

MINUTES OF THE CITY COUNCIL
CITY OF VILLA PARK, CALIFORNIA

The City Council of the City of Villa Park met in regular session Tuesday, May 23, 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
Rich Freschi	Councilmember

STAFF PRESENT:

Ken Domer	City Manager
Leonard Hampel	City Attorney
Warren Repke	City Engineer
Nancy Desai	Finance/Administrative Manager

FLAG SALUTE:

Representatives from the Villa Park Elementary School second grade led the flag salute.

INTRODUCTIONS AND PRESENTATIONS

1. Presentation of Commendation to Tim Erdmann, an Eighth Grader from Cerro Villa Middle School, for Outstanding Academic Achievement

Mayor Bortle presented a Commendation to Tim Erdmann for Outstanding Academic Achievement

2. Presentation of Certificates to 2006 Spring CERT Graduates.

Mayor Bortle presented Certificates to the 2006 Spring CERT Graduates.

ORAL COMMUNICATIONS

1. Representative of the Villa Park Community Services Foundation, Inc., Presenting the 2006 Foundation Scholars: Justin Woo and Jasmine Pauly

Scholarships were presented to Justin Woo and Jasmine Pauly by the Villa Park Community Services Foundation.

ORAL PRESENTATIONS

Mark Ferguson, Certified Compost Specialist Facility Manager, gave an overview of the proposed new compost facility on the east shore of Irvine Lake owned by the Serrano Water District and Irvine Ranch Water District expressing potential health concerns relative to the City of Villa Park's drinking water and need for a full environmental impact report.

Dan Dulett, Baker Canyon Road, Silverado also expressed concerns relative to the proposed new facility by TVI and requested the City to further investigate this operation and request a full environmental impact report.

Councilmember Fauteux cautioned on jumping to conclusions and giving Serrano Irrigation District equal time to address this issue.

Councilmember Freschi stated there will be a Serrano Irrigation District meeting tomorrow at 5:00 p.m. to discuss a rate increase.

Don Ebright brought to the City Council's attention the agenda for the Serrano Irrigation District's special meeting listing the rate increase, resolution for the proposed green waste lease and 2006/2007 budget, stating these were not little items with no benefit of a public hearing.

Jill Kuli, Villa Park Rotary, stated they will be having a Blood Drive tomorrow and urged everyone to give blood.

CONSENT AGENDA

1. Consideration to Waive Reading in Full of All Ordinances on the Agenda. Approved Action: The City Council waived reading in full of all ordinances on the Agenda.
2. Consideration of City Council Minutes of April 25, 2006. Item pulled.
3. Consideration of the List of Demands for April 30, 2006. Approved Action: The City Council approved the List of Demands for April 30, 2006, numbered 1 through 26 in the amount of \$36,038.72.
4. Consideration of List of Demands for May 23, 2006. Approved Action: The City Council approved the List of Demands for May 23, 2006, numbered 1 through 36 in the amount of \$209,200.06.
5. Consideration of Proclamation for Drowning Prevention Awareness. Item pulled.

6. Consideration of Invoice for Demographic Research from the Orange County Division League of California Cities. Approved Action: The City Council approved the invoice for \$899.00 to obtain demographic research information.

It was moved by Councilmember Bell, seconded by Mayor Pro Tem Ulmer, and carried by the following roll call vote to approve the Consent Agenda with the removal of Items #2 and #5:

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

Councilmember Freschi was absent from the April 25, 2006 meeting and will be abstaining from the vote on approving the Minutes of that meeting.

It was moved by Councilmember Bell, seconded by Councilmember Fauteux, and carried by the following roll call vote to approve Consent Agenda Item #2 approving the Minutes of April 25, 2006.

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

Mayor Bortle pulled Item #5 from the Consent Calendar because she felt the community should be more aware of this item.

It was moved by Councilmember Bell, seconded by Councilmember Fauteux, and carried by the following roll call vote to approve Consent Agenda Item #5 proclaiming the period of May 29th to September 4th as Drowning Prevention Awareness and encouraged all residents, schools, businesses and homeowner associations to be partners in preparedness.

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

It was moved by Mayor Pro Tem Ulmer, seconded by Councilmember Fauteux to move Item #3 from the Resolutions to this part of the Agenda. Motion carried unanimously.

3. Consideration of a Resolution 2006-2875 Approving the Renewed Measure M Transportation Investment Plan

Bill Campbell, Chairman of the Orange County Board of Supervisors and Director of the Orange County Transportation Authority (OCTA) presented the history of the Measure M program and OCTA's role. The Measure M renewal program will be a continuation of the

half cent sales tax, generating over \$11 billion for 30 years with Villa Park receiving \$3.5 million during that time. He recommended the City Council approve the resolution.

Art Leahy, OCTA Executive Officer, pointed out that the City Council would be approving the placement of the Measure M Transportation Investment Plan to be placed on the ballot, and not taking a stance on the renewal itself. Councilmember Fauteux requested the City Manager Domer read out loud a portion of the resolution which stated such.

It was moved by Mayor Pro Tem Ulmer, seconded by Councilmember Fauteux, and carried by the following roll call vote to approve Resolution No. 2006-2875 supporting the placement of the Renewed Measure M Transportation Investment Plan on the General Election ballot.

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

MATTERS PRESENTED BY COUNCILMEMBERS

Councilmember Bell reported that the City of Villa Park is now being represented at the Arrowhead Pond by First Class Pizza and congratulated Jeff.

1. Travel and Meetings

Councilmember Fauteux stated he attended the Air Quality Management meeting at the League of Cities with discussions of more stringent pollution controls.

Councilmember Bell also attended the Air Quality Management meeting stating they gave an excellent talk.

Mayor Pro Tem Ulmer dittoed the comments.

Mayor Bortle reported she attended the Business portion of the meeting and was honored to report on how well Villa Park was represented.

Councilmember Freschi reported that he attended the Orange County Sanitation District Finance and Human Resources Committee discussions on fringe benefits for employees and that he was continuing to study the program.

It was moved by Councilmember Bell, seconded by Councilmember Fauteux, 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 April 20, 2006 to May 18, 2006.

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

ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

CITY COMMISSION AND COMMITTEE REPORTS OR REFERRAL

1. Mayor Pro Tem Ulmer reported that the Community Development Committee has scheduled their meetings on the second Thursday of each month at 4:00 p.m. and encouraged everyone to bring forward any issues to the City. He stated the prior meeting was well attended by Featherhill Drive residents relative to a safety issue, along with a petition, and the City is now moving forward on their request.

Another item related to the Prado Woods Drive and student parking issue which will be discussed at a future meeting.

Third item was the formalizing of a beautification program with the first organizational meeting to be held on June 8, 2006 at 4:00 PM.

2. Mayor Bortle gave an update on the Orange County Public Library Board meeting with good news that there was sufficient and stable funds for current library operations. Mayor Bortle also reported that the Friends of the Library are continuing to try to raise money to expand our library. On another note, she stated there is now a new program where you can now download books on the internet.
3. Councilmember Fauteux reported that he attended the Orange County Sanitation District Board of Directors meeting where there are a couple of proposals setting rates for 2006/2007 being considered.

Councilmember Fauteux also reported that for Vector Control they will not be raising rates, but there maybe a reduction due to the fire ants and other pests voted on. They will be setting the rates in June.

ITEMS FOR CONSIDERATION

1. Purchase of VPCATV Corporation Trailer for Emergency Services/Preparedness Use

City Manager Domer stated this was a proposal to purchase the Villa Park Cable Access Television trailer, originally purchased in 2000, to be used for City emergency services and preparedness. Based on upgrades to video equipment the use of the trailer has declined and in discussions with the Emergency Preparedness Task Force there is a need to store emergency supplies and have an emergency services trailer that can be transported easily enough as needed. This is actually a purchase agreement and forgiveness of a portion of a loan in the amount of \$13,752.34 owed to the City, thereby reducing it to \$9,662.34. Recommendation is to have the City purchase the trailer at a cost of \$4,090.00 and direct the City Manager to adjust the loan accordingly.

It was moved by Councilmember Bell, seconded by Mayor Pro Tem Ulmer and carried by the following vote to approve the purchase of the trailer for emergency services purposes through the forgiveness of the VPCATV loan up to the purchase price of \$4,090.00.

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

PUBLIC HEARINGS

1. Consideration of Variance Permit No. 0641 to add a one car garage requiring a 10 foot encroachment into the side yard setback (Location: 10231 Sycamore Circle; Applicant: John Kleinberg) (Continued from April 25, 2006)

City Manager Domer stated this matter was previously continued at the request of the applicant. The applicant is requesting permission to encroach 10 feet into the side yard setback to construct an additional garage bay. The required setback is 20 feet and would require a variance. In reviewing the application and required findings for the variance the garage does not meet the required findings and is therefore denial of the variance is recommended.

John Kleinberg, applicant stated he was asking for a variance for an additional garage and presented photographs and plans. He felt this was a very small encroachment, stating that in his neighborhood there are a majority of houses that have setbacks of 20 feet or less.

Councilmember Freschi commented that he had reviewed the house and studied the plans, but felt they would be granting a special privilege because of where he wanted to put it.

Mayor Pro Tem Ulmer agreed with Council Freschi in that it does not match up with the situation.

City Attorney Hampel explained that there had to be a physical hardship that deprives the property from advantages of other properties in the same zone and has to be peculiar to the lot in size, shape and topography, and not manufactured.

Councilman Bell felt they were being asked to create something that is not the issue, but there are rules and regulations. If there are other areas on the property that do not require a variance he should put it there.

Mayor Bortle closed the public hearing.

It was moved by Councilmember Bell, seconded by Mayor Pro Tem Ulmer and carried by the following vote to approve Resolution No. 2867, a Resolution of the City Council of the City of Villa Park Denying Variance Permit No. 0641 - Encroachment 10 Feet into the Side Yard Setback for Construction of a One Car Garage - Location: 10231 Sycamore Circle:

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

2. Consideration of Conditional Use and Variance Permit No. 0642 to construct a detached garage, not to exceed 15 feet in height, with two garage bays and recreational vehicle bay for a total of 5 garage bays and to encroach 15 feet into the rear yard setback for addition to primary home (Location: 19312 Canyon Drive; Applicants: Jim and Holly Moat) (Continued from April 25, 2006)

City Manager Domer stated this item was fully debated on April 25, 2006, but continued for architectural designs of the garage which were not shown on the original plans. Since that time new plans have been submitted along with a few changes where the RV portion of the garage had been shifted from the front towards the rear. In addition, it should be noted there is a 15 foot height limit on detached structures. Other issues were the vineyard and traffic. The City will bond for any damages. Staff is recommending approval of the variance as well as the conditional use permit.

Jim Moat, applicant, addressed the City Council stating he would be available for any questions.

City Attorney Hampel stated there were 4 additional conditions added at the last meeting and a modification to Condition No. 7, changing it to read "amount to be determined by the City Engineer" instead of the amount certain. Additional conditions are as follows: 14. "A 20 foot storm drain easement in a form approved by the City Engineer shall be dedicated to the City." 15. "An encroachment permit over the storm drain easement in a form approved by the City Engineer shall be entered into by the applicant." 16. "In addition to the encroachment permit applicant shall permit access by the City to the storm drain with or without notice to perform any work necessary in the City's sole discretion without cost or liability to the City or any of its agents for any damage to applicant's property." 17. "Applicant shall hold City harmless from any liability, costs and expenses including all attorneys fees incurred in defending this approval".

Applicant was in agreement with the additional conditions.

Judy Duncan, spoke in opposition to them putting garages over a storm drain easement and allowing them to build over the easement, establishing a serious precedent for all the neighbors down Canyon Drive. Mrs. Duncan stated their rear yard and deck overlook the entire line of neighbors and does not want to see a whole bunch of RV garages and shops. When they bought their house they were told that nothing could be built on that property and could not build over an easement. She believes it affects their property values and quality of life.

Dale Duncan stated they have been told by the previous City Manger and Building Inspector that they cannot build over that drainage easement and always relied on that. He knows there can be an encroachment permit signed, but the building is a 2,000 foot structure over this drainage easement. They have two objections: 1) they felt very strongly that the City has always represented to them there could be no encroachment across that drainage easement

and have relied on that; and, 2) he does not object to the house, but strenuously objects to the huge structure going over that easement. He urged the City Council to stand by their rules and regulations and asked for their consideration.

Councilman Bell stated the zoning does permit a secondary building of that size and the owner has the right to build it. They have been assured that the structure over the drainage easement will work and sees no reason to deny it.

Mary Jo Chorbagan, adjacent property owner, stated she met with Mr. Moat who explained the project to her. She did not understand why the structure was reversed and is now in her direct view. He also pointed out to her where he would be cutting into her slope and destroying 3-5 of her Merlot plants, stating he would replace them. She found no assurance in his getting a satisfactory project for anyone but himself. She also questioned the drain easement as to his trees and maintenance of the easement. She objected to the original plans and why would she not object to this one. Why would she allow construction to intrude on her property and enter into her private easement? Want to preserve the integrity of her property.

City Attorney Hampel stated he had two concerns: 1) they did not have a resolution in front of them; and, 2) there has been testimony with new information where grading would occur beyond the owner's control and would like a condition in the resolution requiring consents of the private property owners. Suggest staff come back with a resolution dealing with some of the issues that have been raised at this hearing.

Jim Moat stated in order to connect the two pipes he would have to come onto the property.

City Engineer Repke stated it was a private system and will require permission for them to connect the pipes. There have been discussions to make it a City owned system that is in the works.

Discussion ensued relative to the various issues and bringing this matter back to the City Council and also allowing the applicant to proceed with the construction of the house.

Don Ebright, stated the City has rules and regulations relative to setbacks and variances and should stick to these rules. There are countless numbers of variances being requested and granted, setting a precedent.

Jonathon Stanton, Moat's contractor, stated to his knowledge there were no codes or regulations on building on the easement and requested they be allowed to proceed with the house.

It was moved by Councilmember Bell, seconded by Mayor Pro Tem Ulmer, and unanimously carried to continue this item to the June 13, 2006 adjourned City Council meeting.

RECESS

Mayor Bortle declared a recess at 9:57 p.m. and reconvened the meeting at 10:10 p.m.

STAFF REPORTS

City Manager:

1. Featherhill Drive Speed Hump Request

City Manager Domer presented a staff report on the petition by the residents of Featherhill Drive to the Community Development Committee asking for traffic calming on the street. Residents have requested a speed hump. The Orange County Fire Authority does not agree stating it adds 10 seconds to their response time. Staff's recommendation is for the City Manager to proceed with a speed study to be conducted on Featherhill Drive as outlined in the staff report with the addition of bringing back a staff report to the City Council prior to any calming measures being implemented.

It was moved by Councilmember Freschi, seconded by Councilmember Bell, and unanimously carried to request staff to implement a traffic calming program on Featherhill Drive using speed humps contingent upon resident support, speed study and payment to cover costs associated with installation, signage, striping and a bond for removal.

2. Consideration of the Summer Newsletter.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Ulmer and unanimously carried to approve and authorize the production of the Summer newsletter.

City Attorney:

1. Fee Agreement Re: Personnel Matter.

City Attorney Hampel reported on correspondence received by the City as to potential litigation and request for a personnel hearing and the need to hire a public labor lawyer to defend the City. Under the fee agreement the City Council must authorize in advance the hiring of such counsel. Rutan & Tucker will do the work for \$250.00 per hour. Another alternative is that the City is a member of the California Joint Powers Insurance Authority (CJPIA) and it may provide legal counsel. Recommendation is to authorize the City Manager to retain Rutan & Tucker as legal counsel to represent the City not to exceed the amount of \$250.00 per hour or utilize the services of the CJPIA, if available.

It was moved by Councilman Freschi, seconded by Mayor Pro Tem Ulmer and carried by the following roll call vote to authorize the City Manager to retain Rutan & Tucker as legal counsel to represent the City not to exceed the amount of \$250.00 per hour or utilize the services of CJPIA, if available.

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

City Engineer:

None

Finance/Administrative Manager:

1. Consideration of Change to City's Fixed Asset Management Policy

Finance/Administrative Manager Desai presented staff report explaining the Fixed Asset Management Policy and increasing the limit from \$300.00 to \$500.00 and revisions made to the Policy.

It was moved by Councilman Freschi, seconded by Councilmember Bell and carried by the following roll call vote to approve and adopt the recommended changes to the Fixed Asset Management Policy increasing the limits from \$300 to \$500.

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

OTHER BUSINESS

None.

ORDINANCES

1. Consideration of Second Reading of Ordinance No. 2006-518, an Ordinance of the City Council of the City of Villa Park, California Adding Chapter XX Entitled Water Quality to the Villa Park Municipal Code and Deleting Article 6-8 of Chapter VI

It was moved by Councilman Freschi, seconded by Mayor Pro Tem Ulmer and carried by the following roll call vote to approve Second Reading and Adopt Ordinance No.2006-518, an Ordinance of the City Council of the City of Villa Park, California Adding Chapter XX Entitled Water Quality to the Villa Park Municipal Code and Deleting Article 6-8 of Chapter VI.

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

RESOLUTIONS

1. Consideration of Resolution No. 2006-2873 Amending Resolution No. 2003-2701 Authorizing Investment of Monies in the Local Agency Investment Fund (LAIF)

It was moved by Councilmember Fauteux, seconded by Councilmember Bell and carried by the following roll call vote to adopt Resolution No. 2006-2873 a Resolution of the City

Council of the City of Villa Park Authorizing Investment of Monies in the Local Agency Investment Fund.

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

2. Consideration of Resolution No. 2006-2874 Preliminary Approving and Adopting Report for Sewer Pump Maintenance for Tracts 10523 and 13204 for FY 2006-07 and Appointing Time, Date, and Place for Hearing thereon

It was moved by Councilmember Bell, seconded by Councilmember Fauteux and carried by the following roll call vote to adopt Resolution No. 2006-2874 a Resolution of the City Council of the City of Villa Park Preliminary Approving and Adopting Report for Sewer Pump Station Maintenance for Fiscal Year 2005-2006 and Appointing Time, Date and Place for Hearing Thereon.

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

3. Consideration of a Resolution 2006-2875 Approving the Renewed Measure M Transportation Investment Plan

Item previously acted upon.

4. Consideration of a Resolution of Intent to Conduct a Public Hearing on Conditions Present at 18812 Smoketree Circle to determine Whether Such Conditions Constitute a Public Nuisance

It was moved by Councilmember Bell, seconded by Councilmember Freschi and carried by the following roll call vote to adopt Resolution No. 2006-2876, a Resolution of the City Council of the City of Villa Park, declaring its intent to conduct a Public Hearing on conditions present at 18812 Smoketree Circle, to determine whether such conditions constitute a Public Nuisance.

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

5. Consideration of a Resolution Authorizing the Orange County Tax Collector to Assess Sanitary Sewer Service User Charges to be Collected on the Tax Roll

It was moved by Councilmember Freschi, seconded by Councilmember Bell and carried by the following roll call vote to adopt Resolution No. 2006-2877, a Resolution of the City

Council of the City of Villa Park, Authorizing the Orange County Tax Collector to Assess Sanitary Sewer Service User Charges to be Collected on the Tax Roll.

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

ORAL COMMUNICATIONS

None.

CLOSED SESSION

This item was continued to the June 13, 2006 City Council meeting.

ADJOURNMENT

It was moved by Mayor Bortle and carried unanimously to adjourn the meeting at 10:30 p.m. to the Budget Study Session on June 13, 2006 at 7:30 P.M.

Meeting was adjourned in memory of Phil Hurwitz, long-time friend of the community and business owner of Phil's 76 Station who passed away on May 9, 2006.

Patricia L. Bortle, Mayor
City of Villa Park

ATTEST:

Kenneth A. Domer, City Clerk
City of Villa Park