

MINUTES OF THE CITY COUNCIL  
CITY OF VILLA PARK, CALIFORNIA

The City Council of the City of Villa Park met in regular session Tuesday, June 27, 2006 at 7:32 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

**FLAG SALUTE:**

Dave Ault led the flag salute.

**INTRODUCTIONS AND PRESENTATIONS**

1. Eagle Scout Presentation.

Mayor Pro Tem Ulmer presented a plaque to Matthew Miller for his achievement to the rank of Eagle Scout.

**ORAL COMMUNICATIONS**

1. Representative of the Villa Park Community Services Foundation, Inc. – None present.

Teri Elmendorf introduced Sheryl Amick who will be crocheting gowns for dolls to be raffled off in July for the Villa Park Elementary School Restoration project.

Sheryl Amick displayed one of the dolls to the City Council that will be raffled off at the July 1<sup>st</sup> celebration and showed a picture of the one that will be raffled off at the July City Council meeting with all proceeds to be given to the Villa Park Elementary School Restoration project.

2. Celebration USA, Mrs. Paula Burton

Paula Burton presented an update on Celebration USA, stating their CD's were recorded, their three manuals are nearly completed, and they are now working on a repertory of programs to be placed on a video and sent to our military overseas as well as making it available for teachers and citizens.

**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 May 23, 2006. Approved Action: The City Council approved the Minutes of May 23, 2006.
3. Consideration of the List of Demands for May 31, 2006. Approved Action: The City Council approved the List of Demands for May 31, 2006, numbered 1 through 25 in the amount of \$24,379.93.
4. Consideration of List of Demands for June 27, 2006. Approved Action: The City Council approved the List of Demands for June 27, 2006, numbered 1 through 25 in the amount of \$156,569.89.
5. Consideration of Agreement with Trauma Intervention Programs, Inc. Item pulled.
6. Consideration of Waiver of Monthly Fees for Lease Agreement GA 621-2 for the Villa Park Branch Library. Approved Action: The City Council authorized staff to waive the monthly payments of "Rent, Janitorial, Utility, Maintenance, and Repair" under Section 4 of the Lease Agreement GA 621-2 for the County of Orange's Villa Park Branch Library.
7. Action on City Attorney Contract. Approved Action: The City Council approved and filed the letter stipulating legal services and fees for Fiscal Year 2006-2007.
8. Street Easement – 19222 Valley Drive (APN 372-351-15). Approved Action: The City Council accepted the Storm Drain Easement across 19222 Valley Drive and authorized the City Clerk to record the document.

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

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

Councilmember Freschi pulled Item 5 requesting further information on the program.

It was moved by Councilmember Bell to approve the agreement. Alternate motion was made by Councilmember Fauteux, seconded by Councilmember Freschi, to continue this item to the July 27, 2006 City Council meeting pending further information received by the City Manager and an annual statement. Motion carried unanimously.

### **MATTERS PRESENTED BY COUNCILMEMBERS**

9. Travel and Meetings: Approved Action: The City Council received and filed the Travel and Meeting Report detailing reimbursed meetings, conferences or seminars for the time period of May 19, 2006 to June 22, 2006.

Councilmember Freschi reported that he attended the League of Cities general meeting, commenting on the presentation by the Water District to conserve water.

Mayor Pro Tem Ulmer reported that he also attended the League of Cities meeting, stating a representative from the State also spoke on the same issue.

Councilmember Fauteux reported that on July 7, 2006 at the Santa Ana River Basin there will be a joint signing by the Corps of Engineers and Metropolitan Water District of Orange County for joint management of the Santa Ana River Water resource, in which the signing also denotes the Prado Dam project has been completed.

Mayor Pro Tem Ulmer presented an update on the Beautification Committee stating that the Rotary and VP Community Services Foundation will be discussing group contributions and coordinating efforts with the Women's League to increase awareness of current beautification projects, as well as looking forward to enhancing efforts in order to increase the beauty of the City for which the residents can be proud.

Councilmember Fauteux reported that the Orange County Vector Control approved their budget. Stating they will be maintaining their \$1.25 per \$100,000 assessed value general rate and reducing their second rate for West Nile and other related bugs from \$5.30 to \$5.25 per \$100,000 assessed value.

Councilmember Freschi reported that the Orange County Sanitation District will be meeting tomorrow to approve their budget. Two proposals are on the table to increase rates by 14.9% or 9.6%. The 9.6% proposal is expected to be adopted which will increase rates by approximately \$15.00 per year.

Councilmember Bell reported that the Friends of the Library Committee will be focusing on three areas for fundraising for the capital campaign: a donor monument in front of the library, car raffle and joint fund raiser with the Foundation.

Mayor Bortle reported that during a meeting with the County Library Board it was reported that the County will continue to support the library operations for next year, though it was still necessary for the residents to contribute to the VP library's expansion.

### **CITY COMMISSION AND COMMITTEE REPORTS OR REFERRAL**

Mayor Pro Tem Ulmer reported that the Community Development Committee has finalized the Lemon Street plan for 2008/2009 with a presentation to be made at the July Council Meeting.

**ITEMS FOR CONSIDERATION**

10. Appointment of City Treasurer of the City of Villa Park and Consideration of Resolution No. 2006-2885 and Rescinding Resolution No. 2005-2825.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Ulmer and carried by the following vote to adopt Resolution No. 2006-2885, a Resolution of the City Council of the City of Villa Park, appointing Dennis Kuli as the City Treasurer of the City of Villa Park and Rescinding Resolution No. 2005-2825.

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

11. Community Emergency Response Team (CERT) Standard Operating Procedures.

Mayor Bortle requested this item be tabled at this time.

It was moved by Mayor Pro Tem Ulmer, seconded by Councilmember Bell and unanimously carried to continue this item to the July 25, 2006 City Council meeting.

12. Consideration of Third Amendment to the Law Enforcement Services Agreement between the City of Villa Park and the County of Orange Sheriff-Coroner Department.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Ulmer and carried by the following vote to approve the Third Amendment to the Law Enforcement Services Agreement between the City of Villa Park and the County of Orange Sheriff-Coroner Department, authorized the Mayor to execute the Agreement on behalf of the City, and directed the City Manager to determine the disposition of the City-owned motorcycle.

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

13. Consideration of Rate Increase for Refuse Collection.

Dave Ault, Executive Director of Villa Park Disposal, stated that on July 7, 2006 they will have a container available for disposal of batteries. Mr. Ault also gave an update on AB 939, Integrated Waste Management Act of 1989 for waste diversion.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Ulmer and carried by the following vote to adopt Resolution No. 2006-2886, a Resolution of the City Council of the City of Villa Park, Approving the Third Amendment to the 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:	Bell, Fauteux, Freschi, Ulmer, Bortle
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

**PUBLIC HEARINGS**

14. Consideration of Variance Permit No. 0644, an After the Fact Request to Construct and Locate a 120 Square Foot Shed in a Rear Yard Setback Within a R-1 Residential Zone Requiring an Encroachment of Three (3) Feet for a Setback of Two (2) feet. (Location: 17872 Bishop Circle, Applicants: David and Janice Wallace)

Mayor Bortle opened the public hearing.

David Wallace, applicant, stated the shed replaced an old greenhouse and was willing to move it an additional foot from the property line, thereby requesting a two foot setback versus the current three foot request. City Manager Domer stated that the City's Building Inspector had concerns with the building being less than three feet away from the property line, however, if the applicant were to move it the additional foot, it would be deemed satisfactory for building code concerns, though not necessarily removing the recommendation for denial in the staff report.

Mayor Bortle closed the public hearing.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Ulmer and carried by the following vote to adopt Resolution No. 2006-2881, a Resolution of the City Council of the City of Villa Park Approving Variance Permit No. 0644 - Encroachment of two (2) feet into the rear yard setback for detached structures. Location: 17872 Bishop Circle with two additional conditions: Condition No. 3 "That if the current shed falls into disrepair and is proposed to be replaced or moved, the variance lapses" and Condition No. 4, "The detached structure shall not be closer than three (3) feet to the property line".

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

15. Consideration of Conditional Use Permit No. 0645 to Construct an Attached Three Car Garage for a Total of Five Garage Bays (Location: 18631 Via Bravo; Applicants: Kurtis & Lisa McElroy)

City Manager Domer presented the staff report stating this was a request for a conditional use permit to construct an attached three car garage for a total of five garage bays. Mr. Domer further stated it complies with all the requirements of the Zoning Code.

Mayor Bortle opened the public hearing.

Brent Coontz, architect and Steve Hart, contractor were available for questions.

Mayor Bortle closed the public hearing.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Ulmer and carried by the following vote to adopt Resolution No. 2006-2880, a Resolution of the City Council of the City of Villa Park Approving Conditional Use Permit No. 0645 to allow the Construction of an Attached Three Car Garage. Location 18631 Via Bravo: Applicants Kuris & Lisa McElroy.

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

16. Consideration of Sewer Pump Station Maintenance Charges for FY 2006-07 for Tracts 10523 and 13204 and First Reading of Ordinance No. 2006-519.

Mayor Bortle opened the public hearing.

City Engineer Repke stated this item concerns the sewer pump station in the Sycamore Circle area constructed in 1980, serving 16 properties. Annual assessment of \$15,200 is required to cover operating costs, maintenance and replacement needs based on the Five Year Improvement Program which equates to \$950.00 per parcel.

Mayor Bortle closed the public hearing.

It was moved by Councilmember Bell, seconded by Councilmember Freschi and carried by the following vote to approve the Report for Sewer Pump Station Maintenance Charges for a portion of Tracts Nos. 10523 and 13204 for FY 2006-07 and approved First Reading of Ordinance No. 2006-519, an Ordinance of the City Council of the City of Villa Park Prescribing and Levying Charges for Maintenance of a Sewage Pumping Station for Fiscal Year 2006-2007, Approving and Adopting Report and Providing for Collection of Charges on the Tax Roll.

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

17. Consideration of Resolution No. 2006-2887, a Resolution of the City Council of the City of Villa Park, Approving the Statement of Investment Policy for FY 2006-07.

Mayor Bortle opened the public hearing.

City Manager Domer stated that pursuant to the Government Code, the City is required to adopt the Statement of Investment Policy and conduct a public hearing. No revisions were recommended.

Mayor Bortle closed the public hearing.

It was moved by Councilmember Freschi, seconded by Councilmember Fauteux and carried by the following vote to adopt Resolution No. 2006-2887, a Resolution of the City Council of the City of Villa Park Approving the Statement of Investment Policy for FY 2006-2007.

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

18. Consideration of Resolution No. 2006-2888, a Resolution of the City Council of the City of Villa Park Adopting the Budget, Appropriating Revenue and Establishing the Appropriations Limit for FY 2006-07.

City Manager Domer stated on June 13, 2006 a Study Session was held on the Annual Budget and Capital Improvement Plan outlining changes made.

It was moved by Councilmember Fauteux, seconded by Councilmember Bell and carried by the following vote to adopt Resolution No. 2006-2888, a Resolution of the City Council of the City of Villa Park Adopting the Budget, Appropriating Revenue and Establishing the Appropriations Limit for FY 2006-07.

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

19. Consideration of Resolution No. 2006-2891, a Resolution Declaring Conditions at 18812 Smoketree Circle, Villa Park, California to Constitute a Public Nuisance, Ordering the Correction of Said Nuisance and Assessing the Cost of Abatement.

City Manager Domer stated this property has been the subject of code enforcement action for incomplete building construction and lack of landscaping on the side and front yards. Mr. Domer read a letter from the attorney for the owners of the property requesting a continuance of this matter.

Mayor Bortle opened the public hearing.

Frank Appledorn, former property owner and recent tenant, addressed the Council stating a settlement agreement was reached and the property will be vacated by the current tenant within 31 days and, within 5 days after that, the landscaping will be completely redone and 15 days thereafter the rest of the construction should be completed.

It was moved by Councilmember Bell, seconded by Councilmember Fauteux and unanimously carried to continue this item to the July 25, 2006 City Council meeting.

**STAFF REPORTS**

City Manager/City Clerk:

None

City Attorney:

20. Consideration of Transfer of Cable Television Franchise and Related Agreements and Memorandums of Understanding.

City Attorney Hampel reported that the transfer of the CATV franchise to Time Warner has been completed. Economics to the City will be \$28 per subscriber to be received within 90 days for \$32,000. PEG support will drop from approximately \$ .85 to \$0.50 to be continued for a period of ten years, which is better for the City given the current PEG support will expire in over three years and there exists a possibility that it would not be renewed. The City will also receive a payment of \$25,000 to cover its legal and audit expenses for deficiencies under the MOU.

It was moved by Councilman Freschi, seconded by Councilmember Bell and carried by the following roll call vote to approve of the Transfer Agreement of the Cable Television Franchise Held by Century-TCI California L.P., and Controlled by Adelphia Communications Corporation to an Entity controlled by Time Warner Cable.

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 Freschi and carried by the following roll call vote to approve the Settlement and Mutual Release Agreement between the City of Villa Park and Century-TCI California Communications, L.P.

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 Bell and carried by the following roll call vote to approve the Memorandum of Understanding between the City of Villa Park and CAC Exchange I, LLC. Relating to the Terms and Conditions upon Which the Existing Cable Television Franchise will be Renewed.

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 and carried by the following roll call vote to adopt Resolution No. 2006-2890, a Resolution of the City Council of the City of Villa Park Consenting to the Transfer of a Franchise for Cable Television.

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

Christie Hennessey, Vice President of Government Relations for Time Warner, thanked the City Council for their action and looked forward to being a partner in this community.

City Engineer:

None

**ORDINANCES**

None

**RESOLUTIONS**

21. Consideration of Resolution No. 2006-2882 Calling and Giving Notice of the Holding of a General Municipal Election to be Held on Tuesday, November 7, 2006 for the Election of Certain Officers as Required by the Provisions of the Laws of the State of California Relating to General Law Cities.

It was moved by Mayor Pro Tem Ulmer, seconded by Councilmember Freschi and carried by the following roll call vote to adopt Resolution No. 2006-2882, a Resolution of the City Council of the City of Villa Park Calling and Giving Notice of the Holding of a General Municipal Election to be held on Tuesday, November 7, 2006, for the Election of Certain Officers as Required by the Provisions of the Laws of the State of California Relating to General Law Cities.

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

22. Consideration of Resolution No. 2006-2883 Requesting the Board of Supervisors of the County of Orange to Consolidate a General Municipal Election to be Held on Tuesday November 7, 2006, With the Statewide General Election to be Held on the Date pursuant to Section 10403 of the Elections Code.

It was moved by Mayor Pro Tem Ulmer, seconded by Councilmember Bell and carried by the following roll call vote to adopt Resolution No. 2006-2883, a Resolution of the City Council of the City of Villa Park Requesting the Board of Supervisors of the County of Orange to Consolidate a General Municipal Election to be Held on Tuesday November 7, 2006, With the Statewide General Election to be Held on the Date pursuant to Section 10403 of the Elections Code.

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

23. Consideration of Resolution No. 2006-2884 Adopting Regulations for Candidates for Elective Office Pertaining to Candidates Statements Submitted to the Voters at An Election to be Held on Tuesday, November 7, 2006.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Ulmer and carried by the following roll call vote to adopt Resolution No. 2006-2884, a Resolution of the City Council of the City of Villa Park Adopting Regulations for Candidates for Elective Office Pertaining to Candidates Statements Submitted to the Voters at An Election to be Held on Tuesday, November 7, 2006.

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

24. Consideration of Resolution No. 2006-2892 Regarding Employment and Salary Rates for all Classes of Employment Superseding Resolution No. 2005-2824.

It was moved by Mayor Pro Tem Ulmer, seconded by Councilmember Bell and carried by the following roll call vote to adopt Resolution No. 2006-2892, a Resolution of the City of Villa Park Regarding Employment and Salary Rates for all Classes of Employment Superseding Resolution No. 2005-2824.

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

25. Consideration of Resolution No. 2006-2889 Concerning the Status of the Circulation Element for the City of Villa Park and Authorize the Mayor to execute on Behalf of the City.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Ulmer and carried by the following roll call vote to adopt Resolution No. 2006-2889, a Resolution of the City Council of the City of Villa Park, Concerning the Status of the Circulation Element for the City of Villa Park and authorize the Mayor to execute on behalf of the City.

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

**ORAL COMMUNICATIONS**

None.

**CLOSED SESSION**

Meeting adjourned to Closed Session held pursuant to Government Code Section 54956.9(b) (1), significant exposure to litigation against the City of Villa Park. No action reported at this time.

**ADJOURNMENT**

It was moved by Mayor Bortle and carried unanimously to adjourn the meeting to July 25, 2006 at 7:30 P.M.

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Patricia L. Bortle, Mayor  
City of Villa Park

**ATTEST:**

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Kenneth A. Domer, City Clerk  
City of Villa Park