Hospitality Program.

State of the School – Serrano Elementary.

Fifth graders, Peyton Grahovac and Savannah Howard, teamed with fourth graders, Zoe Kuli and Vito Canuso Jr., to present the state of the school address.

ORAL COMMUNICATIONS

Dr. Linda Bartrom, 18521 Jocotal Avenue, recognized the Villa Park High School media class for their red carpet accomplishments at the 80th Annual Academy Awards.

Mark Lewis, 9771 Center Drive, shared his concerns with the increase of crime in the City.

In response to Mr. Lewis's concerns, Chief of Police Services Lt. Tom Gallivan addressed the steps the Sheriff's Department has taken to engage this recent upswing in property crime.

City Manager Domer encouraged residents to attend the Neighborhood Watch meeting Monday, March 3, 2008, for additional tips and information.

PUBLIC HEARINGS

1. Consideration of Conditional Use Permit No. 0676 and Variance Permit No. 0675. A Request to Construct a Detached Garage Exceeding the Maximum Height of Fifteen (15) Feet by Two Feet, (2'3") Three Inches; a Request to Bring the Total Number of Garages Spaces on the Property to Four (4) or More; and a Request to Increase the Allowable Lot Coverage Ratio for Two-story Structures of Twenty-four (24%) Percent by Two Point Four (2.4%) Percent. Location: 9912 Orchard Lane. Applicants: Larry & Patty Pharris.

Mayor Reese opened the public hearing.

Larry Pharris, applicant, stated the strict or literal interpretation and enforcement would result in practical difficulty. The reason for this variance is to conform to the City of Villa Park residential design guidelines. In an effort to make the structure aesthetically pleasing, it is necessary to make the new garage roof pitch the same as the house.

Councilmember Pauly spoke in favor of the project disagreeing with the idea that there are not exceptional or extraordinary circumstances as this property backs to Taft Avenue, which is a very busy road.

Councilmember Freschi mentioned he agreed with Councilmember Pauly.

Mayor Pro Tem Rheins asked for the City Attorney's input on the actual reading of a variance.

In response to Mayor Pro Tem Rheins, City Attorney Litfin stated the City has general applicable zoning laws and a variance is a deviation from those laws. Under state law, as incorporated in our code, there has to be special circumstances related to that lot that justify the granting of the variance. The point of this is to not grant special favors on a whim. It is a discretionary decision, if in your judgment; there are unique circumstances, Taft Avenue could be one, then a variance could be proper.

Councilmember Ulmer followed Mayor Pro Tem Rheins by stating he felt the architectural integrity of the detached garage was not enough reason to grant the variance. It is the home owner's desire to have the design stay the same. Under this reasoning, the word variance does not have a meaning anymore.

Mayor Reese asked Mr. Pharris if the garage door height would remain the same if the garage roof height was lowered.

In response to Mayor Reese, Mr. Pharris stated the garage door height would remain the same, but the pitch of the roof would have to change.

Dave Nitzen, architect, clarified that lowering the roof height does affect the garage door height. Mr. Pharris has 8 foot garage doors and lowering the roof height would create a 7 foot garage door.

With this new information brought forward, Councilmember Ulmer stated that functionally the garage doors will be inferior to the existing garage.

There being no further testimony, Mayor Reese closed the public hearing.

It was moved by Councilmember Freschi, seconded by Councilmember Pauly and carried by the following roll call vote to adopt Resolution No. 2008-2985, approving Conditional Use Permit No. 0676 and Variance Permit No. 0675:

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

2. Consideration of Conditional Use Permit No. 0677, a Request for An Extension of Conditional Use Permit No. 0458, to Allow the Continued Use of the Undeveloped Residential Property for Landscape Nursery Operations. Location: 17711 and 17672 Meats Avenue. Applicants: George and Michael Osumi.

Mayor Reese opened the public hearing.

Michael Osumi, applicant, thanked the Council for allowing his family to continue their business and was available for questions.

There being no further testimony, Mayor Reese closed the public hearing.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Rheins and carried by the following roll call vote to adopt Resolution No. 2008-2986, approving Conditional Use Permit No. 0677:

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

CONSENT AGENDA

Mayor Reese pulled item number 7 for further discussion.

It was moved by Councilmember Freschi, seconded by Councilmember Ulmer and carried by the following roll call vote to approve the Consent Agenda with the exception of item number 7:

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

The Consent Agenda consisted of the following items:

3. Consideration to Waive Reading in Full of all Ordinances, Resolutions and Meeting Minutes on the Agenda. Approved Action: The City Council Waived Reading in Full of all Ordinances, Resolutions and Meeting Minutes on the Agenda.
4. Consideration of City Council Minutes of January 22, 2008. Approved Action: The City Council Approved the Minutes of January 22, 2008.
5. Consideration of the List of Demands from January 14, 2008 to February 8, 2008. Approved Action: The City Council Approved the List of Demands in the Amount of \$472,970.72.
6. Consideration of Treasurer's Report for the Month of January. Approved Action: The City Council Received and Filed the Treasurer's Report for the Month of January.

8. Notice of Completion – 2005/2006 Street Maintenance / Mesa Drive Project. Approved Action: The City Council Accepted the Project and Authorized the City Clerk to File the Notice of Completion.

The following item was pulled from the Consent Agenda for individual consideration:

7. Consideration of Resolution No. 2008-2991, A Resolution of the City Council of the City of Villa Park Declaring its Intent to Conduct a Public Hearing on Conditions Present at 10532 Center Drive, Villa Park, California to Determine Whether Such Conditions Constitute a Public Nuisance.

Mayor Reese asked City Manager Domer to give an update on the status of the property.

In response to Mayor Reese, City Manager Domer reported that, since the drafting of the staff report and in review with City Attorney Litfin, the process can be expedited. Villa Park Municipal Code states that within thirty days after the passage of said resolution, the City Clerk shall cause to be served upon the owner of the affected premises, a certified copy of such resolution, and a notice of the time and place of hearing before the Council. Said notice and resolution shall be posted and served, as aforesaid, at least ten (10) days before the time fixed for such hearing. Later in the meeting Council will consider calling a special meeting for March 11, 2008, to review the Strategic Financial Plan, those 14 days in-between the meetings will satisfy the 10 day requirement.

It was moved by Mayor Pro Tem Rheins, seconded by Councilmember Pauly and carried by the following roll call vote to adopt Resolution No. 2008-2991 and scheduled a Public Hearing for March 11, 2008, at 7:30 p.m. to review evidence for declaring 10532 Center Drive a Public Nuisance:

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

MATTERS PRESENTED BY COUNCILMEMBERS

9. Travel and Meetings.

Mayor Reese, Mayor Pro Tem Rheins, Councilmember Freschi and Councilmember Ulmer reported on the League of California Cities, Orange County Division meeting that was held Thursday, February 21, 2008.

It was moved by Mayor Reese, seconded by Councilmember Pauly and carried by the following roll call vote to receive and file the Travel and Meeting Report detailing reimbursed meetings, conferences or seminars for the time period of January 14, 2008 to February 8, 2008:

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

Councilmember Freschi requested that City Council consider rearranging the starting time for City Council meetings.

It was moved by Mayor Reese, seconded by Councilmember Pauly and carried by a unanimous voice vote to direct staff to review and come back with several meeting formats, times and the possibility of conducting two regular meetings a month.

Councilmember Rheins reported on the Friends of the Villa Park Library meeting. They have scheduled the 5K Annual Run/Walk for May 25, 2008, which is the same day as the Villa Park Annual Family Picnic. Also during the meeting, they adopted a new mission statement and updated the special donors plaques in the library.

Councilmember Pauly questioned if anything can be done to keep the unlicensed solicitors from conducting business in our City. City Manager Domer stated it has been very difficult to enforce. Solicitors should have a permit, if not they could be cited by the Sheriff's. In reality, they come very early in the morning and we are just not catching them.

City Council discussion ensued relating the regulation of solicitors in the City.

It was moved by Councilmember Pauly, seconded by Mayor Reese and carried by a unanimous voice vote to direct the City Manager and City Attorney to review the situation regarding the prohibition of solicitation and literature drops.

Councilmember Pauly questioned the status of the sign ordinance. City Manager Domer stated the political sign ordinance is part of the overall sign ordinance for the Town Centre, however, for Council's review, he will segregate it out. Staff is looking to have the first reading in April in order to have the ordinance in place for the November elections.

Councilmember Pauly questioned why parking is allowed on Villa Park Road between Wanda and Center, and the faded green sign at Villa Park Road and Wanda. Regarding the parking on Villa Park Road, City Manager Domer said he will have City Engineer O'Neil review the situation and report back. As for the green sign, he believes it is a commercial vehicle overnight sign, but will check into it as well.

CITY COMMISSION AND COMMITTEE REPORT OR REFERRALS

Councilmember Ulmer reported the Foundation scheduled the 11th Annual Family Picnic on May 25, 2008, at Irvine Lake.

Councilmember Freschi asked Teri Elmendorf to give a report on Villa Park Television.

Teri Elmendorf, 10291 Camden Circle, read a report regarding VPTV and streaming City Council meetings. General City Council discussion followed concerning cost, quality, maintenance and capacity issues. Erik Park, streaming professional, was in attendance and available for questions as well.

Mayor Reese reported on the Orange County Fire Authority and City/Schools Advisory meetings.

RECESS

Councilmember Freschi reported the Orange County Vector Control has already reported 13 cases of flea borne typhus this year. Community members should be aware of the situation and to help prevent typhus they should control fleas in and around their home.

Councilmember Freschi reported on the Orange County Sanitation District and the proposed increase in fees.

Councilmember Pauly reported on the 241 Toll Road hearing in Del Mar on February 6, 2008, at which, the Coastal Commission voted not to approve the extension of the 241 Toll Road.

Councilmember Pauly reported that Serrano Water District wanted residents to know the recent rain have meant millions in water savings for users. The water supply will last through 2008 and they are able to treat and sell water to the City of Orange again.

Councilmember Pauly reported the Public Utilities Committee met with ATS Communications in the ongoing effort to implement the Distributed Antenna System for provision of cellular service.

ITEMS FOR CONSIDERATION

10. Consideration of Comments for Draft Environmental Impact Report for Demolition of Historic Villa Park School Buildings.

Councilmember Freschi requested that more emphasis be added on the fact that these buildings are on the National Historic Register.

Councilmember Ulmer encouraged everyone to send their comments into Mike Christensen, and make sure to emphasize that on the EIR they should view our comments relative to the impact on the cultural atmosphere of Villa Park.

Jill Kuli, 9481 Henderson Way, stated the School District has spent \$186,689.70 on the school buildings to date, and for that we've gotten a cracked building and a fence. Now, the District is looking at spending \$200,000 to demolish the buildings and as a tax payer that is criminal.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Rheins and carried by the following roll call vote to approve of a letter submission to the Orange Unified School District regarding comments for the draft Environmental Impact Report for demolition of Historic Villa Park School Buildings:

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

Councilmember Pauly abstained because she felt there was nothing wrong with the letter.

11. Consideration of Mid-Year Budget Adjustment for 2007/2008 Operating Budget.

Finance Manager Danaher gave a PowerPoint presentation regarding the mid-year budget adjustment. Presentation on file.

Councilmember Ulmer commented the balance of June 30, 2007, is an inflated number for monies not spent. Therefore one should not be afraid of the number being reduced to the degree that it has been from one year to the next. This is a great process and it should be done every year.

It was moved by Councilmember Ulmer, seconded by Mayor Pro Tem Rheins and carried by the following roll call vote to adopt Resolution No. 2008-2989, authorizing an amendment to the Budget for Fiscal Year 2007/2008:

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

12. Acting as Members of the Villa Park Community Services Foundation, Consider the Recommendation of Bylaw Changes as Approved by the Board of Directors.

Mayor Pro Tem Rheins stated a lot of hard work was put into these bylaws and recommended that Council continue this item to the March agenda. This extra time would give Council the opportunity to question members of the Foundation.

Councilmember Freschi questioned the impact delaying the bylaws would have on the Foundation. City Manager Domer stated there would be no impact.

It was moved by Mayor Pro Tem Rheins, seconded by Councilmember Ulmer and carried by a unanimous voice vote to continue the item to the March 25, 2008 City Council meeting.

13. Consideration of Award of Contract to Urban Crossroads, Inc. to Update the General Plan Noise Element.

Associate Planner presented the staff report and was available for questions.

Councilmember Ulmer questioned if this was last done in 1991 with the General Plan. Associate Planner Carson confirmed it was.

It was moved by Councilmember Pauly, seconded by Councilmember Freschi and carried by the following roll call vote to award the contract to update the General Plan Noise Element for the City of Villa Park to Urban Crossroads, Inc. in the Amount of \$6,800 and to authorize the City Manager to execute Said Contract:

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

14. Consideration of Findings Regarding Police Services Review.

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

Councilmember Ulmer question if Stanton received a bid for police services. City Manager Domer stated they had conducted a third party review in which the firm concluded the Sheriff's Department was the best option for police services.

Councilmember Freschi reiterated he would like to see the possibility of sharing a Deputy with others cities during the wee hours of the night and early morning.

Councilmember Pauly questioned what the proposed increase in cost is for the 2008-2009 fiscal year. City Manager Domer estimated around 6.27%. Councilmember Pauly then stated she would like Council to issue a statement to the Board of Supervisors and Sheriff's Department how it is untenable that they are putting this kind of an increase forward to all of the cities.

Councilmember Pauly requested that City Manager Domer look into the service we are receiving from the Sheriff's dispatch operators. She has received numerous calls from residents as well as personally experienced poor service when reporting suspicious circumstances. The dispatch operators literally state they do not respond to those types of calls. For the money the City pays for police services, we deserve better service.

Mayor Pro Tem Rheins stated he experienced great service when he called the Sheriff's Department after a near hit and run.

City Manager Domer mentioned he will work with Lt. Gallivan regarding these issues.

It was moved by Councilmember Pauly, seconded by Mayor Pro Tem Rheins and carried by a unanimous voice vote to receive and file the Police Services Report.

RECESS

15. Consideration of Pavement Management Program Report.

City Engineer O'Neil presented the staff report and was available for questions.

Councilmember Freschi and Councilmember Ulmer spoke in favor of a program that will maintain the current average PCI at 77 over the next five years at \$525,000 per year.

It was moved by Councilmember Pauly, seconded by Mayor Reese and carried by a unanimous voice vote to receive and file the 2007 Pavement Management Report dated February 26, 2008, and take Council comments into consideration when preparing the 2008-2009 Budget.

16. Consideration of Authorization to Advertise for Sealed Bids – 2007/2008 Sewer Rehabilitation Project.

City Engineer O'Neil presented the staff report and was available for questions.

Councilmember Pauly questioned if a color coded map could be created detailing the sewer system, completed rehabilitations and high priority areas. City Manager Domer one could be created with our GIS system.

It was moved by Councilmember Ulmer, seconded by Councilmember Freschi and carried by a unanimous voice vote to approve the plans, specifications and contract documents entitled "2007/2008 Sewer Rehabilitation Project" and to authorize the City Engineer and City Clerk to advertise for construction bids.

17. Consideration of Expenditure Plan for Proposition 1B Funds Local Streets and Roads Improvement, Congestion Relief, and Traffic Safety Account Funds.

City Engineer O'Neil presented the staff report and was available for questions.

It was moved by Councilmember Freschi, seconded by Councilmember Ulmer and carried by the following roll call vote to approve the proposed expenditure plan for Proposition 1B Funds Local Streets and Roads Improvement, Congestion Relief, and Traffic Safety Account Funds and to authorize Staff to submit the applicable documentation to the State Department of Finance:

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

STAFF REPORTS

City Manager/City Clerk

18. Update on Distributed Antenna System (DAS) Cellular/Wireless Network Implementation Potential For Villa Park.

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

It was moved by Councilmember Freschi, seconded by Councilmember Ulmer and carried by a unanimous voice vote to receive and file the report.

19. Wireless Internet for Villa Park Towne Centre.

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

Councilmember Pauly requested that this be brought before the Technology Committee for review. If the City is going to have a committee system, it should be used properly.

City Manager Domer stated this item will be brought back through the committee system before final approval.

It was moved by Councilmember Freschi, seconded by Mayor Reese and carried by a unanimous voice vote to authorize the City Manager and City Attorney to negotiate a legal

agreement for provision of wireless internet services with OneFi Technology and return to City Council for final approval.

20. Consideration of Strategic Financial Planning Goals for 2008/2009 Budget Preparation and Strategic Financial Planning Process.

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

It was moved by Councilmember Pauly, Seconded by Councilmember Ulmer and carried by a unanimous voice vote to schedule a Special Meeting for the Strategic Financial Plan on March 11, 2008 at 6:30 p.m.

Finance Department

No Report.

City Attorney

No Report.

City Engineer

No Report.

Planning Department

No Report.

ORDINANCES

21. Consideration of Second Reading and Adoption of Ordinance No. 2008-530, An Ordinance of the City Council of the City of Villa Park Amending Chapter IX of the Villa Park Municipal Code Adopting by Reference the California Codes of Regulations Title 24, Parts 1-12, Known and Designated as the 2007 Edition of the California Building Code, 2007 Edition of the California Electrical Code, 2007 Edition of the California Plumbing Code, 2007 Edition of the California Mechanical Code, 2007 Edition of the California Administrative Code, 2007 Edition of the California Reference Standards Code, 2007 Edition of the California Energy Code, 2007 Edition of the California Elevator Safety Construction Code, 2007 Edition of the California Historical Building Code, and 2007 Edition of the California Existing Building Code, Making Amendments Thereto, and Amending Chapter XI of the Villa Park Municipal Code Adopting by Reference the 2007 Edition of the California Fire Code.

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

It was moved by Councilmember Freschi, Seconded by Mayor Pro Tem Rheins and Carried by the following roll call vote to approve the Second Reading and Adopt Ordinance No. 2008-530:

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

RESOLUTIONS

22. Consideration of Resolution No. 2008-2987, A Resolution of Appreciation of the City Council of the City of Villa Park for Outstanding Public Service of Children's Librarian Mary Pezzetti.

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

It was moved by Councilmember Freschi, Seconded by Councilmember Ulmer and carried by a unanimous voice vote to adopt Resolution No. 2008-2987, Commending Mary Pezzetti.

23. Consideration of Resolution No. 2008-2988, A Resolution of Appreciation of the City Council of the City of Villa Park for Outstanding Public Service of City Engineer Warren Repke.

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

It was moved by Mayor Pro Tem Rheins, Seconded by Councilmember Freschi and carried by a unanimous voice vote to adopt Resolution No. 2008-2988, Commending Warren Repke.

24. Consideration of Resolution No. 2008-2990, A Resolution of the City Council of the City of Villa Park Recognizing the City of Mission Viejo for its 20 Years of Cityhood.

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

It was moved by Councilmember Freschi, Seconded by Councilmember Pauly and carried by a unanimous voice vote to adopt Resolution No. 2008-2990, Congratulating the City of Mission Viejo and its Residents on the City's 20th Anniversary, Wishing Them Continued Success and Happy Living.

ORAL COMMUNICATIONS

None.

CLOSED SESSION

None.

ADJOURNMENT

It was moved by Mayor Reese and carried unanimously to adjourn at 11:38 p.m.

Brad Reese, Mayor
City of Villa Park

ATTEST:

Kenneth A. Domer, City Clerk
City of Villa Park