

MINUTES OF THE CITY COUNCIL
CITY OF VILLA PARK, CALIFORNIA

The City Council of the City of Villa Park met in regular session Tuesday, March 28, 2006 at 7:30 PM in the City Council Chambers, 17855 Santiago Boulevard, Villa Park, California.

CALL TO ORDER: Mayor Pro Tem Ulmer called the meeting to order.

ROLL CALL:

COUNCILMEMBERS PRESENT:

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

COUNCILMEMBERS ABSENT:

Patricia Bortle	Mayor
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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:

Kyle Furniss and Danny Kisse, sixth-graders from Villa Park Elementary School, led the flag salute.

INTRODUCTIONS AND PRESENTATIONS

1. Presentation of Commendation for Outstanding Academic Achievement to Sarah McAlpine, a Seventh-Grader from Cerro Villa Middle School.

Mayor Pro Tem Ulmer presented Sarah McAlpine with a certificate of academic achievement, a City pin, and a certificate for First Class Pizza.

Jody Roberto from Assemblyman Huff's office presented Sarah with a Certificate of Academic Achievement. She congratulated Sarah and encouraged her to continue with her education.

2. Presentation of 4-Way Test Proclamation to Villa Park Rotary President John Broussard.

Councilmember Freschi presented the 4-Way Test Proclamation to Rotary President John Broussard. Mr. Broussard announced that his club donates about \$40,000 back to the community each year. He mentioned the \$25,000 grant for education that will be awarded this year and the fact that he is proud of the medical clinic in Mexico and the purchase of a new ambulance for the clinic this year.

3. Recognition of Eagle Scouts Brent Wallace, Ryan Glenn and Aric Spear of Troop 850.

Mayor Pro Tem Ulmer presented Eagle Scout Brent Wallace of Troop 850 with an engraved city tile and showed him his name engraved on the perpetual plaque which hangs in the Council Chambers. Ryan Glenn and Aric Spear were not able to make the meeting.

Scout Brent Wallace described his Eagle project as making video storage cabinets for Children's Hospital of Orange County.

4. Presentation of Proclamation to Kathleen Hostert, Chairperson of the 2006 Donate Life Run/Walk Mayor-athon.

On behalf of One Legacy, the Proclamation was presented to by Vanessa by Mayor Pro Tem Ulmer. She thanked the Council for their continued support of One Legacy's efforts. She acknowledged Councilmember Bob Fauteux's participation in last year's Mayor-athon and this year's as well.

5. Recognition of Villa Park Children's Librarian, Kristina L. Jones, For Her Years of Service to the Community (2001-2006).

Mayor Pro Tem Ulmer presented out-going Children's Librarian, Kristina Jones, with an engraved city tile in recognition of her five years of service to the Villa Park Library. She thanked the City and the community for the pleasure of serving them and she spoke about the joy she experienced dealing with the children at the library. Kristina will be working for the County of Orange at their headquarters in Santa Ana with the selection of children's books.

Jody Roberto, from Assemblyman Huff's office, gave her a Proclamation for all her good work for the Villa Park Library. She thanked Kristina and wished her well in the future.

A sixth item, Presentation of Proclamation to Lt. Chris Visconti proclaiming April 10-16, 2006 Telecommunicator's Week, was omitted from the Agenda because it came to our attention at the last minute. Consequently, City Attorney Hampel referred to Government Code §54954.2(b)(2) which states that an item may be added to the agenda if voted upon by 2/3 of the Councilmembers, which would be all 4 members present tonight.

It was moved by Councilmember Freschi, seconded by Councilmember Bell, and carried by the following roll call vote to add this item to the agenda:

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

Mayor Pro Tem Ulmer presented the Telecommunicator's Week Proclamation to Lt. Visconti. He thanked Mayor Pro Tem Ulmer and asked that the folks at Loma Ridge Emergency Operations Center be acknowledged by the public for their dedication and service to the community. The EOC personnel receives the 911 calls in this area of Orange County.

Councilmember Bell introduced Brad Reese, President of the Villa Park Firefighters Association, who thanked Villa Park for the opportunity to serve them through Fire Station No. 23.

ORAL COMMUNICATIONS

1. Sheriff's Update from Lt. Chris Visconti.

Lt. Visconti talked about a recent law survey done that had favorable results. It showed that crime has decreased or remained about the same. It echoes the results in a 2003 Chapman University user survey. Neighborhood Watch groups and CERT groups have partnered with the Orange County Sheriff's Department in a way that benefits Villa Park tremendously.

Lt. Visconti also mentioned the March 17, 2006 Medal of Valor Ceremony and heroic events that were highlighted at that event. Also, he noted that May is Peace Officer Memorial month and that on May 8, 2006 there will be a candlelight vigil to honor 8 sheriff deputies who have fallen.

Councilmember Bell acknowledged that he attended this event in the past and that it was meaningful as always.

2. Representative of the Villa Park Community Services Foundation, Inc.

Vito Canuso, President of VPCSF, updated the public on the Foundation's latest undertakings. He announced that packets have been sent to the high schools to announce scholarship opportunities for seniors.

As for upcoming events, he spoke of the combining of the Annual Picnic and the Red, White, and Blue Celebration, which was started in 2005. This event will take place on Saturday, July 1st, starting in the morning at Towne Centre for a fun-run and parade culminating with lunch served by the Villa Park Rotary Club. Then, in the evening, the fun will reconvene at Irvine Lake for a picnic and fireworks.

Concerning the donations that have been made from the Foundation to other groups, he reported that recipients include Friends of the Villa Park Library, Cerro Villa Middle School Library, and some local residents in need.

Mr. Canuso congratulated Villa Park Rotary President, John Broussard, for his exemplary service to the community.

Councilmember Bell introduced Volunteer Firefighter Brad Reese from Station No. 23. He is currently serving as President of the Villa Park Firefighters Association. He thanked Villa Park for the opportunity to serve their community.

Jim Rheins, 18241 Pamela Place, spoke on behalf of the Friends of the Villa Park Library. He acknowledged Kristina Jones for her wonderful service to Villa Park and to the children of Villa Park Library. He commented that the library building is important and so is the Capital Improvement Expansion Committee. With support from the community, the first organizational meeting was held this month. Rockwell's donated the space and refreshments for this meeting. Fundraising ideas were discussed and support was offered from VPCSF and VP Rotary. He thanked the Council for their support and announced that the Capital Improvement campaign is on.

Jill Kuli, 9481 Henderson Way, announced that Villa Park Elementary School will be the site for a yard sale on April 8th to benefit the VPESRC. On April 1st and 2nd from 10 AM to 2 PM. in front of Ralph's the public can bring any items they would like to donate to a trailer that will be set up to collect items. Please help support the school's history by supporting the fundraiser.

Also, she announced that the Villa Park Rotary was pleased to award the "Above and Beyond" award to Mike Knowles, who donated the \$500 to the Villa Park Library. Also, City Historian Jan Van Emon received the "Going the Extra Mile" award for her work in Villa Park. She donated her \$500 check to the VPESRC.

Frank Obuljen, 18941 Valley Drive, spoke of his concern about the avian flu and its risks. Presently there have been about 100 deaths reported from cases involving bird to man transmission. If this virus mutates, it may result in a pandemic. Treatment is limited. It may spread via wild birds. All of us should be prepared.

Pam Dunn, 9432 Hazel Circle, reported that Rockwell's Café has live jazz and dinner on Tuesday evenings for a cost of \$20 per person. She wanted the public to be aware of this great opportunity.

Don Lamb, 10211 Robin Hood Circle, reported that the Villa Park Emergency Preparedness (VPEP) Fair will take place on Saturday, April 29th from 10 AM to 2 PM at the Towne Centre. There will be numerous groups set up in booths. Some of those groups are: OCFA, OCSD, OUSD (for discussion of evacuation plans), OC Animal Care Services, American Red Cross, Edison, SoCal Gas, Serrano Water District, Americare Ambulance, Villa Park Firefighters, Villa Park Rotary, Boy Scouts, CERT and Neighborhood Watch. A forum will be held in the Council Chambers. Emphasis of this event is that residents need to be prepared to take care of themselves and their family members for up to 72 hours after a disaster strikes before getting help from public safety officials.

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 February 28, 2006. Approved Action: That the City Council approve the Minutes of February 28, 2006.

3. Consideration of City Council Minutes of March 9, 2006. Approved Action: That the City Council approve the Minutes of March 9, 2006.
4. Consideration of the List of Demands for March 15, 2006. Approved Action: That the City Council approve the List of Demands for March 15, 2006, numbered 1 through 54 in the amount of \$55,563.51.
5. List of Demands for March 28, 2006, numbered 1 through 24 in the amount of \$257,927.45. Approved Action: That the City Council approve the List of Demands for March 28, 2006, numbered 1 through 24 in the amount of \$257,927.45.

Councilmember Freschi requested that Consent Agenda item #3 be pulled.

It was moved by Councilmember Fauteux, seconded by Councilmember Bell, and carried by the following roll call vote to approve Consent Agenda items # 1,2,4, and 5:

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

After some discussion from City Attorney Hampel and City Manager Domer about the "rule of necessity", it was decided that even though there was not a quorum at the March 9, 2006 adjourned regular meeting, all Councilmembers are eligible to vote to approve the minutes of that meeting.

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

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

MATTERS PRESENTED BY COUNCILMEMBERS

1. Councilmember Freschi spoke about possibly rezoning the property on Santiago, between Meats and Serrano, to commercial with a restricted type of commerce. He did not know if this would be well received by the residents, however. This parcel is adjacent to Serrano Elementary School and borders the City of Orange.

Councilmember Bell stated that he was no sure that this location is a good one for such a rezoning. He stated that the Edison easement presents a problem for any type of business at this location.

Mayor Pro Tem Ulmer asked if it might not be beneficial for staff to study this issue.

Councilmember Bell said that he is not in favor of rezoning this parcel because there is not enough land for commercial use.

Councilmember Fauteux suggested that this might be an issue for the Community Development Committee to study.

City Manager Domer agreed with Councilmember Fauteux's suggestion. He stated that most definitely Edison would have restrictions, however, he would do a preliminary review of the situation if Council so directed.

Councilmember Freschi asked if specifying the type of business would help for matters of discussion.

City Attorney Hampel replied that the first order of business would be to start with the General Plan. It would be possible to redesign a commercial zone if the City would like more control and, thereby, create a second Commercial Zone. This requires a lot of study. An EIR would be necessary due to traffic considerations at this location in order to rezone from residential to commercial.

City Manager Domer stated that staff could study an overlay effect of keeping it as a basic residential zone but layer it with commercial, leaving it up to the market. Also, in the Villa Park Municipal Code there is architectural supervision specialty that might be refined to define a high end quality commercial zone.

Mayor Pro Tem Ulmer stated that he believed it to be the consensus of the Council to do some preliminary study through the Community Development Committee on this issue and then report back to the City Council.

2. Councilmember Fauteux announced that the VPWL is offering scholarships for at least three high school seniors residing in Villa Park. The contact person for interested parties is Jane Emerson-Brown.

Also, Councilmember Fauteux stated that Jim Rheins forgot to mention that the Friends of the Villa Park Library has set a goal of \$200,000 for the Library expansion. He and Mayor Bortle have jumped on the band wagon to push this project. More volunteers are needed.

3. Mayor Pro Tem Ulmer discussed the possibility of fostering and acknowledging beautification throughout the City and creating an interest in the community by partnering with the VPWL, VP Foundation and other groups to coordinate a citywide effort.

City Manager Domer stated that he would do an ENetwork message on beautification to generate ideas from the community. He will look at how best to use the resources of the VP Foundation, VPWL, etc. with the goal of publicly acknowledging their efforts to beautify Villa Park.

CITY COMMISSION AND COMMITTEE REPORTS OR REFERRAL

None.

ITEMS FOR CONSIDERATION

None.

PUBLIC HEARINGS

None.

STAFF REPORTS

City Manager:

1. Band Sponsored Car Show Parking Request for May 13, 2006.

City Manager Domer reported that this event will help raise funds for the Villa Park Marching Band and will take place between the hours of 9 AM and 3 PM. on Saturday, May 13, 2006.

City Manager Domer reported that staff recommends approval of this request.

Councilmember Fauteux stated that he did not see any problem with this event and that they were not generating a lot of litter.

Councilmember Bell brought up the issue of liability insurance.

City Attorney Hampel stated that there is always a possibility of liability, albeit remote.

It was moved by Councilmember Freschi, seconded by Councilmember Bell, and carried by the following roll call vote to authorize the City Traffic Engineer and City Manager to review the parking restrictions on Taft Avenue and authorize the placement of temporary signs allowing parking along Taft Avenue where appropriate to accommodate the event and require Villa Park High School to assist with traffic control and direction during the event by providing volunteers or staff to help direct parking within the parking lot and overflow parking onto the street:

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

City Attorney:

City Attorney Hampel briefly discussed the pending agreement with Time Warner, Inc. He stated that a paragraph was added by the City to the draft regarding the Public Education Grant (P.E.G.) because the City wanted to make sure that Time Warner, Inc. did not deduct it from the

5% Franchise fee payment. City Attorney Hampel stated that Time Warner, Inc. has not yet responded, but that this is not urgent. He hopes to know something more definite by the April 25th City Council meeting.

City Engineer:

1. Consideration of Authorization to Advertise For Construction Bids for Fiscal Year 2005-06 Street Maintenance and Street Improvement Project.

The Street Maintenance and Street Improvement Project for Fiscal Year 2005-06 consists of a slurry seal or asphalt concrete overlay on various City streets as well as the repair of damaged or nonfunctioning curb and gutter at various locations. In addition, curb and gutter improvements are proposed for areas on Mesa Drive. These areas are locations where cash bonds were previously received from the adjacent property and it is presently feasible to construct the improvements. The streets to receive the slurry seals and asphalt overlays were selected using the City Pavement Management Program. The streets and locations were shown on an attached exhibit to the item.

The proposed project schedule is as follows:

- | | |
|------------------------------|----------------|
| • Authorization to Advertise | March 28, 2006 |
| • Open Bids | April 18, 2006 |
| • Award Contract | April 25, 2006 |
| • Start Construction | May 22, 2006 |
| • End Construction | June 30, 2006 |

Estimated costs for the project are \$347,000. Funding is provided by the 2005-06 Fiscal Year street maintenance budget, Capital Improvement Funds, as well as \$22,000 in cash bonds previously received.

Councilmember Bell asked City Engineer Repke about the slurry seal type 2 that was used about three years ago that did not fair too well. He noted that this project will use slurry seal type 1 and wanted to know who would control the drivers who tend to drive on the new slurry too soon.

City Engineer Repke stated that type 1 will be used. Additional restrictions will be put on the contractor to coordinate with trash pickup to ensure slurried roads are not driven on by residents.

It was moved by Councilmember Freschi, seconded by Councilmember Fauteux, and carried by the following roll call vote to approve the plans, specifications and contract documents entitled,

“2005-06 Street Maintenance and Mesa Drive Improvement Project” and authorize the City Engineer and City Clerk to advertise for construction bids:

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

OTHER BUSINESS

Councilmember Fauteux began discussing Assembly Bill 1234. City Manager Domer asked that Finance/Administrative Manager Desai give a brief explanation of recent (2005) changes made to this legislation, as they were presented to her at a Government Finance Officers meeting. Ms. Desai stated that Councilmembers should provide brief reports on meetings attended at the expense of the City at the next regular City Council meeting. (See AB1234 Section 3, Article 2.3 Compensation (d) "Members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body"). This can be done on the Consent Agenda under "Travel and Meetings." If the public wishes to request a copy of the City Council's report on a meeting or conference attended, they may make that request to City Hall just like any other Public Records request.

ORAL COMMUNICATIONS

None.

ORDINANCES

1. Consideration of Second Reading and Adoption 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.

After some brief discussion, in which Councilmember Fauteux stated that this Ordinance is an unpleasant necessity, the following motion was made.

It was moved by Councilmember Bell, seconded by Councilmember Fauteux, and carried by the following roll call vote to accept for second reading and adoption 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
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: Bortle

RESOLUTIONS

1. Consideration of Resolution No. 2006-2865, a Resolution of the City Council of the City of Villa Park, California Supporting the "Green" Alignment Extension of the Foothill Transportation Corridor (241 Toll Road).

Councilmember Fauteux stated that he supports the extension of the 241 Toll Road and that it has been a long time in the making and planning stages.

Councilmember Freschi stated that he, too, supports the extension of the 241 Toll Road especially because it is no cost to the taxpayer.

Mayor Pro Tem Ulmer commented that he believes the parties who are protesting this Toll Road in court are misstating this as an environmental hazard.

Public comment was given by resident Vaughn Sarkisian, 10572 Potter Circle, in opposition to the extension of the 241 Toll Road. He believes that it will interfere with the State Park.

It was moved by Councilmember Freschi, seconded by Councilmember Fauteux, and carried by the following roll call vote to adopt Resolution No. 2006-2865, a Resolution of the City Council of the City of Villa Park, California Supporting the "Green" Alignment Extension of the Foothill Transportation Corridor (241 Toll Road):

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

2. Consideration of Resolution No. 2006-2866, a Resolution of the City Council of the City of Villa Park, California Proclaiming the Week of April 23-29, 2006 as Villa Park Emergency Preparedness Week and Announcing the Villa Park Emergency Preparedness Task Force Fair on April 29, 2006.

Hearing no discussion, Mayor Pro Tem Ulmer called for the question.

It was moved by Councilmember Fauteux, seconded by Councilmember Freschi, and carried by the following vote to adopt Resolution No. 2006-2866, a Resolution of the City Council of the City of Villa Park, California Proclaiming the Week of April 23-29, 2006 as Villa Park Emergency Preparedness Week and Announcing the Villa Park Emergency Preparedness Task Force Fair on April 29, 2006:

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

CLOSED SESSION

None.

ADJOURNMENT

March 28, 2006 City Council Meeting
Page 11

It was moved by Mayor Pro Tem Ulmer and carried unanimously to adjourn the meeting at 9:05 PM to the next regular session of the City Council on April 25, 2006 at 7:30 P.M.

W. Rich Ulmer, Mayor Pro Tem
City of Villa Park

ATTEST:

Kenneth A. Domer, City Clerk
City of Villa Park