

MINUTES OF THE CITY COUNCIL
CITY OF VILLA PARK, CALIFORNIA

The City Council of the City of Villa Park met in regular session Tuesday, July 25, 2006 at 7:30 p.m. 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
Luddy Smeets	Assistant City Engineer

FLAG SALUTE:

Charlotte Bell.

INTRODUCTIONS AND PRESENTATIONS

1. Introduction of Jarad Hildenbrand.

City Manager Domer introduced new staff member, Jarad Hildenbrand, Assistant to the City Clerk.

2. Introduction of VPHS Students Stacy Barnett and Eunie Yim

City Manager Domer introduced VPHS Students Stacy Barnett and Eunie Yim, who are involved in the battery disposal program.

Stacy Barnett and Eunie Yim gave an overview of their program for the disposal of batteries. A box will be located at City Hall.

3. Introduction of Ron Accornero as President of Villa Park Friends of the Library.

Councilmember Bell introduced Ron Accornero, President of the Villa Park Friends of the Library.

Mr. Accornero stated the library will be embarking on a program for the expansion of the library. A raffle will also be held for a new car to help raise funds for the expansion.

ORAL COMMUNICATIONS

Charlotte Bell, resident, reminded everyone to attend the Orange County Fair.

Teri Elmendorf and Cheryl Amack drew the winning ticket for the doll raffled off for the Villa Park Elementary School Restoration project. Winner was Pam Dunn.

Woody Rickerl, Serrano Water District, reported that the compost project has been dropped by the operators. He also reported that under California law any lake that has potable water prohibits body contact unless exempted by law. Irvine Lake has now been declared a no body contact lake.

Mr. Rickerl also gave an update on their refinancing that was approved and items to be discussed at their next Board meeting on August 15, 2006 and upcoming recreational programs.

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 June 27, 2006. Item pulled.
3. Consideration of the List of Demands from June 22, 2006 to July 19, 2006. Approved Action: The City Council approved the List of Demands in the amount of \$259,519.94.
4. Consideration of Extension for Conditional Use Permit No. 0623 of a roof height (exceeding 125 feet) of 31 feet 8 inches on a two-story residence (Location: 19121 Mesa Drive; Applicant: Victor Fan). Approved Action: The City Council granted a one year extension for CUP 0623 until July 25, 2007.

It was moved by Councilmember Bell, seconded by Councilmember Freschi, and carried by the following roll call vote to approve the Consent Agenda with the removal of Item 2:

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

Councilmember Fauteux requested an amendment to the minutes to reflect Dennis Kuli as City Treasurer.

It was moved by Councilmember Freschi, seconded by Councilmember Bell, and carried by the following roll call vote to approve the Minutes of June 27, 2006, as amended,

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

MATTERS PRESENTED BY COUNCILMEMBERS

5. Travel and Meetings.

Councilmember Freschi, Mayor Pro Tem Ulmer and Mayor Bortle reported on their attendance at the Ethics Committee Seminar.

6. Councilmember Richard A. Freschi:

Councilmember Freschi requested the Council to place an advisory vote on the November ballot asking residents if they wish to have the right to purchase safe and sane fireworks, which is an emotional issue and should be left to the voters. Councilmember Freschi stated by allowing the sale of safe and sane fireworks it would provide an opportunity for non-profit institutions to generate substantial amounts of money providing reasons and statistics for the proposal.

Christine Boyd, Deputy Fire Marshal, spoke in opposition to the proposal stating it was an issue of public safety. Ms. Boyd provided an overview of statistics relative to injuries and property damage from the use of fireworks requesting the City to maintain their ban on the sale of fireworks.

Councilmember Bell commented there are many wonderful events that take place and do not need fireworks as a means to raise funds.

Upon inquiry from Councilmember Fauteux, City Attorney Hampel outlined the initiative process.

Teri Elmendorf felt if presented to the people of Villa Park they would be able to make a proper choice, but need to address the problem of the use of fireworks on other days.

Lt. Chris Visconti, Sheriff's Department, spoke and provided input relative to the law enforcement side and the unauthorized use of safe and sane fireworks.

John Kelly, TNT Fireworks, stated fireworks are regulated and approved by the State Fire Marshall. Up to the local jurisdictions to allow or disallow sale of fireworks.

Discussion ensued.

It was moved by Councilmember Freschi, seconded by Councilmember Bortle, and carried by the following roll call vote to direct staff to prepare the documents in order to place the advisory vote on the November ballot asking the residents of Villa Park if they wish to have the right to purchase State of California certified safe and sane fireworks.

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

CITY COMMISSION AND COMMITTEE REPORTS OR REFERRAL

Councilmember Fauteux reported that he attended the annual meeting of the California Joint Insurance Powers Agency with 110 cities and agencies and overall, the authority is very secure.

Councilmember Fauteux also reported that Vector Control held the tax rates steady for the fire ant, West Nile and other bugs.

Councilmember Freschi reported that the Orange County Sanitation District adopted its budget and a motion was passed to raise fees by 9.8% for an increase of \$15.00 per year.

RECESS

Mayor Bortle declared a recess at 9:10 and reconvened the meeting at 9:15 p.m.

Councilmember Bell reported that at the budget session of the Orange County Fire Authority they now have to pay for a program that was previously conducted by volunteers and therefore almost \$90,000 must be withdrawn from their reserve fund and put into the OCFA General Fund.

Councilmember Ulmer reported that the CDC met on the fireworks issue and parking issues in the City and will be bringing back recommendations with respect to parking throughout the City.

ITEMS FOR CONSIDERATION

It was moved by Councilmember Fauteux, seconded by Mayor Pro Tem Ulmer and unanimously carried to hear Item 8 at this time.

8. Consideration of Agreement with Trauma Intervention Programs, Inc. (Continued from June 27, 2006).

City Manager Domer introduced Sandy Hill from the Trauma Intervention Program.

Sandy Hill and Cheryl Rhea stated the Trauma Intervention Program is available on a 24/7 basis with volunteers all over the country. They are contacted through the Sheriff's and Fire Department listing various types of calls. The Volunteers reported on the amount of service calls to VP over the last three years.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Ulmer, and carried by the following roll call vote to approve the agreement between the City and Trauma Intervention Programs, Inc. for the 2006-2007 Fiscal year in the sum of \$750.00.

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

7. Consideration of Amending Term Limit Ordinance and Setting the Matter Before Voters at the November 7, 2006 General Election.

City Manager Domer stated that in 1998 the City Council approved Ordinance No. 456 limiting a Councilmember to two full terms which was validated through an election. This is a request by a councilmember to remove the lifetime ban provision and allow a person to seek another term only after a period of four years after serving two full terms. Cost to put on the ballot is \$1300.00.

City Attorney Hampel explained the intent of the proposed Ordinance amending Ordinance No. 458 and ballot measure.

Councilmember Bell requested the term be changed from four years to two years.

Councilmember Freschi objected to the change stating it would discourage our younger community from seeking office.

It was moved by Councilmember Fauteux, seconded by Councilmember Bell to change the term from four years to two years. Motion carried by the following roll call vote:

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

It was moved by Councilmember Bell, seconded by Councilmember Fauteux, and carried by the following roll call vote to adopt First Reading of Ordinance No. 2006-520, an Ordinance of the City Council of the City of Villa Park, California, Amending Section 2.2-14 of Chapter XI of the Villa Park Municipal Code Relating to Term Limits for City Council Members, as amended to two years.

AYES:	COUNCILMEMBERS:	Bell, Fauteux, Ulmer, Bortle
NOES:	COUNCILMEMBERS:	Freschi,
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 adopt Resolution No. 2006-2897, a Resolution of the City Council of the City of Villa Park, California, Ordering the Submission to the Qualified Voters of the City of a Certain Measure Relating to Term Limits at the General Election to be held on Tuesday, November 7, 2006.

AYES: COUNCILMEMBERS: Bell, Fauteux, Ulmer, Bortle
NOES: COUNCILMEMBERS: Freschi,
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 adopt Resolution No. 2006-2898, a Resolution of the City Council of the City of Villa Park, California, Setting Priorities for Filing Written Arguments Regarding a City Measure and Directing the City Attorney to Prepare an Impartial Analysis for a General Municipal Election to be Held on Tuesday, November 7, 2006.

AYES: COUNCILMEMBERS: Bell, Fauteux, Ulmer, Bortle
NOES: COUNCILMEMBERS: Freschi,
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 adopt Resolution No. 2006-2899, a Resolution of the City Council of the City of Villa Park, California, Providing for the Filing of Rebuttal Arguments for City Measures Submitted at Municipal Elections.

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

9. Consideration of Agreement with Animal Care Services for FY: 2006-07.

City Manager Domer stated this was an annual agreement with a change to being billed on a quarterly basis for actual usage.

It was moved by Councilmember Fauteux, seconded by Councilmember Bell and carried by the following roll call vote to approve the Agreement with Animal Care Services between the County of Orange and the City of Villa Park, Fiscal Year 2006-2007.

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

ABSTAIN: COUNCILMEMBERS: None

10. Authorization for Contract Accounting Services.

City Manager Domer stated with the vacancy created by the Finance Administrative Manager, they have employed the temporary services of Moreland & Associates to conduct accounting services and requested Council authorization to enter into an agreement with Moreland & Associates for those temporary accounting services and return to Council with a permanent staffing plan at a date not to exceed October 24, 2006.

Discussion ensued relative to cost of services. Councilmember Fauteux requested this item be brought back to the City Council at the September meeting.

It was moved by Councilmember Bell, seconded by Mayor Pro Tem Ulmer and carried by the following vote to authorize the City Manager to enter into an Agreement with Moreland & Associates for temporary accounting services and return to the Council with a permanent staffing plan at the September meeting.

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 (Continued from June 27, 2006).

City Manager Domer reported this was continued to address issues of liability. When members of CERT are activated they are protected under Worker's Compensation Guidelines and liability insurance. He has reviewed and approved these procedures as Emergency Services Director providing an overview of the changes.

Brad Reese, CERT Program Manager stated he agreed with the changes.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Ulmer and unanimously carried to receive and file the Community Emergency Response Team Standard Operating Procedures.

12. Designation of a Voting Delegate and Alternate for the 2006 League of California Cities Annual Conference and Consideration of Resolution No. 2006-2895.

It was moved by Councilmember Freschi, seconded by Councilmember Fauteux and carried by the following roll call vote to appoint Councilmember Bell as the delegate and Councilmember

Freschi as the alternate and adopt Resolution No. 2006-2895, a Resolution of the City Council of the City of Villa Park, California, Appointing the Designated Voting Delegate and Alternate for the 2006 League of California Cities Annual Conference.

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

13. Consideration to Change to City's Fixed Asset Management Policy.

City Manager Domer stated based on their purchases the \$1000 limit was adequate for their size and needs.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Ulmer and unanimously carried to direct staff to meet with the Finance Committee relative to the adequacy of the limit.

PUBLIC HEARINGS

14. 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. (Continued from June 17, 2006).

Mayor Bortle opened the public hearing.

City Manager Domer requested this item be continued to the August 22, 2006 meeting.

It was moved by Councilmember Bell, seconded by Councilmember Fauteux to continue this item to the August 22, 2006 City Council meeting. Motion carried with Councilmember Freschi being absent.

15. Consideration of Variance Permit No. 0646, to construct an addition to the master bedroom which would encroach three (3) feet, four (4) inches into a required side yard setback, for a new setback of twelve (12) feet, four (4) inches. (Location 10132 Ludwig Street; Applicant, Cynthia Adams).

Mayor Bortle opened the public hearing.

City Manager Domer presented the staff report stating this was a request for an addition of 214 square feet to the master bedroom and closet area. Staff is recommending denial since the required findings could not be met.

Cynthia Adams, applicant, stated the addition is requested due to a lack of storage area in the house with the addition to be 40" X 18'.

Mayor Bortle closed the public hearing.

It was moved by Councilmember Bell, seconded by Councilmember Fauteux and carried by the following roll call vote to deny Variance Permit No. 0646.

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

16. Consideration of Variance Permit No. 0647, to construct a 420 square foot office addition which would encroach into a side yard setback within the Commercial Neighborhood Zone, new side yard setback is proposed to be less than one (1) foot. (Location 17851 Santiago Boulevard; Applicant: Kelly Dahdoul).

Mayor Bortle opened the public hearing.

City Manager Domer presented staff report stating the request was in compliance and findings can be made justify the granting of the variance. Domer stated that the commercial center was originally one parcel of ten acres and has since been broken into approximately 14 smaller parcels, thereby making the setback requirements of the district not realistic. He stated that nine current buildings were non-conforming based on this fact and that a future review and amendment was required to have a sound zoning regulation for the commercial center in place.

Kelly Dahdoul, Wayne's Liquor, stated this was a request to construct an office addition to be subleased.

It was moved by Councilmember Freschi, seconded by Councilmember Fauteux and carried by the following roll call vote to grant Variance Permit No. 0647.

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

17. Consideration of Resolution No. 2006-2896, a Resolution approving the Vacation of a Storm Drain Easement right of way over Lot 7, Tract 7244 (19222 Valley Drive).

Mayor Bortle opened the public hearing.

Assistant City Engineer Smeets reported that due to the configuration of a proposed new structure the existing storm drain would be moved with a new storm drain and easement put in, and the request is to vacate the existing storm drain since it is no longer necessary.

Mayor Bortle closed the public hearing.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Ulmer and carried by the following roll call vote to adopt Resolution No. 2006-2896, a Resolution Approving the Vacation of a Storm Drain Easement Right of Way Over Lot 7, Tract 7244 (19222 Valley Drive).

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

18. Consideration of Resolution No. 2006-2900 Setting Forth Weed Abatement Charges to be Assessed to Properties Listed Herein – Weed Abatement – Spring 2006.

Mayor Bortle opened the public hearing.

City Manager Domer presented the staff report stating one resident has complied and will be eliminated from the Resolution.

Mayor Bortle closed the public hearing.

It was moved by Councilmember Freschi, seconded by Councilmember Bell and carried by the following roll call vote to adopt Resolution No. 2006-2900, a Resolution of the City Council of the City of Villa Park Setting Forth Weed Abatement Charges to be Assessed to Properties Listed Herein – Weed Abatement – Spring 2006.

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

STAFF REPORTS

City Manager:/City Clerk:

City Manager Domer reported that the filing for election is open with three persons filing and will close by August 11, 2006.

City Attorney:

None

City Engineer:

Assistant City Engineer provided an update on the Mesa Street maintenance program.

ORDINANCES

19. Consideration of Second Reading and Adoption 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 Pump Station for Fiscal year 2006-07, Approving and Adopting Report and Providing for Collection of Charges on the Tax Roll – Tracts 10523 and 13204).

It was moved by Councilman Freschi, seconded by Councilmember Bell and carried by the following roll call vote to approve Second Reading and Adopt 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 Pump Station for Fiscal year 2006-07, Approving and Adopting Report and Providing for Collection of Charges on the Tax Roll – Tracts 10523 and 13204).

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

RESOLUTIONS

None

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ORAL COMMUNICATIONS

None.

CLOSED SESSION

None.

ADJOURNMENT

Mayor Bortle adjourned the meeting at 11:00 p.m.

It was moved by Councilmember Freschi, seconded by Councilmember Bell and carried unanimously to adjourn the meeting to an Adjourned Regular Meeting on August 1, 2006 at 7:30 p.m.

Patricia L. Bortle, Mayor
City of Villa Park

ATTEST:

Kenneth A. Domer, City Clerk
City of Villa Park