

MINUTES OF THE CITY COUNCIL

CITY OF VILLA PARK, CALIFORNIA

The City Council of the City of Villa Park met in a regular session Tuesday, October 23, 2007 at 7:30 p.m. in the City Council Chambers, 17855 Santiago Boulevard, Villa Park, California.

CALL TO ORDER

Mayor Ulmer called the meeting to order at 7:30 p.m.

ROLL CALL

COUNCILMEMBERS PRESENT

Rich Ulmer	Mayor
Brad Reese	Mayor Pro Tem
Rich Freschi	Councilmember
Deborah Pauly	Councilmember
James Rheins	Councilmember

STAFF PRESENT

Ken Domer	City Manager
Len Hampel	City Attorney
Warren Repke	City Engineer
Jason Carson	Associate Planner
Jarad Hildenbrand	Assistant to the City Clerk / Management Assistant

FLAG SALUTE

Mike Feehan and Lyla Bennett from Serrano Elementary lead the Flag Salute. Mayor Ulmer presented each of them with a City pin and gift certificate to Rockwell's Bakery.

INTRODUCTIONS AND PRESENTATIONS

Presentation of Academic Achievement Award to Kara Dismuke from Cerro Villa Middle School.

Mayor Ulmer read a biography about Kara and presented her with a certificate of recognition for outstanding academic achievement along with a gift certificate to First Class Pizza.

State of the School – Serrano Elementary School.

Danny Polyakov, Student Council President; Patrick Faley, Student Council Vice President; and Joshua Ruiz , 6th Grade Class Representative presented the State of the School address.

Presentation of Commendation to Villa Park Area School Crossing Guards: Ruth Chavez, Bobbie Burgoon and Harry Burgoon.

Councilmember Pauly presented each of Villa Park's area crossing guards with a plaque in honor of Crossing Guards Appreciation Day and asked that parents send their kids with something simple to say thanks on Thursday, November 1, 2007.

Presentation of Proclamation in Support of "Step Out and Fight Diabetes Day" – Karen Holthe.

Councilmember Rheins read the proclamation and presented it to Mrs. Holthe.

Exchange Student Hosting.

It was recognized that families in Villa Park host exchange students though the specific student was not present.

Villa Park Community Services Foundation Update.

Karen Holthe, Roy Berelowitz, and Anne Frackelton informed the City Council in regards to upcoming Foundation activities. The Halloweenfest will be held October 30, 2007; the annual Santa Tour will be held Saturday, December 8, 2007; and the inland boat parade will be held Sunday, October 9, 2007. Mrs. Frackelton mentioned the Villa Park History Book is almost here. City Historian Janet Van Emon edited the 300 page history book which is available for presale purchase at City Hall for \$50.

Councilmember Pauly stated only 1,000 copies are going to be printed.

ORAL COMMUNICATIONS

John Fader, CERT Program Manager, 18512 Valley Drive, spoke on the CERT exercise to be held November 10, 2007.

PUBLIC HEARINGS

1. Consideration of Resolution No. 2007-2971, A Request to Consider the Intent to Initiate a General Plan Amendment. Location: 9562 Santiago Boulevard; Applicant: Lutheran High School of Orange County.

City Manager Domer and Associate Planner Carson presented the staff report and were available for questions.

Mayor Ulmer opened the item for public comment.

Ken Ryan, Planning Consultant, presented the proposed project and design plans with the acknowledgement that tonight the school was only asking for the Council's consideration of whether to allow a General Plan Amendment to proceed versus actual approval of any plans.

Jan Naylor, Laurie Dixon, and Jeff Barens all spoke in favor of the project.

City Council discussion and questioning to the project applicant ensued as to the design, traffic flow and benefits the lot will bring to the City. After questions to the applicant, the Mayor opened the discussion for the public.

Joe Barsa, Gary Houston, Dana Heard, Bob Colcott, Tom Dodge, Michelle Amercon, Nancy Jenkins, Greg Buchee, Stan Door, Bill MacAloney, John Frackelton, and Brancey Shuttler all spoke in opposition of the project. General consensus to the opposition is that the project is not in line with the residential nature of the City, that the intersection of Meats and Santiago is already highly impacted by traffic and the project will make it worse and potentially dangerous for vehicles and pedestrians alike, that the City should not convert residential lots to

commercially zoned areas to satisfy parking requirements for the school, that the impacts from law enforcement, noise, light and traffic far outweigh any benefit to the City, and that the project is best, if at all, to be reviewed through the General Plan update process.

Mayor Ulmer closed the item from public comment.

Councilmember Pauly stated that she appreciates Lutheran High School's creativity in trying to solve their problem. Additionally, she stated she likes what they stand for; however, she has to look out for the community of Villa Park and their best interests. Villa Park is special because it is a closely guarded residential community and changing a property from residential to commercial could harm the future of this City. The Towne Centre earns less than \$100,000 a year in sales tax. The City's entire revenue stream is based off property taxes and this is because the City Council has preserved something sacred.

Councilmember Rheins stated he was disappointed in the City's process of handling this project. He believes Lutheran High School should have been given enough time to brief everyone in the City that was interested. This way, our resident's would receive the full picture of the project. He received numerous emails where many people were making judgments with the wrong data. Also, there should have been a separate meeting to consider this item alone so everyone could have been heard. Lastly, Councilmember Rheins mentioned the City recently created the Citizen's Advisory Committee to assist with the General Plan Update. It would be wrong of the City Council to rezone one area and not allow the CAC members to do their job.

Councilmember Freschi stated he was in favor of the intention of giving Lutheran High School the right to present their plan. This evening was not approval or disapproval of the project, but to consider allowing them to move forward or not. After the hearing public input tonight it is obvious resident's are not in favor of this project.

Mayor Ulmer commented his daughter graduated from Lutheran High School and they gave her one of the finest educations he could have wished for; however, this is a business proposition and business challenge and that business does not reside in Villa Park, therefore there is no reason for Villa Park to step into this.

Refer to the meeting DVD for further detailed information.

It was moved by Councilmember Pauly, seconded by Councilmember Rheins and carried by the following roll call vote to adopt Resolution No. 2007-2971, a Resolution of the City Council of the City of Villa Park declaring that it will not consider a General Plan Amendment – Location: 9562 Santiago Boulevard; Applicant: Lutheran High School of Orange County:

AYES:	COUNCILMEMBERS:	Pauly, Rheins, Freschi, Ulmer
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Reese

2. Consideration of Variance Permit No. 0670, A Request to Encroach Eighteen (18) Inches into the Rear Yard Setback of Ten (10) Feet for a Detached Accessory Structure. Location: 10162 Briley Way. Applicants: Richard and Karen Bergstrom.

Associate Planner Carson presented the staff report and was available for questions.

Mayor Ulmer opened the public hearing.

Rick Bergstrom, applicant, stated there used to be a small gazebo in place of the existing structure which was removed sometime in 2003-2004. Only the wood of the gazebo was removed, the foundation was left. Mr. Bergstrom stated he was misinformed by a contractor telling him that a permit was not required to replace something that was preexisting.

Mayor Ulmer closed the public hearing.

Councilmember Freschi stated he believed the applicant made an honest mistake; additionally, the two neighbors do not have a problem with the project and sometimes the City just needs to have a little understanding.

Councilmember Rheins stated that he has been misinformed twice by contractors. Even though it is a foot and a half encroachment and will cost the applicant money, rules are rules and we need to abide by those rules.

Councilmember Pauly stated in general she would agree with Councilmember Rheins, especially after-the-fact variances. She stated she feels there are some differences with this property. There is nothing to the south and the rear yard if filled with nothing but thick tall hedges. Plus this is very much an open air structure that will have little impact on his neighbors. Because of this minimal impact Councilmember Pauly stated she is in favor of this project.

Mayor Ulmer stated he too read it was an after-the-fact variance and had an immediate negative reaction. However, this gentleman additionally landscaped and maintains a portion of Santiago Blvd. which benefits the community aesthetically.

It was moved by Councilmember Freschi, seconded by Councilmember Pauly and carried by the following roll call vote to adopt Resolution No. 2007-2970, a Resolution of the City Council of the City of Villa Park approving Variance Permit No. 0670, a request to encroach into the rear yard setback of 10' for a detached accessory structure a total of 18":

AYES:	COUNCILMEMBERS:	Freschi, Pauly, Rheins, Ulmer
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Reese

CONSENT AGENDA

3. Consideration to Waive Reading in Full of All Ordinances on the Agenda. Approved Action: That the City Council Waive Reading in Full of All Ordinances on the Agenda.
4. Consideration of City Council Closed Session Minutes of October 8, 2007. Approved Action: That the City Council Approve the Closed Session Minutes of October 8, 2007.
5. Consideration of City Council Closed Session Minutes of October 12, 2007. Approved Action: That the City Council Approve the Closed Session Minutes of October 12, 2007.
6. Consideration of City Council Minutes of September 25, 2007. Approved Action: That the City Council Approve the Minutes of September 25, 2007.
7. Consideration of the List of Demands from September 17, 2007 to October 12, 2007. Approved Action: That the City Council Approve the List of Demands in the Amount of \$343,426.87.

9. Consideration of Proclamation Declaring November 1, 2007 as Crossing Guards Appreciation Day. Approved Action: That the City Council Approve, Proclaiming November 1, 2007 as Crossing Guards Appreciation Day in the City of Villa Park.
10. Consideration of Proclamation in Support of "Step Out and Fight Diabetes Day" – November 3, 2007. Approved Action: That the City Council Approve Proclamation in Support of "Step Out and Fight Diabetes Day" – November 3, 2007.
11. Consideration of Resolution No. 2007-2972, A Resolution of the City Council of the City of Villa Park Approving Lot Line Adjustment No. 2007-01. Approved Action: It is Recommended that the City Council Adopt Resolution No. 2007-2972, A Resolution of the City Council of the City of Villa Park Approving Lot Line Adjustment No. 2007-01.
12. Consideration of First Quarter Financial Report for Period Ending September 30, 2007. Approved Action: That the City Council Receive and File the Quarterly Report for Period Ending September 30, 2007.

Councilmember Pauly pulled item number 8.

It was moved by Councilmember Freschi, seconded by Councilmember Rheins and carried by the following roll call vote to approve Consent Agenda items number 3, 4, 5, 6, 7, 9, 10, 11, and 12:

AYES:	COUNCILMEMBERS:	Freschi, Rheins, Pauly, Ulmer
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Reese

8. Consideration of Treasurer's Report for the Month of September.

Councilmember Pauly pulled item 8 questioning why City Treasurer Kuli had not signed the Treasurer's Report.

Assistant to the City Clerk Hildenbrand stated City Treasurer Kuli signed the Treasurer's Report a couple of days late. Unfortunately agenda packets had already been distributed and the signed report did not make it into the packets.

It was moved by Councilmember Pauly, seconded by Mayor Ulmer and carried by the following roll call vote to approve Consent Agenda item number 8:

AYES:	COUNCILMEMBERS:	Pauly, Ulmer, Freschi, Rheins
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Reese

MATTERS PRESENTED BY COUNCILMEMBERS

13. Travel and Meetings.

Due to Mayor Pro Tem Reese's absence, there were no reportable items.

CITY COMMISSION AND COMMITTEE REPORT OR REFERRALS

Mayor Ulmer asked that City Council not report tonight due to the lengthy meeting.

Councilmember Pauly had one concern regarding the Citizen Advisory Committee. One of their main purposes is to have true public involvement. She questioned where on the City's website were the minutes from the September CAC meeting. Also, she would like the citizens to have the opportunity to email CAC members via the City's website.

City Manager Domer stated they would be added to the website.

ITEMS FOR CONSIDERATION

14. Consideration of Villa Park History Book Production Loan Agreement.

City Manager Domer presented the staff report and was available for questions.

Councilmember Rheins mentioned he had some concerns with the loan. He spoke to another City who had published a history book and had obtained an invoice of their costs. Before he approves this loan he stated he would like to see an invoice of costs, procedures or a timeline for our history book. Additionally, the others City's total cost for 1,000 books was \$20,400. Councilmember Rheins stated he feels that City Council should not approve the contract without having some type of data from the Foundation.

Councilmember Freschi stated the only thing City Council needs to consider tonight is whether this agreement is acceptable to us or not.

Mayor Ulmer stated this has been discussed the last three months at Foundation meetings. They have had at least 3 bids on the production of the book, with \$21,500 being the lowest.

Councilmember Pauly stated she attended those Foundation meetings and is opposed to use General Fund revenue to produce this history book. In addition to Councilmember Rheins, she is concerned that she has not seen a complete proposal as well. The reason the book has been fast-tracked was to have it in time for Christmas, we already know this will not happen; therefore, there is no reason for Council to rush into a decision on this.

Mayor Ulmer stated it was his understanding that if orders were in by the end of the week the books will be ready for Christmas.

City Council discussion ensued.

It was moved by Councilmember Freschi, seconded by Mayor Ulmer and failed by the following roll call vote to approve of a loan agreement to the Villa Park Community Services Foundation in the amount of \$10,500 at 6% simple interest upon notification of matching funds and authorize the Mayor to execute said document:

AYES:	COUNCILMEMBERS:	Freschi, Ulmer
NOES:	COUNCILMEMBERS:	Pauly, Rheins
ABSENT:	COUNCILMEMBERS:	Reese

It was moved by Councilmember Pauly, seconded by Councilmember Rheins and carried by a unanimous voice vote to continue this item to the November 6, 2007 Town Hall meeting.

RECESS

15. Consideration of City Council Committee Review and Reorganization.

City Manager Domer presented the staff report and was available for questions.

City Council discussion ensued relating to committee structure and organization. Said changes will be incorporated and the final structure will be brought back in December for Council appointments.

It was moved by Councilmember Freschi, seconded by Mayor Ulmer and carried by a unanimous voice vote to receive and file the committee structure and implement the structure for appointments in December.

16. Consideration of Safe Routes to School Grant Applications.

City Manager Domer presented the staff report and was available for questions.

Councilmember Freschi had some concerns with item number one, the installation of sidewalks on Center Drive where no sidewalk exists.

City Manager Domer stated this portion of sidewalk installation is on the City's master plan of sidewalks. Councilmember Freschi reiterated he is not in favor of this portion.

Councilmember Pauly questioned and City Engineer Repke confirmed that sidewalks exist on Center Drive up to Serrano Avenue.

Councilmember Rheins stated he agrees with Councilmember Freschi, these portions of sidewalks are not needed.

City Council directed City Engineer Repke to update the project location to be Center Drive from Lincoln Street to Serrano Avenue.

Mayor Ulmer asked if the City could do anything to round curb cuts that were made on Santiago Boulevard along the new recreational trail. City Manager Domer stated he would have the Maintenance Supervisor address the work needed.

Councilmember Pauly brought up the concern of the staggered street signs and mailboxes along Center Street. Some are in the middle of the sidewalk and some are closer to the street. City Manager Domer stated City staff will review this as well.

It was moved by Councilmember Freschi, seconded by Councilmember Rheins and carried by the following roll call vote to authorize preparation of, and submittal of, the following projects for funding under the California Safe Routes to School Program:

1. Center Drive Sidewalk Improvements
2. School Stop Sign Flashers and Signal Pedestrian Crossing Time Indicators
3. Lemon Street Pedestrian and Bicycle Trail

AYES: COUNCILMEMBERS: Freschi, Rheins, Pauly, Ulmer
NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Reese

17. Consideration of Award of Construction Contract for 2007-08 Villa Park Road Improvement Project Federal Project No. STPL-5377(005).

City Engineer Repke presented the staff report and was available for questions.

Councilmember Pauly wanted to clarify if this project would coincide with the ongoing sewer improvement project to avoid unnecessary trenching in the street. City Engineer confirmed it would not as improvements to sewers under Villa Park Road were completed with the first sewer improvement project in the previous year to avoid that issue.

It was moved by Councilmember Freschi, seconded by Mayor Ulmer and carried by the following roll call vote to award a construction contract to All American Asphalt in the amount of \$401,199.80 and authorize the Mayor to execute said contract:

AYES: COUNCILMEMBERS: Freschi, Ulmer, Pauly, Rheins
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: Reese

Councilmember Freschi asked if the City was still combining public works projects with neighboring cities. City Engineer Repke stated we do not for many reasons but the City keeps it in mind in order to take advantage of lower bid prices if it deems practical.

18. Consideration of Use of Public, Education and Government (PEG) Access Capital Grant for Villa Park Community Access Television Corporation.

City Manager Domer presented the staff report and was available for questions.

Claude Prettyman, 10681 Hastings Drive, stated VPTV believes the funds are not City funds because they are meant for cable access. At present time VPTV feels they do not need another addition because they are working very well with what they have at the studio next door. The problem is the City would like to use the blue room as a meeting room first and VPTV second. VPTV disagrees because they invested \$7,500 in the sound proof door and the monthly fees for the room. VPTV would like to see that money received is put into their funds.

City Council discussion relating to the use of the conference 'blue' room and the use of the PEG funds ensued. Discussion included the fact that more meetings are held in the conference room than studio productions and that the City does not have a schedule of such productions. It was also mentioned that VPTV has been asked before to develop a business plan in which many issues can be resolved such as funding and scheduling of productions. Refer to meeting DVD for detailed information.

It was moved by Councilmember Freschi, seconded by Councilmember Rheins and carried by the following roll call vote to transfer \$34,608 of PEG Funds to Villa Park Cable Access Television to be used for purposes to be determined by VPTV Board of Directors:

AYES: COUNCILMEMBERS: Freschi, Rheins, Ulmer
NOES: COUNCILMEMBERS: Pauly
ABSENT: COUNCILMEMBERS: Reese

Further City Council discussion ensued relating to the use of the conference 'blue' room. Per discussion, City Council directed the City Manager to conduct a review of Villa Park Cable Access Television and compare how cable access funds are spent in neighboring cities.

STAFF REPORTS

City Manager/City Clerk

19. Law Enforcement and Fire Services Review Update.

City Manager Domer presented the City Council with a progress report regarding the review.

Councilmember Freschi questioned if a private security force was part of the study. City Manager Domer confirmed yes.

A general discussion ensued relating to the City's current fire and police services.

20. Business Improvement District (BID) – Possible Formation for Villa Park Towne Centre and City Participation.

City Manager Domer presented the staff report and was available for questions. City Manager Domer stated one reason for this item, is to gain authority from City Council to continue to spend more staff time in order to try and obtain property owners compliance.

Councilmember Freschi stated he felt the problem is that most businesses in the Towne Centre are tenants, not owners. The owners then turn around and pass the cost of the modification or upgrade onto the tenant.

Councilmember Pauly requested that formal letters be sent to the property owners inviting them to the November 6, 2007 Towne Centre meeting. City Manager Domer confirmed letters would be sent out.

Councilmember Freschi additionally stated tenants have complained about our sign ordinance in the past.

A general discussion ensued relating the City's sign ordinance an the November 6, 2007 Towne Centre meeting.

City Attorney

No Report.

City Engineer

No Report.

Planning

No Report.

ORDINANCES

None.

RESOLUTIONS

None.

ORAL COMMUNICATIONS

Karen Holthe, 18975 Mesa Drive, stated her feelings of disappointment with City Council's decision to continue the consideration of the loan agreement regarding the Villa Park History Book. She stated this has been a City Council project from the very beginning. City Council originally asked the Foundation to take on the project because of legal issues. She stated it is very disappointing to her that Council voted to not loan the Foundation the money.

CLOSED SESSION

None.

ADJOURNMENT

It was moved by Mayor Ulmer and carried to adjourn the meeting at 12:14 a.m.

Brad Reese, Mayor
City of Villa Park

ATTEST:

Kenneth A. Domer, City Clerk
City of Villa Park