

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 24, 2005 at 7:30 PM in the City Council Chambers, 17855 Santiago Boulevard, Villa Park, California.

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

ROLL CALL:

COUNCILMEMBERS PRESENT:

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

COUNCILMEMBERS ABSENT:

Bob Bell Councilmember

STAFF PRESENT:

Ken Domer	City Manager
Todd Litfin	City Attorney
Cristina Sundstrom	Deputy City Clerk
Warren Repke	City Engineer
Nancy Desai	City Accountant

FLAG SALUTE:

Serrano Elementary School sixth-grader Adam Cregg, led the flag salute.

INTRODUCTIONS AND PRESENTATIONS:

1. Presentation of City Manager, Ken Domer — Mayor Freschi.

Mayor Freschi introduced Ken Domer as the new City Manager. He spoke about his education (Master's Degree in Public Administration from USC) and work experience in other governmental agencies, including most recently at the County of Orange, and welcomed him to Villa Park's City staff.

2. Presentation of Commendation to Melissa Stringfellow, a Senior from Villa Park High School, for Outstanding Academic Achievement.

Mayor Freschi introduced Melissa Stringfellow, an outstanding senior at Villa Park High School, The Mayor presented her with a certificate of academic achievement and with two certificates for pizza and ice cream courtesy of First Class Pizza and Dr. Java's Soda Fountain, respectively.

ORAL COMMUNICATIONS:

Marion Baker, 18161 Windsor Drive, spoke in opposition to the Drumline event which was sponsored by Villa Park High School on April 30, 2005 and May 1, 2005. He stated that the decibel level was 10,000 times the intensity of a normal conversation. The unending drum beats were the worst part of the two- day experience. He had an aerial map of his neighborhood made, which he shared with Councilmembers, which illustrated Villa Park High School and Phelan and Windsor Drives. He marked off six homes which were most effected by the noise. He asked that Council work to limit or eliminate these events in the future.

Ed Carter, 10071 Phelan Drive, stated that his young daughter was ill with asthma and trying to sleep at home during this 2 day event, which was quite an ordeal for his family. He was against the event due to the noise and length of it and reported that other neighbors were opposed who could not attend the Council meeting.

Dr. Esther Paguiayan, 9981 Bixby Circle, had to leave her home due to the intensity of the noise. She urged the Council to help her and other neighbors resolve the issue before next year.

Randy Vannoy, Booster Band Board Member and resident of Orange, stated that the drummers did not start playing until 7:30 am., each day. He explained that over 100 schools from the state competed at Villa Park High over the two- day event and that they had to sign up to host at Villa Park High School for two consecutive years. He stated that in the future the participants could be moved to practice away from the neighbors' fence lines.

Gloria Baker, 18161 Windsor Drive, stated that the drumming began at 6:30 a.m. on Saturday, April 30th, and that the sounds made her ill. She said that she has been a good neighbor to Villa Park High School and has had to put up with illegal parking on her street against the red curbs. This has necessitated her calling the Sheriff. She questioned Mr. Vannoy about a two-day versus a one-day event next year.

Mayor Pro Tern Bortle stated that the drumming ended at 10 p.m. on Sunday, May 15t She will meet with OUSD to discuss this matter further.

Councilmember Fauteux suggested that the concerned parties attend the next Board Meeting for OUSD on Thursday, May 26th at 7:30 p.m. In this manner they can express their opposition to the Drumline event directly to the trustees.

A letter from the Band Director, Patrick Murphy, was entered into the record and a copy provided to the Councilmembers before the meeting began.

Vito Canuso, 9582 Featherhill Drive, President of the Community Services Foundation Inc., discussed the upcoming Annual Picnic to be held on Sunday, May from noon to 5 p.m. at the Irvine Lake.

VPCSF, Inc. is still accepting applications for scholarships offered for the first time this year to high school seniors. The scholarships are service-oriented and are intended to encourage students to get involved in service. The extended deadline is May 31.

Membership renewal for the Foundation can now be accomplished using Pay Pal. There is a link on the City's website to Pay Pal.

The first Red, White and Blue Summerfest will be happening on Saturday, July **2nd** at the Town Center. Sign-ups information is online and packets available at City Hall.

The next Gala fundraiser for the Foundation will take place on New Year's Eve. After July **2nd** a Committee will be formed to plan the Gala.

Chuck Niemann, 18920 Valley Drive, encouraged everyone to register for the car show on May 29th Applications and payment are due by May **27th** and may be picked up at City Hall. Applications are also available at Phil's 76 Station.

Councilmember Ulmer discussed raffle prizes for the Picnic and named the local gift donors as the following: The John Frackleton Family; Personalized Fashions; The Flowery; Green Pear; Suzie's Beauty Supply; Phil's Unocal; China Panda; First Class Pizza; Coffee Grove; Wayne's Liquor; and Ricardo's Restaurant in Orange.

Gerard Goedhart, District Manager of Orange County Vector Control District, addressed the Council about the status of Assembly Bill (AB) 99. The Assembly Committee on Local Government heard the bill last month and it was defeated. So for this legislative session it is a dead issue. For the time being there will not be a reduction in the number of OCVCD Board members.

Governor Schwarzenegger allocated 12 million dollars to mosquito control state-wide due to the West Nile Virus witnessed state-wide. Mr. Goedhart wants to get his fair share of the allocation for Orange County. To report dead birds for testing, residents may call 971-2421.

On a final note, he reported that the Benefit Assessment that was increased by vote last year to \$5.42 per household is being lowered to \$5.30.

CONSENT AGENDA:

1. Consideration to Waive Reading in Full of All Ordinances on the Agenda. Approved Action: That the City Council waive the reading in full of all ordinances on the Agenda.
2. Consideration of City Council Minutes of April 5, 2005. Approved Action: That the City Council approve the City Council Minutes of April 5, 2005.
3. Consideration of City Council Minutes of April 26, 2005. Approved Action: That City Council approve the City Council Minutes of April 26, 2005.
- 4.. Consideration of List of Demands for April 30, 2005. Approved Action: That the City Council approve the List of Demands for April 30, 2005, numbered 1 through 36 in the amount of \$26,928.14.

5. Consideration of List of Demands for May 24, 2005. roved Action: That the City Council approve the List of Demands for May 24, 2005, numbered I through 28 in the amount of \$177,834.00.
6. Consideration of Orange County Housing and Community Services Department Urban County Requalification — Cooperation Agreement for FY 2006-FY 2008. Approved Action: That the City Council authorize the Mayor and City Clerk to execute this Agreement.
7. Consideration of Second Amendment to Agreement Between the City of Villa Park and the County of Orange Sheriff-Coroner Department. Approved Action: That the City Council approve the Agreement between the City of Villa Park and the County of Orange Sheriff-Coroner Department and authorize the Mayor to execute the Agreement on behalf of the City.

It was moved by Mayor Pro Tern Bortle, seconded by Councilmember Ulmer, and carried by the following roll call vote to approve Consent Agenda Items I through 6:

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

Councilmember Fauteux pulled item #7 regarding the Sheriff's contract. He asked City Manager Domer to confirm the scope of protection being the same as it is currently. City Manager Domer responded that the amended contract reconciles services to recognize the full (actual) cost. In the past, the City has received services without paying for it. Villa Park does not want to see the staffing level go below four (4) deputies.

It was moved by Councilmember Fauteux, seconded by Mayor Pro Tern Bortle, and carried by the following roll call vote to approve Consent Agenda Item #7:

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

MATTERS PRESENTED BY COUNCILMEMBERS:

CITY COMMISSION AND COMMITTEE REPORTS OR REFERRALS:

1. Villa Isle Street Closure — Community Development/Public Safety Committee — Mayor Pro Tern Bortle,

The Community Development/Public Safety Committee met to discuss residents' concerns about drive-through traffic on Villa Isle Drive and their desire to close one side off with a gate. A traffic study must be completed to document the traffic volume and speed, for which the residents are willing to pay.

Mayor Freschi would like current traffic speeds recorded on Canyon Drive and Villa Isle Drive.

City Manager Domer stated that Deputy Steve Taylor observed traffic from 12 — 1p.m. and found 29 cars traveled, none speeding. The speed trailer will be put out for one week to record the number of cars and speeds. The data will be collected. A traffic consultant will cost around \$2,500, for which the residents can pay. City Manager Domer will contact a couple of engineering firms to see about doing the traffic study for the residents. In the meantime, Deputy Taylor will continue to monitor for speeding cars.

3. Consideration of Parking Waiver Reauests from Villa Park Elementary School Home and School League — Community Development/Public Safety Committee — Mayor Pro Tern Bortle.

Mayor Freschi opened a discussion about the policy of parking waiver requests. The Villa Park Elementary School Home and School League submitted a request for parking waivers for May 26th, June 13th, and June 16th, 2005. They paid \$50.00 for these dates and another \$50.00 for a short-term request. The short-term request is non-refundable, however, the fee for the other request can be waived by the Council if they desire. Mayor Pro Tern Bortle explained that the Community Development/Public Safety Committee denied a request made for May I because there is not a large number of children and parents/relatives who are affected by graduations. Councilmember Fauteux remarked that there are not a lot of car pools to Villa Park Elementary School and, consequently, there are a lot of cars on Center Drive and Lincoln Street. He asked the question, "How did we get ourselves into accommodating such density for Orange Unified School District?"

City Manager Domer reminded Council that the fee per request, which may include multiple dates, is \$50.00. Also, he stated that Administrative Policy 6-12 was proposed to address safety impacts. The parking waiver requests came about with safety as a criterion. City Manager Domer stated that Maintenance Leadman, Mike Knowles, spends time going out twice a day to bag signs. Mike will record his time in the future to get an exact dollar figure.

Mayor Pro Tern Bortle stated that she would have Deputy Steve Taylor monitor the parking and traffic situation around Villa Park Elementary School on May 26th, June 1 3th and June 16th,2005.

Don Ebrite, 18131 Lincoln Street, addressed Council about the fee for a waiver request. He stated that he does not believe \$50 is a sufficient amount, as it does not even pay for Mike Knowles time spent bagging the signs. He told Councilmember Ulmer that there was a lot of discussion on this topic due to injuries in the past at Villa Park Elementary School and at Villa Park High School. As long as the City does not do anything, such as bag the signs, then Orange Unified School District will have no choice but to take action.

Mayor Freschi agreed with Mr. Ebrite's assessment that safety is the City Council's responsibility.

It was moved by Mayor Pro Tern Bortle, seconded by Councilmember Ulmer, and carried by the following roll call vote to approve bagging of the signs around Villa Park Elementary School for May 26th, June 13th, June j5th, and June 16th, 2005:

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

ITEMS FOR CONSIDERATION:

1. Resolution No. 2005-2819 Supporting Air Fair.

Councilmember Fauteux led the discussion about the John Wayne Airport and the fact that flights will be maxed out in the year 2007. Airfares out of John Wayne will go up in price considerably for the consumer. This is all as a result of not having an airport at El Toro. Although reluctant to go along with this Resolution, he agreed to because he favors the cap limits.

Mayor Pro Tern Bortle concurred.

It was moved by Councilmember Fauteux, seconded by Mayor Pro Tern Bortle, and carried by the following roll call vote to adopt Resolution No. 2005-2819, a Resolution of the City Council of the City of Villa Park, accepting that the City Council will join Air Fair in allowing its name to be used as a Sponsoring Organization:

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

2. Q. & A. Opportunity on the City's Sanitary Sewer System.

Mayor Freschi told Council that the only comment he received from a resident regarding the sewer system is that perhaps newer homeowners should not have to pay as high a sewer fee since the sewers have been aging and the new homeowner has not yet received the benefit of a newer system. Mayor Freschi did not agree with this idea. The resident was not present to discuss this matter in public.

PUBLIC HEARINGS:

1. Consideration of Resolution No. 2005-2820, a Resolution of the City Council of the City of Villa Park Approving the Second Amendment to the Amended and restated exclusive franchise agreement with Taormina Industries, Inc for the collection, transportation, removal and/or disposal of all solid waste generated within the City of Villa Park.

Mayor Freschi opened the Public Hearing.

City Manager Domer reported that the Consumer Price Index (CPI) increased 3.7% since January, 2005. The proposed increase is below 3.7% (2.82%) for a cost of .39 cents per month for single family residential services.

Mayor Freschi reported that Villa Park is the recipient of an award from Integrated Waste Management for increasing recyclables. AB939 mandates that at least 50% of our trash is recyclable. Villa Park has exceeded this percentage consistently for many years.

Councilmember Fauteux stated that this award is well-deserved. Some of the local recycle money goes to pay the stipends to Integrated Waste Management Board members.

Mayor Pro Tern Bortle stated that the .39 cent increase is not that much considering the price of gasoline. Taormina Industries, Inc. does generously donate \$5,000 per year to the Villa Park Community Services Foundation, Inc.

Mayor Freschi closed the Public Hearing.

It was moved by Councilmember Fauteux, seconded by Councilmember Ulmer, and carried by the following roll call vote to adopt Resolution No. 2005-2820, a Resolution of the City Council of the City of Villa Park, approving the second amendment to the amended and restated exclusive franchise agreement with Taormina Industries, Inc. for the collection, transportation, removal and/or disposal of all solid waste generated within the City of Villa Park, California.

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

2. Consideration of Variance Permit No. 0618 for reduction in side yard setback of 15 feet 7 inches to 10 feet (Location: 18802 Ridgewood Lane; Applicant: Javier Cortes).

Mayor Freschi opened the Public Hearing.

City Manager Domer reported that the applicant is requesting permission to encroach 5 feet 7 inches into the required side yard setback of 15 feet 7 inches for patio addition.

A Variance is required for any reduction in a required setback area.

Based on a review of the project application, while the proposed addition meets the requirements of height, lot coverage and floor area, the structure does not meet the objectives of the Villa Park Zoning Code. The Council must also find that there are exceptional or extraordinary circumstances applicable to the property that do not apply generally to other properties in the same zone.

Staff cannot recommend approval of this application.

It is recommended that the City Council conduct a Public Hearing, review the application, and make appropriate findings thereto.

Several letters in opposition to the project were submitted to the City Council from the neighbors and distributed prior to the meeting.

Public testimony was given by Elke Kuhl, 18832 Ridgewood Lane, who addressed the Council about their opposition to the project. Elke stated that she has lived in Villa Park for 34 years and likes her big lot and the large areas for landscaping. She cautioned the Council that Mr. Cortes has already begun construction twice before City approval. She does not wish to see Mr. Cortes' patio addition so close to the west side of her property. She collected 20 signatures from neighbors in opposition to this project. The excavation cuts into the east side of the slope which may cause run-off problems. This structure would negatively impact their quality of life.

Javier Cortes, 18802 Ridgewood Lane, addressed the Council about the fact that many other properties in his neighborhood have encroachments in their side yard setbacks and he does not believe that he would be setting a precedence.

Mayor Freschi explained to the applicant what is required in the findings before granting a Variance.

Public testimony was given by Dan Huffman, 18831 Ridgewood Lane, presented photographs to the Councilmembers. He stated that Mr. Cortes purchased the property in May of 2001. One-half of the house is painted four years later. Nothing is ever completed on his home. His friend, a contractor, was approached by Mr. Cortes to do a room addition without obtaining a permit. Twice work has been stopped by the City Inspector Bill Tarin. Lumber has been stacked in front of the house for over a year. He urged the Council to deny the Variance.

Public testimony was given by Greg Kilner, 10011 Wildwood, who stated that he has lived in Villa Park since 1971. According to zoning code verbage, findings to support a Variance must be due to exceptional circumstances and that granting of a Variance should not constitute the granting of special privilege. He requested that the Council not grant a special privilege to Mr. Cortes.

Public testimony was given by Barbelle Bartley, 18891 Ridgewood Lane, told the Council that it looks like Mr. Cortes is planning to build more than a patio addition and that she opposes the project.

Albert Kuhl, 18832 Ridgewood Lane, told Council that he opposes the Variance for much the same reasons that his daughter, Elke Kuhl, stated. He questioned the foundation and size of rebar for building a patio addition. It appears that a more substantial structure was being planned by the applicant. The plans submitted to the City described a patio addition with a width of 1/2 inch rebar.

Mayor Freschi closed the Public Hearing.

Councilmember Fauteux inspected the neighborhood and observed that the encroachments that exist are all in the rear of the properties. This is an unusual situation in Mr. Cortes' case.

It was moved by Mayor Pro Tern Bortle, seconded by Councilrnumber Ulmer, and carried by the following roll call vote to deny a Variance to Mr. Cortes and adopt

Resolution No. 2005-2815, a Resolution of the City Council of the City of Villa Park, denying Variance Permit No. 0618 for an encroachment of 5 feet 7 inches into the required side yard setback of 15 feet 7 inches for a patio addition (Location: 18802 Ridgewood Lane; Applicant: Javier Cortes):

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

3. Consideration of Conditional Use Permit No. 0619 for a second floor addition with a ridgeline of 27 feet 6 inches (Location: 10071 Phelan Drive; Applicant: Ed Carter).

Mayor Pro Tem Bortle opened the Public Hearing.

Mayor Freschi excused himself from the Council Chambers because he lives within 300 feet of the applicant, Ed Carter.

City Manager Domer reported that the applicant is requesting permission to construct a second story addition at a maximum ridgeline of 27 feet 6 inches.

The Villa Park Municipal Code requires a Conditional Use Permit for the addition of a second story exceeding 25 feet in height. The proposed addition has a maximum ridgeline of 27 feet 6 inches and, therefore, requires review by the City Council through the Conditional Use Permit process.

Based on a review of the Villa Park Zoning Code, the proposed project complies with height, lot coverage, floor area, and setback requirements.

Staff recommends approval of this application.

It is recommended that the City Council conduct a Public Hearing, review the application, and make appropriate findings thereto.

The applicant was present to answer any questions. None were posed.

Mayor Pro Tern Bortle closed the Public Hearing.

It was moved by Councilmember Fauteux, seconded by Councilmember Ulmer, and carried by the following roll call vote to adopt Resolution No. 2005-2816, a Resolution of the City Council of the City of Villa Park, approving Conditional Use Permit No. 0619 for an outdoor fireplace in the rear yard measuring 13 feet in height and allowing encroachment into the side yard setback by 3 feet, with conditions (Location: 10071 Phelan Drive; Applicant: Ed Carter):

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

3. Consideration of Conditional Use and Variance Permit No. 0620 for the addition of 2 garages for a total of 4 garages (Location: 17791 Serrano Avenue; Applicants: Mark and Tiann Wong).

Mayor Freschi opened the Public Hearing.

City Manager Domer reported that the applicant is requesting permission to construct an addition which will require a reduction in the side yard setback from 20 feet to 10 feet and an expansion of the current garage to add two more garage spaces to bring the total to 4 or more garage spaces.

The Villa Park Municipal Code requires a Conditional Use Permit for the addition of garage spaces totaling 4 or more. Also, a Variance is required for any reduction in the required setback area. The applicant is proposing the addition of an attached garage at the rear of the property, bringing the total garage spaces to 4 or more.

The applicant is also proposing an addition that encroaches 10 feet into the required side yard setback of 20 feet. The addition is to the side adjacent to Serrano Elementary School containing a driveway entrance and parking lot. The Villa Park Code allows for an Administrative Adjustment for Variance requests that do not exceed a 25% reduction in the required setback area. The requested application does exceed a 25% reduction in the required setback and, therefore, requires City Council action.

Staff recommends approval of the garage addition under the Conditional Use Permit and can also recommend approval of the Variance request for the reduction in the side yard setback.

The applicants were present to answer any questions.

Public testimony was given by Don Ebrite, 18131 Lincoln Street, who told the Council that he takes issue with the City Council granting Conditional Use and Variance Permits so frequently today. He said he has not been attending any Council meetings lately because the Council is rubberstamping these Public Hearing requests. He urged the Council to "stick to the rules."

Councilmember Fauteux responded to Mr. Ebrite that each property is evaluated and given much thought.

Mayor Pro Tern Bortle stated that she has a problem with granting the applicants a Variance. She referred to their Letter of Justification about the proximity to Serrano Elementary School. Their reasons for encroaching into the setback area did not satisfy her. She told the applicants that they knew when they bought the property that they were next to a school.

Councilmember Ulmer stated that the Serrano Elementary side of the property is the side they would build into and that he does not see this as problematic. He approved using this part of the property for a bedroom. He stated that this property is a gateway to the City and that he would like to encourage the applicants to make their property as attractive as possible.

Mayor Freschi agreed with Councilmember Ulmer. He stated that the 10 foot easement to the east makes this property unique.

Councilmember Ulmer stated that each property needs to be considered individually. Mayor Freschi closed the Public Hearing.

It was moved by Councilmember Ulmer, seconded by Councilmember Fauteux, and carried by the following roll call vote to adopt Resolution No. 2005-2817, a Resolution of the City Council of the City of Villa Park, approving Conditional Use and Variance Permit No. 0620 for an addition encroaching into the required side yard setback and for a 4th car garage, with conditions - (Location: 17791 E. Serrano Avenue; Applicants: Tiann and Mark Wong):

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

STAFF REPORTS:

City Manager:

1. Oral Report on Eucalyptus Tree Remediation on Portions of Loma Street and Valley Drive and Consideration of Resolution No. 20052821, a Resolution of the City Council of the City of Villa Park, Authorizing a Budget Amendment for Tree Remediation on Portions of Loma Street and Valley Drive.

City Manager Domer reported that at the October 26, 2004 City Council meeting, City Manager Rodericks presented a Staff Report on Tree Remediation for portions of Loma Street and Valley Drive, specifically to address an infestation affecting Eucalyptus trees on those streets. According to a report by a certified arborist contacted by the City, 93 trees were infected by either the Eucalyptus Tortoise Beetle (91) or the Lerp Psyllid (2).

Three estimates were obtained to treat the trees using an injection of Mauguet Iicide, two of which were responsive. The lowest, most responsive, responsible bid at the time was \$10,680 and a Resolution for a Budget Amendment was included for consideration. At the meeting, the Council authorized a trial treatment on eleven (11) trees located at 9221 and 9161 Loma Street.

City Staff have inspected the injected trees, which were marked for identification, and have found that they appear in good health with new sprouts noticeable.

White the former bids have expired, future bids should be within a reasonable range of the former bids to complete the required injections and/or removal of trees with more than fifty percent (50%) damage by the pests. Trees that cannot be saved and thus are to be removed,

will be replaced pursuant to our street tree replacement program.

The fiscal impact is approximately \$13,000 to current 2004/05 operating budget.

It is recommended that the City Council make the appropriate findings, approve Resolution No. 2005-2821, thereby authorizing a Budget Amendment for \$13,000. In addition, it is recommended that the City Council authorize the City Manager to allocate funding to the respective project, seek new bids for services, and execute applicable documents as required.

Public testimony was given by Don Ebrite, 18131 Lincoln Street, told Council that the trees will eventually need replacement. All the trees look healthy to him and that this Budget Amendment would be a waste of tax dollars.

Councilmember Fauteux stated that he and Councilmember Bell agreed that treatment does not last forever and the pests will be around for a while.

City Manager Domer stated that they will try the treatment one time and identify those trees that are salvageable now and inject them so not to lose all the trees at once. This needs more study. Councilmember Ulmer stated that perhaps later in the process a condition can be imposed as an alternative to removing the trees.

It was moved by Councilmember Fauteux, seconded by Councilmember Ulmer, and carried by the following roll call vote to adopt Resolution No. 2005-2821, a Resolution of the City Council of the City of Villa Park, authorizing a Budget Amendment in the amount of \$13,000 for tree remediation on portions of Loma Street and Valley Drive:

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

City Attorney: No report.

City Clerk: No report.

City Engineer:

1. Consideration of Resolution No. 2005-2818 Preliminarily Approving and Adopting Report for Sewer Pump Station Maintenance for Tracts 10523 and 13204 for Fiscal Year 2005-06 and Appointing Time, Date, and Place for Hearing Thereon.

It was moved Mayor Pro Tern Bortle, seconded by Councilmember Fauteux, and carried by the following roll call vote for the City Council to approve Resolution No. 2005-2818, a Resolution of the City Council of the City of Villa Park, accepting the Report for Sewer Pump Station Maintenance Charges for a Portion of Tract No. 10523 and Tract No. 13204 for Fiscal Year 2005-06 and setting June 28, 2005 as the date for a Public Hearing:

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

City Accountant:

1. Oral Report on Budget/Finance — Nancy Desai.

City Accountant Desai gave a brief finance report as of April 30, 2005. This information is available for the public to view on the City's website: www.villaparkorg.

OTHER BUSINESS: None.

ORAL COMMUNICATIONS:

Don Ebrite, 18131 Lincoln Street, addressed the Council about bagging of signs in front of Villa Park Elementary School. If it takes one hour of Mike Knowles' time to put up signs and one hour to take them down, then this takes away time from his other duties.

On another subject, he expressed his interest in having the Council look into having Southern California Edison remove and bury power lines underground as was done in his neighborhood years ago. He would like to see this done in the rest of Villa Park.

ORDINANCES:

1. Introduction and First Reading of Ordinance No. 2005-509, an Ordinance of the City Council of the City of Villa Park Adding Article 19-6 to the Villa Park Municipal Code Relating to Turn Limitations.

Councilmember Ulmer stated that due to the recent increase in traffic on Mesa Drive due to the Cannon Wall failure, addressing the right hand turn onto Mesa from Cannon Street seems like a good idea. The challenge will be in the enforcement.

Mayor Pro Tern Bortle stated that a couple of residents have complained to her about the increased traffic and high speeds on Mesa Drive. It seems that some cars are cutting through Mesa Drive from Cannon Street instead of driving up to Taft and turning right there from Cannon Street.

Councilmember Fauteux asked City Attorney Litfin if this Ordinance would serve to clean up the codification of turn limitations and adding Article 19-6 to the Villa Park Municipal Code.

City Attorney Litfin answered in the affirmative.

It was moved by Councilmember Ulmer, seconded by Mayor Pro Tern Bortle, and carried by the flowing roll call vote to introduce for first reading Ordinance No. 2005-

509, an Ordinance of the City Council of the City of Villa Park, adding Article 19-6 to the Villa Park Municipal Code relating to turn limitations:

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

RESOLUTIONS: None.

CLOSED SESSION:

1. Conference with Legal Counsel Re: Anticipated Litigation/Decision to Initiate Litigation Involving Cannon Street Wall and Slope Failures, Govt. Code Section 54956.9 (c).

The Council adjourned the meeting to Closed Session at 10:10 p.m. in order to discuss anticipated litigation involving Cannon Street Wall and Slope Failures, pursuant to Govt. Code Section 54956.9 (c).

City Attorney Litfin reported that no action was taken in Closed Session.

ADJOURNMENT:

It was moved by Mayor Freschi and carried unanimously to adjourn the meeting at 10:35 p.m. to the Budget Study Session on June 7, 2005 at 7:30 p.m.

Richard A. Freschi, Mayor
City of Villa Park

ATTEST:

Kenneth A. Domer, City Clerk
City of Villa Park