

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 26, 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 Bell	Councilmember
Bob Fauteux	Councilmember
Rich Ulmer	Councilmember

STAFF PRESENT:

Ken Domer	City Manager
Cristina Sundstrom	Deputy City Clerk
Leonard Hampel	City Attorney
Warren Repke	City Engineer
Nancy Desai	Finance/Administrative Manager

FLAG SALUTE:

Carrie Hummel led the flag salute.

INTRODUCTIONS AND PRESENTATIONS: None.

ORAL COMMUNICATIONS:

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

Vito Canuso III, President and Karen Holthe, Vice-President of the VPCSF, Inc. were present to award the inaugural Community Service scholarships on behalf of the VPCSF, Inc. The following four Villa Park residents received a scholarship: Kristen Davis (parents Tom and Teri Davis); Josh Hummel (parents Carrie and Phil Hummel); Jordan McCarthy (parents Mary and Joe McCarthy); and Bryant Townsend (parents Connie and Lester Townsend). Kristen Davis, who will attend the University of Michigan in the fall of 2005 received \$950. Josh Hummel, who will attend Loyola Marymount in the fall of 2005, received \$950. Jordan McCarthy, who will attend UC Berkeley in the fall of 2005, received \$1,000. Bryant Townsend, who will attend USC's Marshall School of Business in the fall of 2005, received \$900.

Councilmember Fauteux stated that all of these students should consider themselves role models in the community.

Teri Elmendorf, 10291 Camden Circle, addressed Council about the Mixer that Villa Park Elementary School Restoration Corporation will be hosting at the Orange Assistance League on September 18, 2005 at 4 P.M. All City Councilmembers will be invited. The architectural plans will be available for perusal at this event.

CONSENT AGENDA:

Agenda items #2 and 3 were pulled for discussion by City Manager Domer and Mayor Pro Tem Bortle, respectively.

City Manager Domer stated for the record some minor changes to the Minutes of June 7, 2005. On the bottom of page 2, he substituted the acronym V.P.E.S.R.C. with V.P.C.S.F., Inc. On page 3, the wording was changed to read, "City Manager Domer reported that he met with Orange County Sanitation District Engineer Nick Arhontos, Manager of Collection Facilities O & M and Facilities Services. He also discussed the fact that the City will be seeing an increase in insurance premiums from JPIA due to pollution liability coverage.

It was moved by Councilmember Bell seconded by Councilmember Fauteux, and carried by the following roll call vote to approve Consent Agenda Items 1, 2 with changes to the June 7, 2005 Minutes, and 4 through 6:

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

Mayor Pro Tem Bortle was absent from the June 28, 2005 City Council meeting.

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

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

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 June 7, 2005. Approved Action: That the City Council approve the City Council Minutes of June 7, 2005.
3. Consideration of City Council Minutes of June 28, 2005. Approved Action: That the City Council approve the Minutes of June 28, 2005.

4. Consideration of List of Demands for June 30, 2005. Approved Action: That the City Council approve the List of Demands for June 30, 2005, numbered 1 through 30 in the amount of \$52,741.96.
5. Consideration of List of Demands for July 26, 2005. Approved Action: That the City Council approve the List of Demands for July 26, 2005, numbered 1 through 30 in the amount of \$281,737.87.
6. Consideration of Designation of Applicant's Agent Resolution for Office of Emergency Services. Approved Action: That the City Council approve the Office of Emergency Services Resolution for the purpose of obtaining federal financial assistance for the Cannon Street Wall and Slope Repair.

MATTERS PRESENTED BY COUNCILMEMBERS:

1. Consideration of Villa Park Town Center Christmas Lighting – Mayor Freschi.

Mayor Freschi put forth the question to the Council whether the City should amend the 2005-06 budget to reflect the increased costs for holiday lighting from 2004-05. The budgeted amount is \$5,750. Mayor Freschi suggested increasing the budget to \$10,000.

Mayor Freschi stated that the decorations benefit the residents as much, if not more than the merchants. He believes the City ought to make up the difference, not the VPCSF, Inc.

Councilmember Bell stated that he thinks the merchants, not the City, should pay the difference of \$4,000 plus.

Mayor Pro Tem Bortle stated that every shopping center or strip mall around has decorations that are paid for by the merchants. She favors the merchants supporting the decorations.

Councilmember Ulmer stated that he needed clarification of the goal of the discussion.

Mayor Freschi reiterated the question for discussion: "Do we want the VPCSF, Inc. to pay for more than the \$5,750 for decorations or should the City contribute more money?"

Councilmember Fauteux questioned City Manager Domer about Town Center merchants not giving any money for decorations. Furthermore, he stated that the City cannot carry the load alone on this matter. He stated that the VPCSF, Inc. should figure it out. He believes that the VPCSF, Inc. was set established to help with such decisions.

Resident Vaughn Sarkisian, 10572 Potter Circle, told the Council that he appreciates the nice slurry seal job just completed on Lincoln Street. He stated that he believes the decoration issue is like a government subsidy and, as such, the merchants should contribute to the City. He cautioned the Council about making sure they do not discriminate by calling the decorations "Christmas" instead of "Holiday" decorations.

Mayor Freschi clarified that they are Holiday, not Christmas decorations.

Dr. Bob Helton, 10151 Briley Way, told Council that he agrees with Councilmember Fauteux's statement that the Foundation was set up for the purpose of helping with such events so that the City could get away from making direct contributions.

Teri Elmendorf, 10291 Camden Circle, made a request that City Manager Domer find out what the City of Orange does regarding payment of their Holiday decorations.

City Manager Domer stated that the VPCSF, Inc. will discuss this issue at its next meeting and take a formal vote on Monday, August 15, 2005. He will bring this matter up for discussion at the August 23, 2005 City Council meeting.

Karen Holthe, Vice-President of the VPCSF, Inc., told the Council that in 1998 the merchants purchased ½ of the decorations. Villa Park has no park, but since there is a Town Center it is an important meeting spot for the community and should be nicely decorated.

2. Measure M Funds and Measure M Supercommittee Update – Mayor Pro Tem Bortle.

Mayor Pro Tem Bortle reported that she represents Villa Park on the Measure M Subcommittee which was put together by the League of California Cities. By 2011 Measure M will be lost if not voted for on the ballot in 2006.

Villa Park received more than \$1 million from Measure M. She urged residents to vote for Measure M when it appears on the 2006 ballot.

3. Red, White, and Blue Summerfest Update – Councilmember Ulmer.

Councilmember Ulmer publicly thanked the Villa Park Rotary Club (specifically Anita Jameson and Steven Pollack), the VPCSF, Inc. Board (specifically Vito Canuso and Karen Holthe), City staff (specifically the City Manager Ken Domer, Mike Knowles and Richard Manning), his wife Beverly Ulmer, and Teri Elmendorf. The craft booths sold out and thousands of dollars were received in gift and services. The City honored our troops in Iraq.

Councilmember Bell reported that he and his wife Charlotte walked in the 5 K and finished. Credit is due to the Ulmers for their leadership in this event.

Mayor Freschi remarked on the outstanding turn-out for this first annual event.

CITY COMMISSION AND COMMITTEE REPORTS OR REFERRALS:

1. Community Development/Public Safety Committee Report.

Mayor Pro Tem Bortle told the Council that City Manager Domer and City Attorney Hampel recommended that the Community Development/Public Safety Committee meetings be noticed from now on. Meetings are open to the public. At a recent meeting last week, a resident attended.

Regarding the VPWL Bench project, City Manager Domer is pricing benches. The Committee is definitely putting one bench on Santiago Boulevard in front of the Villa Park Orchards gated community.

Mayor Freschi stated that it is important to remember that the VPWL is gifting the bench, so they should have a say in its design.

Mayor Pro Tem Bortle reminded the Mayor that the VPWL was invited to attend the Community Development/Public Safety Committee and did not. She understands that the VPWL trusts the committee members' judgment.

Councilmember Ulmer concluded that the goal is to make the VPWL proud of their gift and the committee will make sure that happens.

2. Public Utilities Committee – Councilmember Fauteux.

Councilmember Fauteux discussed a recent Orange County Integrated Waste Commission meeting he attended along with Villa Park Disposal's Executive Director Dave Ault. Councilmember Fauteux conveyed to the Commission his desire that the tippage (dumping) fees be under better control. The Commission said that a policy statement to rectify the tippage fee abnormalities.

Regarding the Finance/JPIA Committee, Councilmember Fauteux stated that the City is fortunate to be one of 109 agencies who belong to this self-insured pool organization. One topic of discussion was workers' compensation scams, etc.

Regarding his attendance at the Orange Planning Commission meeting held on July 18, 2005, one topic of discussion was East Orange developments and traffic issues. There are many traffic issues that the proposed 4,400 homes will impact. For example, traffic on Villa Park Road and Cannon Street is of concern to the residents. The traffic build-up projections are frightening. We ought to pay attention to the City of Orange's decisions on the East Orange build-out. Since there is no retail slated for this area surrounding the developments, perhaps the local Villa Park merchants will receive some business from these Orange residents when they seek businesses to patronize.

Mayor Freschi asked the Council to please come forth with ideas for the next Town Hall Meeting on October 4, 2005.

Councilmember Bell suggested that OCTA traffic issues, i.e., 91 and 55 freeways and traffic generated by East Orange developments, be one topic of discussion. He suggested inviting a speaker from OCTA to attend this meeting.

Resident, Dr. Bob Helton, told the Council that cell phone reception issue ought to be a topic of discussion.

3. Orange County Sanitation District – Mayor Freschi.

Mayor Freschi gave a brief report on the possible dismissal/resignation of the General Manager Blake Anderson. A special committee was put together to evaluate his performance, in light of a problem arising from a consultant hired by the O.C.S.D. with an annual salary of \$180,000. An audit was conducted to study the past contracts with this

management consultant. At a recent public meeting, Mr. Anderson's performance was praised and the vote was 20 to 4 in support of retaining Mr. Anderson.

Councilmember Fauteux asked Mayor Freschi why this consultant was kept on by the Sanitation Board for 4 years.

Mayor Freschi replied that the contract was renewed annually by the Board of Directors. He pointed out that the OCSD's annual budget is \$387 million and that many large companies employ management consultants with such salaries (\$180,000).

Councilmember Bell inquired about the "unbiased" audit report and if whether the Board of Directors created an audit oversight committee.

Councilmember Fauteux asked that the Mayor please take the Council's concerns back to OCSD Board.

Resident, Dr. Bob Helton, asked the Council what the consultant's job responsibilities are.

Mayor Freschi replied that, as he understands it, the consultant assists in turning the bureaucracy into an efficient business. He is tasked with getting the organization running like a well-run business.

Councilmember Ulmer summed up the consultant's goal quite eloquently. He stated, "As I understand it this consultant was hired to streamline the decision making process and reduce the bureaucratic tendencies that all our government agencies have so as to examine process and simplify the way in which decisions are made."

Mayor Pro Tem Bortle stated that Blake Anderson is a great leader and, as is evident in the long-term employee record at the Sanitation District.

ITEMS FOR CONSIDERATION:

1. Villa Park Senior Class of 2006 – Walk-a-Thon Fundraiser on October 8, 2005.

City Manager Domer reported that the VPHS Class of 2006 submitted a request about doing a Walk-a-Thon fundraiser on Saturday, October 8, 2005 at 9 AM. Judy Lipiz, 15434 Harding Street, Orange, is the parent contact who made the request. There will be approximately 25 parent volunteers helping with this event so there will be no need for assistance from City staff.

City Manager Domer stated that OUSD would have to provide for additional insurance services, not the City. He will send a letter with instructions to Ms. Lipiz.

Councilmember Bell asked City Manager Domer to make the parent volunteers aware of the insurance situation.

Mayor Pro Tem Bortle stated that the Council will be in San Francisco at the League of California Cities Annual Conference on October 8th, so she urged her colleagues to make a donation to the Class of 2006 before leaving town.

Mayor Freschi asked for a consensus; the Council unanimously approved of the Walk-a-Thon and wished the VPHS Class of 2006 much luck in their fundraising efforts.

PUBLIC HEARINGS:

1. Consideration of Conditional Use Permit No. 0623 for a new roof height (exceeding 25 feet) of 31 feet 8 inches on a new two-story residence– (Location: 19121 Mesa Drive; Applicant: Victor Fan).

Mayor Freschi opened the Public Hearing.

City Manager Domer reported that the applicant is requesting permission to exceed a roof line height limit of 25 feet for a new roof height of 31 feet, 8 inches. The applicant proposes to tear down and construct a new two-story residence totaling 7,656 square feet. The home is located in the E-4 residential zoned area and has a lot size of 24,555 square feet. Based on the proposed construction, the lot coverage will be 18% and floor area ratio is 31%. Both are within allowable parameters.

The Villa Park Municipal Code requires a Conditional Use Permit for the addition of a 2nd story exceeding 25 feet. The proposed addition has a maximum ridgeline of 31 feet 8 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.

City Manager Domer stated that it would take the applicant approximately 18 months to complete construction. He noted that 3 or 4 neighbors have reviewed the project and no objections were made.

Victor Fan was present for any questions of the Council. None were asked.

Mayor Freschi closed the Public Hearing.

It was moved by Councilmember Bell, seconded by Councilmember Ulmer, and carried by the following roll call vote to adopt Resolution No. 2005-2829, a Resolution of the City Council of the City of Villa Park approving Conditional Use Permit No. 0623 for remodeling and the addition of an existing home for a maximum ridgeline of 31 feet 8 inches, with conditions (Location: 19121 Mesa Drive; Applicant: Victor Fan):

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

2. Consideration of Resolution No. 2005-2830 Setting Forth Weed Abatement Charges to be Assessed to Properties Listed Herein – Weed Abatement- Spring 2005.

City Manager Domer reported that only one property owner, James L. Fago, 9742 Crestview Circle (AP# 372-472-26) did not pay the abatement charge of \$268. This property owner has until August 10, 2005 to pay or else it goes on the tax roll.

Mayor Freschi asked for clarification of wording on the Resolution.

Deputy City Clerk Sundstrom replied that she had made a clerical error and would correct it before the Mayor and City Clerk signed it. Information from Weed Abatement Spring 2004 had not been deleted completely.

It was moved by Councilmember Fauteux, seconded by Councilmember Bell, and carried by the following roll call vote to adopt Resolution No. 2005-2830, a Resolution of the City Council of the City of Villa Park, setting forth weed abatement charges to be assessed to property listed herein – Weed Abatement Spring 2005:

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

STAFF REPORTS:

City Manager:

1. Authorization to Advertise for Construction Bids for Villa Park Community Access Television Corporation Extension at City Hall.

City Manager Domer reported that the City Council previously approved the allocation of \$50,000 to the VPCATV for the build out of a new cable studio. City Attorney Hampel has drafted a preliminary contract for repayment of these funds from VPCATV that will be finalized for City Council consideration at the time of the contract award.

The proposed Scope of Work is the construction of a 352 square foot (16' x 22') media room attached to City Hall behind the current cable studio. The room will have 14' ceilings to accommodate studio lighting and will employ sound deadening construction techniques. In addition, the Scope of Work will return the conference room to its pre-existing condition.

A detailed Scope of Work, as well as plans and specifications, are currently being completed and the following schedule is anticipated:

Advertise Construction Bids:	August 4, 2005
Open Bids	August 16, 2005
Award Contract	August 23, 2005
Start Construction	September 19, 2005
End Construction	January 20, 2006

The fiscal impact of this project is \$50,000, which was previously approved by the Council as a loan to be paid back to the City over the next ten years.

There was some discussion about the glass-topped round table in the current cable studio. It was alleged that the auditors who audit the City once a year damaged it a couple of

years ago. However, Mayor Pro Tem Bortle stated that the auditors will not pay to repair the table.

Mayor Freschi suggested that the repair or new purchase should be done by the VPCATV.

It was moved by Councilmember Bell, seconded by Councilmember Ulmer, and carried by the following roll call vote to approve the advertising of construction bids for the construction of a 16' x 22' media room to the rear of the Villa Park City Hall and accompanying interior improvements including restoration of City Council Conference Room; authorize the City Manager to approve the plans and specifications for the build out as well as all applicable documents related to the bidding and contract process; and direct that the award of the construction contract and funding contract with VPCATV be brought back to the City Council with recommendation at the August 23, 2005 City Council meeting:

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

City Attorney:

1. Authorization of Participation in Financial Due Diligence Study for Cable Franchise Transfer to Time Warner Cable.

Assistant City Attorney Bill Mortecorena wrote a letter to the City, in which he recommended a due diligence study with the least amount of cost. He recommends that Villa Park pay .15 cents per subscriber for a consultant fee to render an opinion about the transfer to Time Warner.

Councilmember Fauteux stated that the purpose of hiring a consultant is to give the City leverage, if necessary.

City Attorney Hampel stated that Time Warner has a good track record. He said the City wants to make certain we have covered all the bases. At the City Council meeting scheduled for August 23, 2005, a Resolution authorizing the City Manager to disapprove the franchise if a transfer is not warranted. The consultant will perform the City's due diligence.

After a brief discussion, the Council agreed that there are about 1400 cable subscribers in the City and that they would approve a .15 cent charge per subscriber, not to exceed \$350.00, to pay for a consultant to study the transfer to Time Warner.

It was moved by Councilmember Bell, seconded by Councilmember Ulmer, and carried by the following roll call vote to participate in a financial due diligence study, not to exceed \$350.00, to render an opinion about the transfer to Time Warner:

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

City Clerk: No report.

City Engineer: No report.

Finance/Administrative Manager:

1. Update – Quarterly Report through June 30, 2005 – Nancy Desai.

Finance/Administrative Manager Desai stated briefly that the Report will be explained in detail at the August 23, 2005 City Council meeting.

OTHER BUSINESS: None.

ORAL COMMUNICATIONS: None.

ORDINANCES:

1. Consideration of Second Reading and Adoption of Ordinance No. 2005-510, 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 2005-06, Approving and Adopting Report and Providing for Collection of Charges On the Tax Roll – Tax Roll – Tracts 10523 and 13204.

It was moved by Councilmember Bell, seconded by Mayor Pro Tem Bortle, and carried by the following roll call vote to approve the Second Reading and adopt Ordinance No. 2005-510, 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 2005-06, approving and adopting report and providing for collection of charges on the tax roll – Tracts 10523 and 13204:

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

2. Consideration of First Reading and Setting of a Public Hearing for Ordinance No. 2005-511 Amending Section 9-1.1 of Chapter IX of the Villa Park Municipal Code by Adopting the Uniform Building Code, 2001 Edition, Volumes One, Two and Three including Volume 1 Appendix Chapters 4 Division 1 and 15 and 31 Division III and 33 and 34; the California Mechanical Code, 2000 Edition including Appendix; the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition; the Uniform Housing Code, 1997 Edition, all which are published by the International Conference of Building Officials; the Uniform Plumbing Code, 2001 Edition including Appendix A, B, C, D, H, and I only; the Uniform Solar Energy Code, 1997 Edition; the Uniform Swimming Pool, Spa, and Hot Tub Code, 1997 Edition, which is published by the International Association of Plumbing and Mechanical Officials, the National Electrical Code, 2004 Edition including the “Uniform Administrative Code Provisions for the National Electrical Code” which is published by the National Fire Protection Association.

It was moved by Councilmember Bell, seconded by Councilmember Fauteux, and carried by the following roll call vote to approve the First Reading and set a Public Hearing for August 23, 2005 for Second Reading and adoption of Ordinance No. 2005-511 Amending Section 9-1.1 of Chapter IX of the Villa Park Municipal Code by Adopting the California Electrical Code, 2004 Edition:

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

RESOLUTIONS:

1. Consideration of Resolution No. 2005-2831, a Resolution of the City Council of the City of Villa Park, in Opposition to the Supreme Court Decision in Kelo v. City of New London.

City Attorney Hampel reported that he drafted a Resolution in response to the Council's request that would reflect their wishes to oppose the Supreme Court Decision in Kelo v. City of New London at the June 28, 2005 City Council meeting.

Teri Elmendorf, 10291 Camden Circle, suggested that the Council direct staff to send a copy of City Attorney Hampel's letter to the Supreme Court Justices.

Mayor Freschi directed City Manager Domer send a Press Release to legislators, the League of California Cities, and the newspapers announcing the City Council's approval of Resolution No. 2005-2831

It was moved by Councilmember Ulmer, seconded by Mayor Pro Tem Bortle, and carried by the following roll call vote to adopt Resolution No. 2005-2831, a Resolution of the City Council of the City of Villa Park, in opposition to the Supreme Court Decision in Kelo v. City of New London:

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

ADJOURNMENT:

It was moved by Mayor Freschi and carried unanimously to adjourn the meeting at 9:25 PM.

Richard A. Freschi, Mayor
City of Villa Park

ATTEST:

Kenneth A. Domer, City Clerk
City of Villa Park