

MINUTES OF THE CITY COUNCIL

CITY OF VILLA PARK, CALIFORNIA

The City Council of the City of Villa Park met in regular session Tuesday, September 26, 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 at 7:30 p.m.

**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
Jarad Hildenbrand	Assistant to the City Clerk

**FLAG SALUTE**

Natalie Young, President of the Villa Park Women's League.

**INTRODUCTIONS AND PRESENTATIONS**

Presentation of Certificate of Achievement to Taylor Buckley and Phillip Smith, for their Achievement of Eagle Scout, Crew 842.

Taylor Buckley and Philip Smith were not present to receive their Certificates.

Presentation of Commendation to Amanda Huffman, a senior from Orange Lutheran High School, for her Outstanding Academic Achievement.

Mayor Bortle presented a Commendation to Amanda Huffman, a senior from Orange Lutheran High School, for her Outstanding Academic Achievement.

Presentation of Certificate of Achievement to Karen Christensen for her years of service on the Villa Park Cable Access Television Board.

Mayor Bortle presented a Certificate of Achievement to Karen Christensen for her years of service on the Villa Park Cable Access Television Board.

Presentation by the Villa Park Volunteer Firefighters on the 44<sup>th</sup> Annual Pancake Breakfast to be held on Sunday, October 1, 2006.

The item was moved to the end of the meeting.

Presentation of Villa Park Women's League.

Natalie Young, President of the Villa Park Women's League introduced her Executive Board, Kay Rogers, Treasurer, Andrea Hollabaugh, Ways & Means, and Elsie Everett, Parliamentarian. Other members present included Lainey Stern, Chantell Tibbets and Kim Parker.

**JOINT MEETING OF CITY COUNCIL AND VILLA PARK CABLE T.V.**

Mayor Bortle adjourned the meeting to a Joint Meeting of the City Council and Villa Park Cable T.V. and turned the meeting over to Teri Elmendorf, President of Villa Park Cable T.V. who called the meeting to order.

**APPOINTMENTS**

Ms. Elmendorf read the list of nominees for the Villa Park Cable T.V. Board of Directors. A ballot was presented to the City Council.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Ulmer, and carried by the following roll call vote to confirm the appointments of Packy McFarland, Penny Wentworth and Ray Adame to the Board of Directors for a term of three (3) years.

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

Ms. Elmendorf presented the financial report for Villa Park Cable T.V. and listed the programs available.

There being no further business the Joint Meeting was adjourned back to the Regular Meeting of the City Council.

**ORAL COMMUNICATIONS**

Jim Rheins inquired as to the status of the personnel plan at the City. City Manager Domer presented an update on the re-organizational plan that was approved by the Council on August 22, 2006 as a result of recent vacancies and a consultant's report on staffing scenarios.

Charlotte Bell stated that next Tuesday at 7:30 p.m. there will be a "Meet the Candidates Evening" and invited everyone to attend with an opportunity to present questions to them. Mrs. Bell also stated that they are still raffling off tickets for a Cadillac to benefit the Friends of the Library and the winner will be announced in December at the VP Foundation GALA on New Years Eve.

### **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 August 22, 2006. The City Council approved the Minutes of August 22, 2006. Approved Action: The City Council approved the Minutes of August 22, 2006.
3. Consideration of the List of Demands from August 18, 2006 to September 20, 2006. Approved Action: The City Council approved the List of Demands for August 18, 2006 to September 20, 2006 in the amount of \$229,598.75.
4. Consideration of Proclamation Declaring "Lawsuit Abuse Awareness Week", October 2-6, 2006. Approved Action: The City Council proclaimed October 2-6, 2006 as "Lawsuit Abuse Awareness Week".
5. Consideration of Proclamation Declaring "Walk to School Week", October 2-6, 2006. Item Pulled.
6. Street Easements – 19012 Mesa Drive (APN 372-461-03) and 19121 Mesa Drive (APN 372-541-07). Approved Action: The City Council accepted the Street Easements across 19012 Mesa Drive (APN 372-462-03) and 19121 Mesa Drive (APN 372-541007) on behalf of the City of Villa Park and authorized the City Clerk to record the document.
7. Orange County Sanitation District (OCSD) Cooperative Projects Program Agreement No. 0416. Approved Action: The City Council approved Amendment No. 2 to Cooperative Projects Program Contract No. 0416 with the Orange County Sanitation District and authorized the Mayor to sign such documents.
8. Consideration of Resolution No. 2006-2905, a Resolution of the City Council of the City of Villa Park Denying Conditional Use Permit No. 0649. (Location: 19271 Regency Circle; Applicant: Mary Miura). Approved Action: The City Council adopted Resolution No. 2006-2905, a Resolution of the City Council Denying Conditional Use Permit No. 0649.

It was moved by Councilmember Fauteux, seconded by Councilmember Freschi, and carried by the following roll call vote to approve the Consent Agenda with the removal of Item 5.

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

Item 5. Consideration of Proclamation Declaring "Walk to School Week", October 2-6, 2006.

Mayor Bortle wanted to encourage families to have their children walk to school which is a healthy exercise.

Kathy Hoffman, expressed gratitude to the City Council for adding this item to the agenda which brings to the community the focus and attention on bikeways and cuts down on the number of cars.

It was moved by Councilmember Bell, seconded by Councilmember Freschi, and carried by the following roll call vote to proclaim October 2-6, 2006 as "Walk to School Week."

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

### **MATTERS PRESENTED BY COUNCILMEMBERS**

#### 9. Travel and Meetings.

Councilmember Bell reported on attending the League of California Cities Conference in San Diego where the State focused on low cost and senior housing. Discussion ensued relative to requirements for low cost housing and the continued need to protect the City from State efforts to force the issue upon us without our input.

Councilmember Freschi presented an overview of the programs he attended.

The report was received and filed.

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

None.

### **ITEMS FOR CONSIDERATION**

#### 10. Consideration of Agreement with NTI Group for Connect-CTY Emergency Phone Communication Capability.

City Manager Domer presented background information on the agreement with the NTI Group stating it was a useful system for the City for better emergency and general purpose issues.

City Attorney Hampel stated this was a renegotiation of the agreement summarizing the changes made including a neutral indemnification provision.

It was moved by Councilmember Freschi, seconded by Councilmember Bell, and carried by the following roll call vote to approve the agreement with NTI Group, Inc., for the Connect-CTY

system and authorized the City Manager to sign the agreement, subsequent amendments related to price increases up to the actual parcels within the City of Villa Park and Serrano Water District jurisdictions, and documents related to the management of the Connect-CTY system.

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

## **PUBLIC HEARINGS**

11. Consideration of Variance No. 0651, a request to exceed the fence height limit of six (6) feet for a new fence height not to exceed eight (8) feet, eight (8) inches to the South, East and West rear fencing (Location: 18600 Martinique Court; Applicants: Chuck and Penny Wentworth).

Mayor Pro Tem Ulmer excused himself due to the fact he lives within 300 feet of the property.

Mayor Bortle opened the public hearing.

City Manager Domer presented the staff report stating this was a request to exceed the fence height limit of six (6) feet for a new fence height not to exceed eight (8) feet, eight (8) inches to the South, East and West rear fencing with coyote rollers outlining findings necessary for approval.

Chuck Wentworth stated he was requesting the fence with coyote rollers to avert coyotes.

Fred Little, neighbor, objected to the fence stating it was not what was agreed to.

Discussion ensued, including the role of the Home Owners' Association and whether additional dirt was placed in the rear yard.

Mayor Bortle closed the public hearing.

It was moved by Councilmember Bell, seconded by Councilmember Freschi and carried by the following roll call vote to approve Variance No. 0651.

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

12. Consideration of Conditional Use Permit No. 0653, a request to increase the allowable lot coverage from twenty-four (24%) percent to twenty-eight (28%) percent resulting from construction of a second story (Location: 18261 Regency Circle; Applicant: Mary Miura).

Mayor Bortle opened the public hearing.

City Manager Domer presented the staff report stating this was a request to increase the allowable lot coverage from twenty-four (24%) percent to twenty-eight (28%) percent resulting from construction of a second story. The applicant formerly applied for a conditional use permit at the August 22, 2006 meeting. That application was denied. The applicant resubmitted a proposal that was deemed substantially different from the August application because it was only dealing with the lot coverage issue and not floor area or roof height. Discussion occurred regarding the proposal.

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 approve Conditional Use Permit No. 0653.

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

13. Consideration of Conditional Use and Variance Permit No. 0654, a request to encroach thirty-five (35) feet into the front yard setback for a detached building; Construct a detached garage, not to exceed fifteen (15) feet in height, with two garage bays and recreational vehicle bay for a property total of five (5) garage bays (Location: 19312 Canyon Drive; Applicants: Jim and Holly Moat).

Mayor Bortle opened the public hearing.

City Manager Domer presented staff report stating it was a request to encroach thirty-five (35) feet into the front yard setback for a detached building; Construct a detached garage, not to exceed fifteen (15) feet in height, with two garage bays and recreational vehicle bay for a property total of five (5) garage bays.

Mary Jo Chorbajian, resident, stated she was now in favor of the Variance, but raised concerns about not having a recorded survey on the property and requested they put up a higher fence between the properties.

Dale Duncan, resident, expressed concerns about the mass of the project and proposed height not to be more than 15 feet from grade as it exists to be maximum height.

Discussion ensued relative to height limitations.

City Manager Domer stated an additional landscaping condition has been added to read "landscaping shall effectively screen the detached garage from the public right of way and adjoining property nearest the structure."

Jim Moat, applicant, stated they did have a survey done by a licensed surveyor, but it had not been recorded. City Engineer Repke stated there is no requirement to have a recorded survey.

Councilmember Bell requested an additional condition be added that a survey by a licensed surveyor shall be on file with the City and the owner shall certify that the detached structure is in accordance with allowed setbacks.

It was moved by Councilmember Bell, seconded by Councilmember Fauteux and carried by the following roll call vote to approve Conditional Use and Variance Permit No. 0654 with the additional conditions and findings in the Resolution.

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

14. Consideration of Resolution No. 2006-2912, a Resolution of the City Council of the City of Villa Park Establishing Bond Amounts and Fees for Various Permits, Approvals, and Processes and Rescinding Resolution No. 2003-2722.

Mayor Bortle opened the public hearing.

City Manager Domer presented the staff report providing an overview of the changes in fees, and discussed the methodology used to study the fees to ensure that they actually covered the cost for providing the service; recommending approval to be effective sixty (60) days thereafter.

Mayor Bortle closed the public hearing.

It was moved by Councilmember Fauteux, seconded by Councilmember Freschi and carried by the following roll call vote to adopt Resolution No. 2006-2912, a Resolution of the City Council of the City of Villa Park Establishing Bond Amounts and Fees for Various Permits, Approvals, and Processes and Rescinding Resolution No. 2003-2722.

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

## **STAFF REPORTS**

### City Manager / City Clerk

15. Consideration of the Fall Newsletter.

City Manager Domer presented to the City Council a draft of the Fall Newsletter.

Councilmember Bell requested an addition relative to the Friends of the Library raffle.

It was moved by Councilmember Freschi, seconded by Councilmember Bell to approve and authorize the production of the Fall Newsletter as amended. Motion carried unanimously.

16. Accounting Services Staffing Plan Update.

City Manager Domer presented staff report. The report was received and filed.

City Attorney:

None.

City Engineer:

17. Statewide General Waste Discharge Requirements.

City Engineer Repke updated the City Council on the current State Waste Discharge Requirements relative to their sewer system. The Regional Plan was submitted to the Regional Water Quality Control Board on November 27, 2005. The State Water Control Board has considered adopting similar requirements for all sewer agencies and adopted Order No. 2006-0003. This Order will require cities to prepare and file with the State a Sewer Management Plan consisting of additional elements and to be submitted in accordance with a schedule to start in November of 2006 and ending in May 2010. The Regional Board will be rescinding their prior Order and the City will no longer be filing a Management Plan with them. The City will be modifying their Management Plan to be submitted to the State. The report was received and filed.

**ORDINANCES**

None

**RESOLUTIONS**

18. Consideration of Resolution No. 2006-2911, Approving the Application for Grant Funds from the Recreational Trails Program.

City Manager Domer presented the staff report. The grant application is proposed to cover costs associated with the trail improvements connected to the Lemon Street Precise Plan.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Ulmer and carried by the following roll call vote to adopt Resolution No. 2006-2911, Approving the Application for Grant Funds from the Recreational Trails Program.

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

Presentation by the Villa Park Volunteer Firefighters on the 44<sup>th</sup> Annual Pancake Breakfast to be held on Sunday, October 1, 2006 was heard at this time.

Brad Reese, Villa Park Volunteer Firefighter stated the 44<sup>th</sup> Annual Pancake Breakfast will be held this Sunday, October 1, 2006 from 7:00 a.m. to noon.

### **ORAL COMMUNICATIONS**

Don Ebrite inquired as to the disposal of green waste.

City Manager Domer explained that the City is serviced by Villa Park Disposal and that a portion of the City's green waste is turned into mulch for cover and the rest is alternate daily cover for ADC for land fill cover. Market conditions dictate the amount that is used for mulch.

Don Ebrite also commented on the carpet at the Villa Park Library needing to be cleaned.

City Manager Domer stated that after the complaint he inquired with the County Librarian and then inspected the City's contract cleaning service to spot treat areas.

### **CLOSED SESSION**

None

### **ADJOURNMENT**

Mayor Bortle adjourned the meeting at 9.50 p.m. to the regular meeting on October 10, 2006 at 7:30 p.m. to conduct a Town Hall meeting.

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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