

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 27, 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

FLAG SALUTE:

Villa Park Elementary School sixth-grader, Jake Tracewell, led the flag salute.

INTRODUCTIONS AND PRESENTATIONS:

1. Villa Park Volunteer Firemen – Presentation to the City Council Regarding the 43rd Annual Pancake Breakfast on October 2, 2005.

Resident and Villa Park Volunteer Firefighter Robert Drobish, addressed the Council about the upcoming Pancake Breakfast on October 2, 2005 which will take place at Fire Station No. 23 from 7 a.m. to 12 noon. He presented each Councilmember and City Manager Domer with their own engraved spatulas.

2. Presentation of Proclamation Declaring October 9-15, 2005 as Fire Prevention Week to Battalion Chief Stan Matthews.

Councilmember Bell presented Battalion Chief Stan Matthews with a Proclamation declaring October 9-15, 2005 as Fire Prevention Week.

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

1. Annual Joint Meeting of the City Council (Serving as members of the Villa Park Community Access Television Corporation) and the Corporation Board of Directors.

Board President, Teri Brooks Elmendorf, made her annual presentation. Some of the highlights were as follows:

- VPCATV Corp. has just completed its 21st year of broadcasting to the residents of Villa Park
- Programming has expanded from one night per week to 24/7 programming which includes contributions from residents in the City and the students of Villa Park High School's Media Arts Program.
- The daily operation of the station is managed by Carl Odiam and Shaun Simon. VPTV is staffed by volunteers from the community.
- The Corporation's total receipts for FY 2004-05 were \$39,528. These receipts were \$4,835 higher than the previous year, reflecting higher franchise fee receipts.
- Operating expenses were \$40,956 vs. \$39,912 in FY 2003/2004, an increase of \$1,044 (+2.6%).
- Capital expenses were \$3,834 last year.
- Total operating expenses and capital expenses exceed revenues by \$4,999. Capital equipment purchases are funded from our cash reserves and this accounts for the majority of this deficit. Cash assets at year end were \$19,310 which will enable VPTV to continue operations at the same level as present for next year.
- The long term loan for modifications to City Hall for the television studio has been paid down to \$15,523.
- This fiscal year (2005-06) begins with the laying out of a new studio which will expand the capabilities in taping better local programs.
- Over the last couple of years, VPTV has simplified some of the functions of the City Council meetings. The majority of the crew is from Villa Park High School. What used to take two hours or longer to set up for broadcast and taping, now takes less than 30 minutes.
- This year VPTV will be building a new studio which will better fill their needs. It will no longer be necessary to share a studio/conference room with the City. So that they might better serve the City and prolong the life of their equipment, negotiations started last Fiscal Year to build a new studio behind the current control room for the sole use of VPTV for television production.

Ms. Brooks Elmendorf introduced Treasurer, Don Coppersmith, to answer any questions the Council might have regarding finances. There were no questions.

APPOINTMENTS:

Hearing no nominations from the floor, Ms. Brooks Elmendorf offered the two incumbents, Jim Mongell and Claude Prettyman, for consideration of re-appointment to the VPCATV Corporation Board of Directors.

It was moved by Councilmember Bell, seconded by Mayor Pro Tem Bortle, and carried by the following roll call vote to re-appoint VPCATV Corporation Board Members Jim Mongell and Claude Prettyman to another three-year term (2005-2008):

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

The Joint Meeting of the Villa Park City Council and VPCATV Corporation was adjourned at 7:52 p.m.

ORAL COMMUNICATIONS:

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

Ms. Peterson, 10262 Camden Circle, spoke on behalf of the Halloween Fest as its co-chairman, which will take place this year on Sunday, October 30th at the Town Center from 4:30-7:30 p.m. She is co-chairing the event with Nicol Jones. There will be a pumpkin carving contest among many other activities for the entire community. This is the fourth consecutive year she has chaired this event and stated that she could use more cheerful volunteers. Coloring books will be available at the City Hall, Ralph's and Villa Park Pharmacy. Prizes will be awarded for this event.

Jill Kuli, 9481 Henderson Way, addressed the Council about Villa Park Elementary School Restoration Corporation (VPESRC). She explained that the marquee is not in use at Villa Park Elementary School and that she had asked permission from the administration to post a sign about VPESRC to achieve better communication about the project. She was denied the opportunity to display a sign.

Marie Crosson, 18632 Valley Drive, addressed the Council with concerns about Ordinance No. 2005-509. She stated that the right turn limitation between the hours of 6:00 and 9:00 a.m. Monday-Friday from Cannon onto Loma has a negative impact on the residents of Villa Park. She believes that the City Council approved the ordinance without good discussions. She believes the Sheriff Deputies should patrol the area for speeding cars and work on controlling the speeding issue. She would like the signs removed.

City Manager Domer stated that the ordinance was intended to mitigate the volume of traffic on Serrano and Cannon Street, which are not designed to handle the current volume.

Councilmember Fauteux suggested that this situation be studied more closely by the Community Development/Public Safety Committee (Bortle/Ulmer).

City Manager Domer agreed and referred this discussion to that committee.

Ken Henderson, 18261 Winn Circle, representing Serrano Water District, gave the Council a brief update on the LAFCO Zero Sphere of Influence situation. SWD had a meeting with LAFCO's Executive Director on September 1st. A subsequent meeting on September 14, 2005 was held at which SWD asked LAFCO to leave the City and its

water district alone. A petition drive to reflect this sentiment was led by resident Deborah Pauly and yielded almost 1,300 signatures.

Woody Rickerl, 19037 Cerro Villa Drive, and Director of Serrano Water District, thanked the residents and the City Council for their support in dealing with LAFCO. He explained that there will be another meeting soon with LAFCO's staff and that he believes there is good communication with all 7 commissioners at this time. On October 12, 2005 approximately 1,300 signatures on the petition were presented to the commissioners, which was impressive. We need to be careful that LAFCO doesn't change the verbage of Zero Sphere of Influence to something else.

Jim Rheins, 18241 Pamela Place, and representative of the Friends of the Library Board, stated that the community should support reading programs in their community. He reported that a fundraiser luncheon for the Friends of the Library called Meet the Author, Jan Burke, will be given on November 5, 2005 from 11:30 a.m. to 3:30 a.m. at the Villa on Katella in Orange. Tickets are available at City Hall, at the Villa Park Library, or through a Board Director for \$35.00. Each ticket includes a donation to the library. He announced that resident Greg Winterbottom has recently joined the Friends of the Library Board.

Teri Brooks Elmendorf, 10291 Camden Circle, addressed the Council about the VPESRC's struggles with OUSD. At a recent school board meeting, a restroom closure on the Villa Park Elementary School campus was referred to while discussing the need to use the restoration site as a storage area for teachers and employees. She stated for the record that this restroom was closed back in 1989 and not as a result of any activity on the part of the VPESRC. She will address the OUSD Board at its meeting on October 13th as will ex-Trustee Bob Viviano to try to set the issue straight for the Board and the public.

Deborah Pauly, 18122 Gloria Circle, addressed the Council about the Special Election propositions on the state ballot Election Day, November 8, 2005. There will be a forum presented to the public by the League of Women Voters and OUSD's Legislative Coalition group on October 12, 2005 at 7 p.m. in the OUSD Board Room. All are welcome.

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 August 23, 2005. Approved Action: That the City Council approve the City Council Minutes of August 23, 2005.
3. Consideration of List of Demands for August 31, 2005. Approved Action: That the City Council approve the List of Demands for August 31, 2005, numbered 1 through 35 in the amount of \$126,653,60.
4. Consideration of List of Demands for September 27, 2005. Approved Action: That the City Council approve the List of Demands for September 27, 2005, numbered 1 through 37 in the amount of \$236,741.51.

5. Consideration of Proclamation Declaring Lawsuit Abuse Awareness Week, October 3-7, 2005. Approved Action: That the City Council proclaim October 3-7, 2005 Lawsuit Abuse Awareness Week.
6. Consideration of Street Easement – 18532 Santiago Boulevard (APN 378-081-01). Approved Action: That the City Council accept the street easement across 18532 Santiago Boulevard on behalf of the City of Villa Park and authorize the City Clerk to record the document.
7. Consideration of Claim# S-391794-PMM submitted by Claimant, Lynette Cwiertnia. Approved Action: That the City Council approve the claim for damages and direct the City Manager to forward the authority to pay our claims adjuster.

It was moved by Councilmember Bell, seconded by Mayor Pro Tem Bortle, and carried by the following roll call vote to approve Consent Agenda Items 1-7:

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

MATTERS PRESENTED BY COUNCILMEMBERS:

Councilmember Rich Ulmer discussed the importance of the VPESRC's mission to the community and urged everyone to work on networking with OUSD to achieve the goal of total restoration via fundraising. He asked that the community go forward and realize that this project will make the community a better place for all.

Mayor Pro Tem Bortle gave an update on the September 26th City/Schools Liaison meeting. They discussed OUSD's Emergency Catastrophe Plan for the four Villa Park schools (serving a total of 4,600 students) which was developed by Child Welfare and Attendance Director Frank Boehler.

Mayor Pro Tem Bortle explained that, as the Public Safety Chair, she was approached by a resident to put together an updated Emergency Plan for the City. She is in the process of putting together a small task force composed of residents and the City Manager, of which she will be the Chair.

Councilmember Fauteux reported that he, too, attended the City/Schools Liaison meeting and thought that Frank Boehler's Emergency Plan was excellent. He discussed the fact that the CERT program is a vital part of our city's Emergency Preparedness Plan.

Councilmember Bell suggested that the CERT graduates be contacted and that additional training, if necessary, be reviewed.

Mayor Freschi mentioned the fact that the County has representatives at Loma Ridge who would serve Villa Park in case of an emergency.

City Manager Domer reiterated that the County does indeed have preparedness plans in place. He stressed that Villa Park residents need to be prepared to help each other on a one-to-one basis. In doing some research of public records in City Hall, he discovered that the last time a Disaster Plan was prepared for Villa Park seems to be in 1981. He stated this needs to be updated and that the City needs emergency supplies.

Mayor Freschi brought up for discussion an idea he has been thinking about concerning the development of a view ordinance for Villa Park. He stated that, although he realizes that Villa Park does not have one, he would like to see the City propose an arbitration system so that residents' issues can be resolved with some assistance from the City. He asked for the public's input. He stated one idea he had would be to empower property owners to top a neighbor's tree so long as a fee is paid.

Councilmember Bell stated that he thought this would be treading on private property rights. He does not agree with involving the City in any kind of arbitration.

Councilmember Fauteux stated that he agreed with Councilmember Bell's statement. He asked City Manager Domer if he had received a lot of inquiries about views.

City Manager Domer replied that he had not.

Councilmember Ulmer stated that he believes in the "reasonable person" to resolve this type of civil dispute.

Councilmember Fauteux asked City Attorney Hampel to weigh in on the view issue.

City Attorney Hampel stated that views are usually controlled by C C & R's which may specify height limits and private easements, for example. There is difficulty in enforcing this. It is easier to enforce in areas where the City already has an easement. Private properties face problems.

CITY COMMISSION AND COMMITTEE REPORTS OR REFERRALS:

1. Community Development – Villa Isle Street issues.

City Manager Domer stated that at a previous Community Development/Public Safety Committee meeting, it was agreed that the City would wait until school started in September to submit a traffic engineer proposal. One was finally submitted to the City and the proposal came in at \$3,500, which will consider the possibility of closing Villa Isle Drive.

ITEMS FOR CONSIDERATION:

1. November and December City Council Meeting Dates.

The current City Council meeting calendar has listed City Council meetings for November 22, 2005 and December 27, 2005. Both are the fourth Tuesday of the month. Due to the Thanksgiving holidays in November and Christmas/Hanukkah holidays in December, the traditional fourth Tuesday of the month scheduled meetings are not practical to be held accordingly. It is recommended that the City Council meetings in both months be moved up to the week prior. Further, due to a pre-existing vacation, it is

known that one member of the Council will not be present at the reorganization meeting typically held in November. It is recommended that the Council postpone its reorganization until the December meeting.

It was moved by Councilmember Ulmer, seconded by Councilmember Fauteux, and carried by the following roll call vote to change the November 2005 City Council meeting to November 15th and the December 2005 City Council meeting to December 20th. Further it is recommended that the City Council hold its reorganization of officers on December 20th to allow for full Council participation due to known councilmember absence:

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

2. Modification of Villa Park Community Services Foundation, Inc.'s By-Laws to Add Board of Directors Positions.

The Villa Park Community Services Foundation, Inc. voted on September 19, 2005 to recommend to the City Council an increase in the number of Board of Directors for the VPCSF, Inc. Per the bylaws, the Members of the Foundation are the current Members of the City Council and said Members have the exclusive authority to amend, repeal and/or adopt the bylaws. The bylaws allow for five (5) Board of Directors, who are appointed by the Members. In addition to the five (5) Directors, the Mayor and City Manager serve on the Board.

The recommended action seeks to increase the amount of Directors in order to increase the participation by residents of Villa Park in VPCSF, Inc. activities, increase the range of expertise as provided by volunteer Directors, and to focus individual Director positions on specific tasks, such as membership and special events, to name a few activities.

It was moved by Councilmember Fauteux, seconded by Councilmember Bell, and carried by the following roll call vote to amend the Villa Park Community Services Foundation Inc.'s bylaws to reflect the authorized number of Directors shall be no more than nine (9):

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

3. City Hall Expansion for VPCATV Corporation and Villa Park Public Library.

The Villa Park Community Access Television Corporation (VPTV) has been working with the City on plans for building out a cable studio to the rear of City Hall. The approximately 352 square foot studio is proposed to be funded by a loan advance from the City's cable television franchise fee.

In discussing the budgeted re-carpeting of the Villa Park Library with Library and County of Orange staff, the issue soon evolved into an exploration of the renovation/expansion of the Library. Based on further discussion with the County of Orange and the Friends of the Villa Park Library, the idea to expand the Library gained favor. The Library

expansion would follow the VPTV build out and would provide an approximate 16 feet x 28 feet (450 square feet) addition which increases usable Library space by 25%. With the build out of the VPTV studio in its pre-planning stage, it is the opportune time to do one expansion of City Hall at the same time for both of these groups.

Accordingly, the Friends of the Villa Park Library have pledged \$50,000 towards the concept of expanding the Library, with the understanding that a capital campaign to cover the full costs of expanding and renovating the library will need to be commenced.

It is proposed to use the funds previously allocated for carpeting the Library to begin the design phase of this build out. The City's contract engineering firm, Norris-Repke, is able to provide project management for this project. It is important to note that no City General Fund money is proposed to be used for this build out, as the expansion will benefit VPTV and the Library. No parking spaces are proposed to be lost in the City lot.

The City allocated \$5,000 in Public Works, Civic Center budget under Capital Outlays for carpeting of the Villa Park Library. It is proposed to use these funds for project management and plans and specifications for the entire build-out.

Public testimony was given by Villa Park Public Librarian Joyce Hensley. She addressed the Council saying that she supported the project.

Councilmember Fauteux asked for the bottom line cost of the library expansion.

City Manager Domer responded approximately \$150,000 to \$175,000. He stated that it will require several months of pre-planning for a fundraising campaign. Grant money is available when one is physically constructing a building as opposed to renovating a pre-existing structure. He stated that a possible funding source would be a County lighting grant. This and other possibilities will be explored.

Public testimony was also given by resident and Friends of the Villa Park Library Director Jim Rheins, who stated that he supports the project and that the Friends will pledge \$50,000 to the campaign.

It was moved by Mayor Pro Tem Bortle, seconded by Councilmember Fauteux, and carried by the following roll call vote that City Council approve the use of previously budgeted funds totaling \$5,000 from Account Number 6100 (Public Works, Civic Center, Capital Outlay) for project management and to develop plans and specifications for a City Hall build out for VPTV and the Villa Park Library; and authorize the City Manager and City Engineer to solicit proposals for plans and specifications for the City Hall build out; and direct the City Manager to return to the City Council for approval of the plans and specifications, solicitation of construction bids, and status report on participating agency contributions:

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

The Council took a short recess at 9:15 p.m.

The City Council meeting session resumed at 9:20 p.m.

PUBLIC HEARINGS:

1. Consideration of Conditional Use Permit No. 0627 to exceed roof height limit of 25 feet for a proposed new height of 30 feet 6 inches, with conditions – Location: 19012 Mesa Drive; Applicant: Daljit Sarkaria.

Mayor Freschi opened the Public Hearing.

City Manager Domer reported that the applicant is requesting permission to exceed the roof height limit of 25 feet. The proposed roof height is 30 feet 6 inches. The applicant proposes to tear down an existing home and construct a new 11,720 square foot home. The home is located in the E-4 residential zone and has a lot size of 44,206 square feet. Based on the proposed construction, the lot coverage is 17% and floor area ratio is 19%, both within current code. All other features of the proposed project are within Code requirements with the exception of the roof height, necessitating the Conditional Use Permit application.

Representing the applicant and giving public testimony was John Sarkaria, 10111 Briley Way, the applicant's son. He stated that his father wanted to put a gable roof on a two-story house with a roof height of 30 feet 6 inches.

City Manager Domer addressed a letter from Carolyn Berndt, 19065 Ridgeview Road, in which she stated her opposition to the project based on a privacy issue. Another neighbor who lives on Nathan Circle expressed concerns about privacy.

Public testimony was also given by Don Ebrite, 18131 Lincoln Street, who reminded the Council that at some time in the future Mr. Sarkaria might want to build a second house on his lot.

Mayor Freschi replied that the Council cannot address that possibility; only the Conditional Use request before them.

Mayor Freschi closed the Public Hearing.

It was moved by Mayor Pro Tem Bortle, seconded by Councilmember Bell, and carried by the following roll call vote to adopt Resolution No. 2005-2837, a Resolution of the City Council of the City of Villa Park approving Conditional Use Permit No. 0627, for the construction of a two-story residence with a roof height of 30 feet 6 inches, with conditions (Location: 19012 Mesa Drive; Applicant: Daljit Sarkaria):

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

2. Consideration of Conditional Use Permit No. 0628 for request to provide massage therapy services in the Commercial Neighborhood Zone – Location: 17845/49 Santiago Boulevard; Applicant: Plantation Day Spa and Salon.

Mayor Freschi opened the Public Hearing.

City Manager Domer reported that the applicant is proposing to offer massage therapy at the current place of business, the Plantation Day Spa and Salon. Currently the applicant is providing massage therapy services based on the prior practice of allowing massage therapy directly related to a permitted use, such as a medical or chiropractic practice. The applicant is proposing to have up to four massage therapists provide different massage options during business hours.

The Commercial Neighborhood (CN) Zone for the City of Villa Park is intended for shopping centers which provide limited retail business service and office facilities for the convenience of the neighborhood. Only those facilities are permitted that are compatible with permitted uses in the surrounding neighborhood and which offer convenience goods and services needed to supply the immediate community.

Staff recommends approval.

Public testimony was given by co-owner of the Plantation Day Spa and Salon, Stephanie Ha. She resides in Westminster. She was available for questions from the Council.

City Attorney Hampel asked Ms. Ha whether she read and understood the Conditions of Approval.

She answered in the affirmative.

Mayor Freschi closed the Public Hearing.

It was moved by Councilmember Ulmer, seconded by Councilmember Bell, and carried by the following roll call vote to adopt Resolution No. 2005-2838, a Resolution of the City Council of the City of Villa Park, approving Conditional Use Permit No. 0628 (Location: 17845/49 Santiago Boulevard; Applicant: Plantation Day Spa and Salon) request to provide massage therapy services (up to four therapists) in the Commercial Neighborhood Zone, with conditions:

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

3. Consideration of Conditional Use Permit No. 0629/Modification of Conditional Use Permit No. 0300 to add one (1) antenna per sector to current six (6) antennae on a 56 foot 8 inch monopole for a total of nine (9) antennae– Location: 17859 Santiago Boulevard, Suite F; Applicant: Cingular Wireless.

Mayor Freschi opened the Public Hearing.

City Manager Domer reported that the applicant is requesting permission to modify current Conditional Use Permit No. 0300, which was approved by the City Council on November 28, 1989. The applicant, Cingular Wireless, is seeking to add a total of three (3) new antennae to the current 56 foot 8 inch pole that presently supports six (6) antennae, for a total of nine (9) antennae. Minor modification to the current equipment room, leased space within 17859 Santiago Boulevard, is included. The modification to the equipment room does not require additional space.

Staff recommends approval of this project, with conditions.

City Manager Domer remarked that the mono-pine will look like a pine tree and should camouflage the pole.

Public testimony was given by Amy Julian, representative of Cingular Wireless in Pasadena, who addressed the Council. She stated their preference for the tower not to be a mono-pine site due to the greater expense. City Manager Domer had originally suggested a mono-pine.

Public testimony was also given by John De Brita, 17972 Huntington Circle, who stated that technology does not work in Villa Park. He favors a mono-pine design.

Mayor Freschi stated that he favors leaving the conditions in (#'s3-5).

Mayor Freschi closed the Public Hearing.

It was moved by Councilmember Ulmer, seconded by Councilmember Bell, and carried by the following roll call vote to adopt Resolution No. 2005-2839, a Resolution of the City Council of the City of Villa Park, approving Conditional Use Permit No. 0629, modification of Conditional Use Permit No. 0300 to add one (1) antenna per sector to the current six (6) antennae on a 56 foot 8 inch monopole for a total of nine (9) antennae, with conditions (Location: 17845/49 Santiago Boulevard, Suite F; Applicant: Cingular Wireless):

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

4. Consideration of Variance Permit No. 0630 for request to encroach 5 feet 2 inches into the south side yard setback – Location: 9531 James Circle; Applicant: Frank DeNunzio.

Mayor Freschi opened the Public Hearing.

City Manager Domer reported that the applicant is requesting permission to encroach 5 feet 2 inches into the south side yard setback. The required side yard setback is based on 10% of the lot width and is 13 feet 2 inches. The applicant formerly submitted Variance Permit No. 0624 requesting encroachments into both side yard setbacks and the rear yard setback. That application was denied by the Council at the last City Council meeting. Since then, the applicant met with City staff to review the overall project and to seek assistance in designing a viable project. The applicant proposes to add on to the existing single story home a total of 1,914 square feet for an overall home size of 4,628 square feet. The proposed addition will bring the floor area ratio and lot coverage ratio up to 21% - both within code requirements. The applicant's justification of the variance request is based on the fact that the property is irregularly shaped and the current layout of the house is deep set in the lot (approximately 75 feet deep). The present configuration is limited in its ability to add a third garage bay to anywhere but within the south side yard setback.

Staff recommends approval of this variance application.

Public testimony was given by the applicant, Dr. Frank Denunzio, who was present to answer any questions from Council. He stated that after help from the City Manager in revising his plans, he would like to be granted a variance. This residence will be his final residence, and he intends on living in it until his death.

Councilmember Bell stated his opposition to the project since he could not see the justification for lack of fire protection due to lack of space to maneuver in the side yard setbacks in case of a fire. In his estimation, 8 feet is still 2 feet short, because it is still going 40% into the setback area. Public safety must be taken into consideration in the decision to grant this variance, in his opinion.

Councilmember Fauteux has some concerns about this project. He stated that the conditions came with the purchase of this house, and Dr. DeNunzio was aware of this at the time of purchase. He stated further that he is getting tired of hearing the justification that variances can be given out because the neighbor got it in the past. It is time to observe the City's building codes.

Public testimony was given by Michael Frasier, architect for the project from Brea, who addressed the Council in defense of the project.

Further public testimony was given by Don Ebrite, 18131 Lincoln Street, who stated that he agreed with Councilmember Bell's assessment of the public safety situation at this site.

Mayor Freschi stated that he sees the justification for this project as the applicant getting a third garage from it.

Councilmember Ulmer asked Councilmember Bell if 10 feet would be safer than 8 feet for the side setback? He stated that he agrees with Dr. DeNunzio who has worked diligently to stay within the constraints.

Mayor Freschi closed the Public Hearing.

It was moved by Councilmember Bell, seconded by Councilmember Fauteux, and carried by the following roll call vote to approve the side yard setback to be a maximum of 10 feet (Location: 9531 James Circle; Applicant: Frank DeNunzio):

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

It was moved by Mayor Freschi, seconded by Councilmember Ulmer, and carried by the following roll call vote to adopt Resolution No. 2005-2840, a Resolution of the City Council of the City of Villa Park, approving Variance Permit No. 0630 for request to encroach 5 feet 2 inches into the south side yard setback, with conditions (Location: 9531 James Circle; Applicant: Frank DeNunzio):

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

STAFF REPORTS:

City Manager:

1. Columbus Day Closure – October 10, 2005.

City Manager Domer explained that Columbus Day is observed on Monday, October 10, 2005. Various local, state, and federal offices are closed on that day and employees receive holiday pay. The City of Villa Park does not observe the Columbus Day holiday as an official paid holiday per our salary resolution. In 2004, the City Manager requested, and was granted, the ability to close City Hall yet require all employees to work as normal. The day was utilized to organize City Hall files and storage areas. It is proposed that City Hall closes again for similar organizational purposes. All employees, including Public Works employees, would not be given the day off.

It was moved by Councilmember Fauteux, seconded by Councilmember Bell, and carried by the following roll call vote for the City Council to authorize the City Manager to close City Hall to the public on Monday, October 10, 2005 and to publicize the closure accordingly:

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

2. Update on VPWL Bus Bench Donation.

A verbal update on the City's partnership with the Villa Park Women's League to install two benches was made. City Manager Domer reported efforts are on-going to get an exact design.

City Attorney: No report.

City Clerk: No report.

City Engineer:

1. Villa Park Road Rehabilitation Project – Certification of City Funds.

City Engineer Repke reported that in conjunction with the OCTA Combined Transportation Funding Program call for projects in January, 2005, the City submitted a grant application for the rehabilitation of Villa Park Road in the FY 2006-07. In June, 2005, the grant request was approved by the OCTA Board.

The next step in the grant process is for OCTA to include the project in the Regional Transportation Improvement Program (RTIP).

Prior to OCTA including the Villa Park Road project in the RTIP, a Resolution of the City Council is being requested by OCTA certifying the following:

- The City will carry out the project consistent with the implementation schedule. The schedule calls for design during the FY 2005-06 and construction during the FY 2006-07.
- The City will allocate the necessary local matching funds.
- The City will comply with the provisions of various Federal, State, and local laws, rules and regulations.

The total project construction cost has been estimated at \$392,265. Forty-seven (47%) percent will be federally funded with the City providing fifty-three (53%) percent, or approximately \$207,900. The funds have been included in the Seven Year Capital Improvement Program and will need to be included in the FY 2006-07 Budget.

It was moved by Councilmember Fauteux seconded by Councilmember Bell, and carried by the following roll call vote to adopt Resolution No.2005-2841, a Resolution of the City Council of the City of Villa Park, approving California certifying that Villa Park has the resources to fund the projects submitted for inclusion in the FY 2005-06 – 2010-11 transportation improvement program and affirming its commitment to implement all of the projects submitted in the program:

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

OTHER BUSINESS: None.

ORAL COMMUNICATIONS: None.

ORDINANCES:

1. Consideration of First Reading of Ordinance No. 2005-512 Adding Section 19-2.10 to the Villa Park Municipal Code Prohibiting Parking on City Streets During Posted Street Sweeping Hours.

It was moved by Mayor Pro Tem Bortle, seconded by Councilmember Ulmer, and carried by the following roll call vote to accept for first reading Ordinance No. 2005-512, an Ordinance of the City Council of the City of Villa Park adding Section 19-2.10 to the Villa Park Municipal Code prohibiting parking on City streets during posted street sweeping hours:

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

2. Consideration of First Reading of Ordinance No. 2005-513 Amending Sections 19-3.1, 19-3.2 and 19-3.3 of Chapter XIX of the Villa Park Municipal Code Relating to Parking Zones.

City Manager Domer reported that parking adjacent to the schools located in the city has been a longstanding issue. Proposed are amendments to the Villa Park Municipal Code related to two areas. The first area is south of Santiago Boulevard on the streets of Prado Woods and Huntington Circle. It is proposed to add these two streets into the City's two-hour parking zone in order to accommodate residential parking requirements while discouraging impacts from parking by students at Villa Park High School. The second area is the immediate vicinity of Villa Park Elementary School, specifically, Center Drive from Lincoln to Villa Park Road and Lincoln Street from Wanda to Center Drive.

These two streets are within the Limited Parking section of the Municipal Code and the specific hours of prohibited parking are called out in the Code. It is proposed to move these two streets from the Limited Parking section to that of the Special Parking Zones. This amendment does not change the current prohibition on parking. Instead, it states that parking is limited as posted or marked. Currently, the two streets are posted or marked their entire length. The proposed move simply gives the City the flexibility to review recent traffic study recommendations and to work with the residents, parents, and the School District to implement changes as needed without having to amend the Municipal Code each time.

Public testimony was given by Eileen De Brita, 17972 Huntington Circle, who stated that she works at Villa Park Elementary School and is familiar with lack of parking spaces. However, she stated that no students are parking on her street or on Prado Woods Drive. She is against this Ordinance. She suggested the Council consider making the residents exempt from parking restrictions. She said she can live with the cars.

Further public testimony was given by Janet Mongell, 17951 Huntington Circle, stated that in her observation of the situation, Prado Woods Drive is where the cars are parked.

Councilmember Fauteux stated that he thinks there are too many students parking on city streets, in general.

Councilmember Bell stated that he approved of the Ordinance at this time.

City Manager Domer stated that section 2 could be deleted from the Ordinance. He stated that he will work with Lt. Visconti and study the code regarding painting the curbs red.

It was moved by Councilmember Bell, seconded by Mayor Freschi, and carried by the following roll call vote to accept for first reading Ordinance No. 2005-513, an Ordinance of the City Council of the City of Villa Park amending Sections 19-3.1 and 19-3.3 of Chapter XIX of the Villa Park Municipal Code relating to parking zones *with the deletion of Section 2*:

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

RESOLUTIONS:

1. Consideration of Resolution in Recognition and Support of California Arts Day, October 7, 2005.

It was moved by Mayor Freschi, seconded by Councilmember Ulmer and carried by the following roll call vote to adopt Resolution No. 2005-2843, a Resolution of the City Council of the City of Villa Park, in recognition and support of California Arts Day on October 7, 2005:

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

2. Consideration of Resolution No. 2005-2844, Supporting the Existing Sphere of Influence and Boundaries of the Serrano Water District, and Opposing any Effort by the Local Agency Formation Commission of Orange County to Designate a Zero Sphere of Influence for Serrano Water District.

It was moved by Councilmember Fauteux, seconded by Councilmember Bell and carried by the following roll call vote to adopt Resolution No. 2005-2844, a Resolution of the City Council of the City of Villa Park, supporting the existing sphere of influence and boundaries of the Serrano Water District, and opposing any effort by the Local Agency Formation Commission of Orange County to designate a zero sphere of influence for Serrano Water District:

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

3. Consideration of Resolution No. 2005-2845, Amending Resolution No. 2005-2824 to Modify Section 2, IV. Holidays, Subsection 2 to Change Veteran's Day Holiday to a Date Specific.

It was moved by Councilmember Bell, seconded by Mayor Pro Tem Bortle and carried by the following roll call vote to adopt Resolution No. 2005-2845, a Resolution of the City Council of the City of Villa Park amending Resolution No. 2005-2824 to modify Section 2, IV. Holidays, and Subsection 2 to change Veteran's Day Holiday to a date specific:

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

CLOSED SESSION: None.

ADJOURNMENT:

It was moved by Mayor Freschi and carried unanimously to adjourn the meeting at 11:03 p.m. to the Town Hall meeting on October 11, 2005 at 7:30 p.m.

Richard A. Freschi, Mayor
City of Villa Park

ATTEST:

Kenneth A. Domer, City Clerk
City of Villa Park