

MINUTES OF THE CITY COUNCIL

CITY OF VILLA PARK, CALIFORNIA

The City Council of the City of Villa Park met in regular session Tuesday, February 28, 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:

Ellie Britt, sixth-grader of Serrano Elementary School, led the flag salute.

INTRODUCTIONS AND PRESENTATIONS

1. Presentation of Commendation for Outstanding Academic Achievement to Eileen Bering, a Senior at Villa Park High School.

Mayor Bortle presented Eileen Bering with a certificate of academic achievement, a City pin, certificate for First Class Pizza, and a certificate for Rockwell's Café.

ORAL COMMUNICATIONS

Chief Witesman introduced new Battalion #3 Chief, Rob Patterson, who will serve Station No. 23. He is a 30-year veteran, having joined OCFA in 1977.

Jim Rheins, 18241 Pamela Place, spoke to Council about the Friends of Library Capital Improvement Campaign. It is up and running but needs more volunteer fundraisers. He reminded the public that the library adds so much to the community and it does need modernization and expansion.

Patricia Lamb, 10211 Robin Hood Circle, announced the upcoming Villa Park Emergency Preparedness Awareness Fair which will take place on Saturday, April 29th, in Town Center

from 10 AM to 2 PM. The VPEPTF has been working diligently on this event. County and local agencies will be represented at the Fair. She emphasized the fact that all residents must take individual responsibility for themselves and their families in case of a disaster.

Mayor Bortle stated that Frank Boehler of Orange Unified School District will attend the Fair and that this event will be a good educational opportunity for parents in the community.

Don Lamb, 10211 Robin Hood Circle, identified himself as a Neighborhood Watch Block Captain and a graduate of CERT. He urged all to attend the next CERT training sessions beginning on Monday, March 20th, 6:30 PM, at the City Council Chambers. He concluded by announcing the CERT barbecue date put on by CERT graduates will take place on Saturday, May 6th.

Teri Elmendorf, 10291 Camden Circle, spoke about the 50/50 drawing fundraiser for VPESRC. \$250 will be donated to the cause.

CONSENT AGENDA

1. Consideration to Waive Reading in Full of All Ordinances on the Agenda. Item Pulled.
2. Consideration of City Council Minutes of January 24, 2006. Approved Action: That the City Council approve the Minutes of January 24, 2006.
3. Consideration of List of Demands for January 31, 2006. Approved Action: That the City Council approve the List of Demands for January 31, 2006, numbered 1 through 20, in the amount of \$33,331.16.
4. Consideration of List of Demands for February 28, 2006. Approved Action: That the City Council approve the List of Demands for February 28, 2006, numbered 1 through 36, in the amount of \$298,260.35.
5. Consideration of Approval of General Release in Favor of Steven Drucker. Approved Action: That the City Council approve the General Release and authorize the Mayor to sign on behalf of the City.
6. Consideration of Budget Session Meeting Date Change to June 13, 2006. Item Pulled.

Resident Vaughn Sarkisian, residing on Potter Circle, requested that the Council pull items #1 and #6.

It was moved by Councilmember Freschi, seconded by Councilmember Bell, and carried by the following roll call vote to approve Consent Agenda items # 2 -5:

AYES: COUNCILMEMBERS: Bell, Fauteux, Freschi, Ulmer, Bortle

NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None

Concerning Consent Agenda item # 1, Mr. Sarkisian requested that Council read all ordinances in full, or at least, the entire sewer Ordinance No. 2006-517.

Councilmember Fauteux stated he believes the resident's request should be honored.

Councilmember Freschi stated that reading the full ordinance does not give people the opportunity to understand it fully and that residents can read it on-line or get a copy from City Hall.

Councilmember Bell stated that reading only the sewer Ordinance in full would be fine with him.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Ulmer, to deny Mr. Sarkisian's request to not waive the reading in full of all Ordinances on the Agenda and adopt Consent Agenda #1:

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

It was moved by Councilmember Bell, seconded by Councilmember Fauteux, and carried by the following roll call vote to waive reading of all Ordinances except sanitary sewer charge Ordinance No. 2006-517:

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

Concerning Consent Agenda item #6, Mr. Sarkisian stated that budget session meetings are very important and he believes there is no Budget Committee. He opined that such a committee 10 or 15 years ago would have allocated more funds to the sewer system, making this sewer user charge unnecessary. He would like to become involved in the budget process.

Councilmember Fauteux explained that Villa Park has a Finance Committee that participates in preparation of the budget. This committee meets as the budget meeting nears.

Mr. Sarkisian stated he is not concerned about the change of date of the budget session. He would like to see more citizen participation and the City could do a better job of publicizing the meeting dates. He would like a schedule of all meetings between now and July 1, 2006.

City Manager Domer stated that he will meet on March 2nd with Finance/Administrative Manager Desai to discuss a schedule of meetings. The Finance Committee will then weigh in on future

meeting dates and whether public input will be solicited. He will make sure Mr. Sarkisian gets a copy of the meeting schedule.

It was moved by Councilmember Bell, seconded by Councilmember Fauteux, and carried by the following roll call vote to approve Consent Agenda #6:

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

MATTERS PRESENTED BY COUNCILMEMBERS

Mayor Pro Tem Ulmer spoke about the next Red, White and Blue Committee meeting taking place on Wednesday, March 1st at 7 PM.

At the prompting of Mayor Pro Tem Ulmer, City Manager Domer reported that there was an article published in the Orange County Register on February 27th regarding local governments that explored accounting for future retirement/medical benefits in the current year and reporting as a liability (GASB 45).

Mayor Pro Tem Ulmer announced that for those interested residents, CERT applications are located in the back of the Council Chambers.

Mayor Bortle discussed briefly the brochure on low-noise, low emission backpack lawn blowers from the South Coast Air Quality Management District. The offer is good only through March 9th, and it gives gardeners a discount of \$259.

CITY COMMISSION AND COMMITTEE REPORTS OR REFERRAL

Councilmember Fauteux reported that the Orange County Vector Control District is being investigated by the Grand Jury for money they are spending on retirement benefits. Also, Vector Control reported that one bird in south (Orange) county died from West Nile Virus. He warned residents to be careful not to attract mosquitoes to their property. He announced that the OCVCD Board appointed him to the Budget/Finance Committee.

Mayor Pro Tem Ulmer reported that the next Community Development Meeting will be the 2nd Thursday of March (the 9th), 4 PM, at City Hall.

ITEMS FOR CONSIDERATION

None.

PUBLIC HEARINGS

1. Consideration of Conditional Use Permit No. 0637 to exceed 25 feet roof height limit for a new roof height not to exceed 32 feet for the development of a new 4,151 square foot home (Applicants: William and Wendy Leivan ; Location: 18671 E. Valley Drive).

Mayor Bortle opened the Public Hearing.

The applicants residing at 18671 Valley Drive are constructing a new single family residence in place of a current residence. This action requires a Conditional Use Permit for a maximum roof ridgeline height of 32 feet, which exceeds the allowable 25 foot roof height limit. The lot is currently improved with an older single story, single-family residential dwelling and the surrounding uses are residential. The existing residence will be torn down upon completion of the new construction. The lot size is 22,054 square feet.

Staff recommends approval of the application.

William Leivan, the applicant, was present to answer any questions of the Council.

Councilmember Bell stated that he was concerned that the three parking spots in the front would be dangerous to back up out of onto Valley Drive. He mentioned the dedication and right-of-way improvements in the standard conditions of approval.

City Manager Domer stated that any addition of 300 feet or more requires dedication. There is insufficient room for two driveways. Frontal access to Valley Drive was discussed with the applicant.

City Attorney Hampel stated that a condition should be added (15a.) under the Building Department Conditions of Approval indicating that vehicular access to Valley Drive shall only be through one approved driveway approach as approved by the City Engineer and that no parking is allowed in the right-of-way.

City Manager Domer reiterated that access will be allowed only through the one approved driveway approach.

Councilmember Fauteux asked if there was any input from Mr. Leivan's neighbors.

City Manager Domer replied that there was only one inquiry made by a neighbor on Tritt Circle who was not concerned about view issues.

Councilmember Bell made reference to Ordinance No. 2005-515 which relates to Site Plan Review. This Ordinance will help with checking development proposals for conformity with the provisions of Chapter XXIII of the Municipal Code.

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 adopt Resolution No. 2006-2856, a Resolution of the City Council of the City of Villa Park approving Conditional Use Permit No. 0637, a request to exceed roof height for a new ridgeline height maximum of 32 feet and adding condition 15 a. to the Conditions of Approval to read "Vehicular access to Valley Drive shall only be through one approved driveway approach as approved by the City Engineer. No parking in the right-of-way is allowed" (Applicants: Wendy and William Leivan; Location: 18671 E. Valley Drive):

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

2. Consideration of Conditional Use Permit No. 0638 for request to modify current Conditional Use and Variance Permit No. 0536 to incorporate a new design in which to decrease building footprint size, reduce floor area by 1,285 square feet, and increase roof height to 32 feet (Applicant: Sam Olson; Location: 18922 Santiago Boulevard).

Mayor Bortle opened the Public Hearing.

The applicant, Sam Olson, is requesting to modify a current Conditional Use Permit No. 0536 to incorporate a new home design that decreases the building footprint size, reduces the overall floor area by 1,285 square feet, and increases the roof height by six inches to a maximum roof height of 32 feet.

Mr. Olson presented this design change to staff for review. Because the design is different from the original one submitted which was approved by the Council, as well as an increase in the roof height, the proposed project was considered a substantial modification requiring re-consideration by the City Council.

Accordingly, with the proposed modification, the applicant requires a Conditional Use Permit for increasing the maximum roof ridgeline height to 32 feet in addition to the conditions previously granted under Conditional Use Permit No. 0536.

It should be noted that in addition to the Conditions of Approval approved in the previous Conditional Use Permit, addition conditions have been added related to landscaping, dust control, and environmental conditions as required by our water quality ordinance.

Staff recommends approval of the item.

The applicant, Sam Olson, was present to answer any questions of the Council.

Councilmember Fauteux made reference to a letter received by the City Manager and City Council from Ed Loritz (18912 Patrician Drive) in which he expressed his concerns about the project.

City Manager Domer stated that the project is unique and that the proposed house is on its own. He stated that there are homes in the neighborhood with roofs over 26 feet in height. A property owner on Sycamore Circle said that he likes the shrunken footprint.

Mr. Olson stated that the current proposal is quite different from the original plans for the project.

Mayor Bortle stated that the plans are very modern and agreed they are quite different from the original ones.

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 adopt Resolution No. 2006-2859, a Resolution of the City Council of the City of Villa Park approving Conditional Use Permit No. 0638, modifying Conditional Use and Variance Permit No. 0536 to allow a new roof ridgeline height maximum of 32 feet and incorporating a new residential design, thereby reducing the floor area and lot coverage ratios (Applicant: Sam Olson; Location: 18922 Santiago Boulevard):

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

3. Consideration of Conditional Use Permit No. 0640 for an after-the-fact request to construct a 4,608 square foot greenhouse in a residential zone conditionally permitted for agriculture (Applicant: Steve Wolff & Associates; Location: 9602 Santiago Boulevard).

Mayor Bortle opened the Public Hearing.

The applicant is requesting after-the-fact permission to construct a 48 foot by 96 foot greenhouse structure totaling 4,608 square feet. The applicant, Steve Wolff, leases the property from the Southern California Edison Company and has a Conditional Use Permit for growing and storing indoor plants. Per the original Conditional Use Permit, any building constructed on the parcel must have prior permission from the City.

In reviewing the project, it meets all applicable code requirements.

Staff recommends approval of the application.

Steve Wolff, the applicant, was present to answer any questions of the Council.

Councilmember Fauteux asked him whether there was any other structure on the property before.

Mr. Wolff replied there was not a structure but rather a 6 foot x 20 foot dome shaped hut.

Councilmember Bell asked if any sales tax is diverted back to the City from his business. He asked if the City gets these dollars automatically.

Mr. Wolff replied that he charges sales tax.

Councilmember Fauteux stated that he believes the tax distribution is done by zip code; so if his business is located in Villa Park, he believes the City should receive something back. He suggested that staff look into this matter by contacting the Board of Equalization.

City Manager Domer directed Finance/Administrative Manager Desai to research this matter.

Public comment was given by Robert Paulson, 2649 E.Serrano Avenue, Orange, asked the Council who he could call in case someone throws trash in the easement.

City Manager Domer told him to call City Hall and the Code Enforcement Officer would treat the situation as a code enforcement issue.

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 adopt Resolution No. 2006-2861, a Resolution of the City Council of the City of Villa Park approving Conditional Use Permit No. 0640, to allow a 4,608 square foot greenhouse for growing and storing indoor plants (Applicant: Steve Wolff and Associates; Location: 9602 Santiago Boulevard):

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

STAFF REPORTS

City Manager:

1. Consideration of an Agreement to Conduct a Wireless Master Plan for City-wide Cell Phone Coverage.

City Manager Domer reported that ATS Communications has submitted a proposal to conduct a Wireless Master Plan with no upfront cost to the City. The Wireless Master Plan would identify wireless carrier signal strengths and weaknesses in order to market locations, primarily City-owned, to the wireless carriers in order to provide effective coverage for current and future needs. Lease revenue for sites would be split 75%/25%, in favor of the City, and would serve as the revenue source for ATS' services.

ATS Communications President, Tony Ingegneri, was present to answer any questions of the Council. He stated that their company act as consultants who market to carriers.

Councilmember Freschi asked where the tower will be placed, who is going to build it, and does this study ATS Communications is doing going to duplicate any previous studies done for the City?

City Manager Domer replied that he does not believe the last study duplicated this one.

Councilmember Fauteux stated that Villa Park is surrounded by Orange and wondered if ATS Communications has Orange as a client.

Mr. Ingegneri replied that he did not have Orange as a client, but that he has been talking to them. Currently, his company is working on nine (9) sites in Orange County. He stated that he is also planning on approaching Serrano Water District.

City Attorney Hampel reported that ATS Communications would earn 25% only if property is leased to a carrier owned by the City, not private property. He stated that Mr. Ingegneri is aware of that risk.

City Attorney Hampel stated further that 25% during the term of the 3-year agreement, however, in a lease of anywhere from 10 to 25 years. Following this line of reasoning, ATS Communications would get 25% for up to the terms of the lease. He asked if this is equitable.

Councilmember Fauteux asked Mr. Ingegneri to confirm the possible length of the lease.

Mr. Ingegneri stated that a lease of 10 to 25 years would be accurate.

Councilmember Bell stated that this agreement will be subject to reasonable review of staff.

City Attorney Hampel stated that there could be a 10-year cut-off and the agreement could be renewed at that point, if desired. However, he stated he would like an overall cut-off date.

Councilmember Fauteux confirmed that the scope of the agreement would be just to identify the dead spots in the City.

Mr. Ingegneri will return with a plan at a later date before formalizing the agreement.

It was moved by Councilmember Bell, seconded by Mayor Pro Tem Ulmer, and carried by the following roll call vote that the City Council authorize the City Attorney to approve an Agreement with ATS Communications for conducting a Wireless Master Plan, marketing City-owned properties, and reviewing and consulting on the development of a wireless communications ordinance and authorize the City Manager to execute said Agreement for a term not to exceed three years, subject to the above described terms for two additional two-year terms, upon mutual agreement:

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

City Attorney:

1. Consideration and Possible Approval of An Agreement Relating to the Consent of the City of Villa Park to the Transfer of the Franchise Agreement Held by Century – TCI

California, L.P. and Controlled by Adelphia Communications Corporation to an Entity
Controlled by Time Warner, Inc.

City Attorney Hampel stated that the City of Anaheim has settled with Time Warner, Inc. and that their proposal to Villa Park is similar to Anaheim's. Time Warner, Inc. is very close to resolving all their issues with Anaheim.

City Attorney Hampel explained further that cable companies do not want Franchise Agreements anymore. In Anaheim the cost per subscriber is about \$27.00. Villa Park's proposed Agreement is similar to Garden Grove's Agreement which has ten (10) years of phased out payments. Villa Park's Agreement will be for ten (10) years. There will be some attorney's fees due Rutan and Tucker from Time Warner, Inc. of up to \$2,500.

It was further reported that the City of Anaheim had an audit. The billing practice for Anaheim are the same as to settle this issue for Villa Park. Villa Park, however, has declined to do an audit due to the cost of it. The offer on the table is for \$9,000 or \$10,000 without an audit. Mr. Hampel stated that he is prepared to recommend this reasonable offer to the Council.

Kristie Henessey, Vice President of Government Relations of Time Warner, Inc., stated that she would prefer to finalize an Agreement before the next regular Council meeting slated for March 28, 2006.

Councilmember Freschi stated that he would support delegating this matter to City Attorney Hampel to handle.

City Attorney Hampel stated that he wants to present a Resolution to Council that will revoke the denial without prejudice Resolution No. 2005-2851.

It was agreed that this matter would be continued to an adjourned regular meeting to be held on Thursday, March 9, 2006 at 5 PM.

Time Warner, Inc.'s representative, Kristie Henessey, told the Council that they would be as generous, if not more, than Adelphia was in giving back to the community.

It was moved by Councilmember Fauteux, seconded by Councilmember Bell, and carried by the following roll call vote to adjourn to an adjourned regular meeting on Thursday, March 9, 2006 at 5:00 PM to present a Resolution to Council revoking denial without prejudice and possible approval of an Agreement relating to the consent of the City of Villa Park to the transfer of the Franchise Agreement held by Century-TCI California, L.P. and controlled by Adelphia Communications Corporation to an entity controlled by Time, Warner, Inc.:

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

City Clerk: No report.

City Engineer:

1. Consideration of Application for Transportation Enhancement Activity (T.E.A.) Program Funds Under the 1998 Transportation Equity Act for the 21st Century for the Taft Avenue Landscape Median Project.

City Engineer Repke reported that the Orange County Transportation Authority (OCTA) has issued a call for projects for the Transportation Enhancement Activities (T.E.A.) Program. This is a federal grant program awarded through OCTA. The Call for Projects is targeted at \$8.2 million over two fiscal years, 2007-08 and 2008-09. This funding will be split equally between bicycle/pedestrian and landscaping program categories. The program provides for a maximum of 75 percent federal funding.

The Villa Park application is for Taft Avenue landscaped medians. The total estimated project construction cost is \$300,000.

The cost to prepare the funding application, conceptual design, construction plans and specifications as well as prepare the environmental documentation has been included in the 2005-06 FY budget in the amount of \$38,000.

It was moved by Councilmember Freschi, seconded by Councilmember Bell, and carried by the following roll call vote to adopt Resolution No. 2006-2862, a Resolution of the City Council of the City of Villa Park, California Authorizing Application for Funds for the Transportation Enhancement Activity (T.E.A.) Program Under the Safe, Accountable, Flexible, Efficient, Transportation Equity Act for the Taft Avenue Landscape Median Project and authorize the Mayor to sign:

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

2. Conceptual Grading Plan (Applicant: Jim Moat; Location: 19312 Canyon Drive).

City Engineer Repke reported that Mr. Jim Moat, property owner, is proposing to construct a storm drain and fill in the natural drainage channel on the property. Section 10-5.12 of the City Code requires grading on natural slopes exceeding three to one must be approved by the City Council. There are some existing natural slopes on the subject property that are two to one.

Following are the three major elements of the proposal:

1. Construction of RCP (reinforced concrete pipe) in the approximate bottom of the existing natural channel (size to be determined). The pipe would connect to the existing City 42-inch RCP storm drain system on the south or downstream end and to the existing 30-inch RCP private storm drain on the north or upstream end;
2. Placing approximately 1,500 CY of fill material within the existing natural drainage channel and over the storm drain. This fill will raise the elevation of the existing ground along the flow line of the existing natural channel from eight feet to fifteen feet. The fill area is approximately 12,000 square feet; and
3. Construction of a new twelve-foot wide driveway to the existing residence.

The existing upstream storm drain was constructed by the property at 19409 Mesa Drive in 2001. It is approximately 220 feet long and traverses three properties (19316 Canyon Drive, 19409 Mesa Drive and 19411 Mesa Drive) within a fifteen-foot private easement. It was designed and constructed to City standards but remained a private system. The runoff that discharges to this and the downstream City systems initiates on Mesa Drive east of Canyon Drive.

The existing City drain downstream (south) of the proposed drain traverses the property at 1 Estates Drive, within a twenty-foot City easement.

Staff review of the proposed project made the following findings:

1. The project is feasible from an engineering and construction standpoint;
2. The project would change the natural topography of the property by eliminating a natural canyon;
3. Proposed slopes are a maximum of two to one but are generally more in the area of three to one or flatter;
4. The project would be a benefit to the City storm drain system by eliminating a source of potential erosion and sediment from the natural channel. In addition, it would eliminate the existing inlet structure and outlet structure. These structures are a high maintenance item and also can provide a source for unauthorized access to the system.
5. The project would eliminate a potential source of standing water in the existing channel and its associated concerns;
6. Upon completion and acceptance the proposed storm drain would be transferred to the City for operation and maintenance. A twenty-foot easement to the City would be required;
7. The project must conform to all grading, drainage and improvement plan requirements. A permit would be required for the storm drain and grading construction;
8. Construction within the existing easements upstream and downstream of the property will be required. Contact and coordination with these adjacent property owners should be required.

City staff believes that the major portion of the runoff tributary to this drain is from Mesa Drive. In general, once storm runoff reaches City streets it is the responsibility of the City. It is not good practice to direct this runoff into private systems over which the City has no control. Also, the City has extensive responsibilities under the National Pollution Discharge Elimination System (NPDES) for the quality of storm runoff. Placing a private storm drain in the middle of City street runoff and a City storm drain creates a loss of control of the runoff and increases the potential for unknown storm water pollution.

Public comment was given by Mr. Su, 1 Estates Drive, who fears that heavy rains will damage his fence and/or property. He believes that Mr. Moat should construct a concrete drainage channel that is a minimum of 3 feet. Also, he would like the applicant to make sure there is a gate for the City to access in case of needing service or for emergency personnel.

The applicant, Jim Moat, agreed with Mr. Su about the service gate. He explained that he benefits currently by have City run-off and he would like to gain a detached garage, if he can build over a pipe. The cost to him is at least \$100,000. However, if the Council authorizes the garage, he will go through with the project.

City Engineer Repke stated that it is not City policy to build over an easement.

Councilmember Bell agreed with City Engineer Repke's statement.

Councilmember Freschi stated that the City should assess the risks and have the City absolved of any liability.

City Attorney Hampel stated that we could do an encroachment agreement with Mr. Moat to demolish the garage, if necessary. He stated that there exists the possibility of Mr. Moat causing potential damage to the pipe.

Councilmember Freschi asked City Engineer Repke how much space was required for the pipe and garage.

City Engineer Repke responded 7 ½ feet from the center of the pipe, with a minimum of a 15 or 20 foot easement.

Councilmember Fauteux remarked that the garage issue was not before the Council.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Ulmer, and carried by the following roll call vote to approve the conceptual storm drain and grading plans for 19312 Canyon Drive, subject to the applicable standard conditions and additional conditions and direct City staff to process the conversion of the existing private upstream storm drain over the properties at 19316 Canyon Drive, 19409 Mesa Drive and 19411 Mesa Drive to a public City system:

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

Finance/Administrative Manager:

1. Consideration of Amendment to the Statement of Investment Policy Section 2.42.

Finance/Administrative Manager Desai reported that the City of Villa Park established an Investment Advisory Committee as an oversight committee to review, discuss, and advise on a quarterly basis, the financial activities of the City. The Committee consists of two City Council members who serve on the City Council Finance Committee, and three individuals who reside in the City of Villa Park as nominated and accepted by the City Council. The Investment Advisory Committee follows the policies set forth in the Statement of Investment Policy manual.

It has become evident that a fourth "alternate" resident member is needed for the Investment Advisory Committee. This alternate resident member would attend all meetings. The alternate resident member would possess all the rights equivalent to those held by the other resident members in the absence of any one of the three resident members.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Ulmer, and carried by the following roll call vote adopt the amendment of section 2.42 to the Statement of Investment Policy as stated on page 70 of the Statement of Investment Policy:

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

OTHER BUSINESS

None.

ORAL COMMUNICATIONS

None.

ORDINANCES

1. Consideration of First Reading of Ordinance No. 2006-517, an Ordinance of the City Council of the City of Villa Park, California Adding Chapter XVIII to the Villa Park Municipal Code Relating to Sanitary Sewer Service User Charges and Related Sanitary Sewer Provisions.

Based on a request by the public and direction by the Council, the full text of Ordinance No. 2006-517 was read by City Manager Domer.

It was moved by Councilmember Freschi, seconded by Councilmember Fauteux, and carried by the following roll call vote to accept the first reading of Ordinance No. 2006-517, an Ordinance of the City Council of the City of Villa Park, California Adding Chapter XVIII to the Villa Park Municipal Code Relating to Sanitary Sewer Service User Charges and Related Sanitary Sewer Provisions:

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

2. Consideration of Second Reading and Adoption 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.

It was moved by Councilmember Bell, seconded by Mayor Pro Tem Ulmer, and carried by the following roll call vote to accept the second reading and adoption 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

3. Consideration of Second Reading and Adoption 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.

It was moved by Mayor Pro Tem Ulmer, seconded by Councilmember Freschi, and carried by the following roll call vote to accept the second reading and adoption 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

4. Consideration of Second Reading and Adoption 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.

It was moved by Mayor Pro Tem Ulmer, seconded by Councilmember Bell, and carried by the following roll call vote to accept the second reading and adoption 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:

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

RESOLUTIONS

1. Consideration of Resolution No. 2006-2857, a Resolution of the City Council of the City of Villa Park, California Setting the Rates for Sewer Service User Charges.

It was moved by Councilmember Fauteux, seconded by Councilmember Bell, and carried by the following roll call vote to adopt Resolution No. 2006-2857, a Resolution of the City Council of the City of Villa Park, California setting the rates for sewer service user charges:

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

2. Consideration of Resolution No. 2006-2863, a Resolution of the City Council of the City of Villa Park, California Supporting Orange County Waste Management Commission's Preferred Option to Institute a Self-Hauled Waste Surcharge.

It was moved by Councilmember Freschi, seconded by Councilmember Bell, and carried by the following roll call vote to adopt Resolution No. 2006-2863, a Resolution of the City Council of the City of Villa Park, California Supporting Orange County Waste Management Commission's Preferred Option to Institute a Self-Hauled Waste Surcharge:

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

CLOSED SESSION

1. Consideration of Performance Evaluation of City Manager Pursuant to Government Code Section 54957b (1).

Mayor Bortle adjourned the meeting to closed session at 10:10 PM.

Mayor Bortle reported that City Manager Domer was given an excellent performance evaluation.

ADJOURNMENT

It was moved by Mayor Bortle and carried unanimously to adjourn the meeting at 10:35 PM to an adjourned regular meeting of the City Council on Thursday, March 9, 2006 at 5:00 P.M. to consider possible approval of an Agreement relating to the consent of the City of Villa Park to the Transfer of the Franchise Agreement held by Century-TCI California, L.P. and controlled by Adelpia Communications Corporation to an entity controlled by Time Warner, Inc.

Patricia L. Bortle, Mayor
City of Villa Park

ATTEST:

Kenneth A. Domer, City Clerk
City of Villa Park