

MINUTES OF THE CITY COUNCIL

CITY OF VILLA PARK, CALIFORNIA

The City Council of the City of Villa Park met in regular session Tuesday, August 23, 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:

Villa Park resident and Chairman of the Orange County Board of Supervisors, Bill Campbell led the flag salute.

INTRODUCTIONS AND PRESENTATIONS:

1. Presentation of Villa Park Women's League Board of Directors – President Andrea Hollabaugh.

Incoming President, Andrea Hollabaugh, and out-going President and current Vice-President, Elizabeth Ussher, introduced the new VPWL Board for 2005-06:

Natalie Young	First Vice-President (Programs)
Mary Lynn Fader	Second Vice-President (Ways and Means)
Birgit Miller	Third Vice-President (Membership)
Susan Powell	Recording Secretary
Elizabeth Ussher	Treasurer
Kay Rogers	Parliamentarian

President Hollabaugh announced the upcoming Athena Award Luncheon in honor of VPWL member and nominee, Peggy Boatright, to be held on October 28, 2005.

2. Recognition of Battalion Chief Don Hayden upon his Retirement From Orange County Fire Authority – Councilmember Bell.

Councilmember Bell presented a City tile to retiring Battalion Chief Don Hayden after Chief Witesman's brief introduction of his colleague. Councilmember Bell read from his extensive biography.

ORAL COMMUNICATIONS:

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

Board Member John Fader spoke on behalf of the Community Services Foundation, Inc. to announce the following upcoming events: The Halloween Fest Sunday, October 30th; and the New Year's Eve Gala at the Town Center.

2. Representative of the Orange County Vector Control District.

No one from the Orange County Vector Control District appeared at the meeting.

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 July 26, 2005. Approved Action: That the City Council approve the City Council Minutes of July 26, 2005.
3. Consideration of List of Demands for July 31, 2005. Approved Action: That the City Council approve the List of Demands for July 31, 2005, numbered 1 through 35 in the amount of \$391,129,40.
4. Consideration of List of Demands for August 23, 2005. Approved Action: That the City Council approve the List of Demands for August 23, 2005, numbered 1 through 33 in the amount of \$183,397.56.
5. Consideration of Quarterly Reports for Period Ending June 30, 2005. Approved Action: That the City Council receive and file the Quarterly Reports for period ending June 30, 2005.
6. Consideration of Notice of Completion Regarding the Street Maintenance Project, FY 2004-05. Approved Action: That the City Council accept the project, authorize the City Clerk to file the Notice of Completion, and authorize the release of the final retention payment of \$25,0005.13 to All American Asphalt upon approval of the City Engineer after completion of the 35-day lien period.
7. Consideration of Notice of Completion Regarding the Sewer Rehabilitation Project, FY 2004-05. Approved Action: That the City Council accept the project, authorize the City Clerk to file the Notice of Completion, and authorize the

release of the final retention payment of \$20,741.70 to Insituform Technology, Inc. upon approval of the City Engineer after completion of the 35-day lien period.

8. Consideration of Payment to the Orange County Human Relations Council for 2005-06 Annual Membership. Approved Action: That the City Council deny payment of \$1,774 to Orange County Human Relations Council for 2005-06 annual membership. (Item pulled; see vote below)
9. Consideration of Animal Care Services Agreement for FY 2005-06. Approved Action: That the City Council approve the Agreement for Animal Services Between the County of Orange and the City of Villa Park, Fiscal Year 2005-06.
10. Consideration of Proclamation in Recognition of Developmental Disabilities Day on September 16, 2005. Approved Action: That the City Council support said Proclamation and direct staff to send it to the Regional Center of Orange County in Santa Ana.

Resident Vaughn Sarkisian, 10572 Potter Circle, requested that Council pull Consent Agenda Item #8 concerning the City's relationship with the Orange County Human Relations Council for 2005-06.

It was moved by Councilmember Bell, seconded by Councilmember Fauteux, and carried by the following roll call vote to approve Consent Agenda Items 1 – 7, 9 and 10:

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

Resident Vaughn Sarkisian addressed Council about the bill for services from the Orange County Human Relations Council and whether this benefits the City in the long run. He stated that the OCHRC offers many services and conducts negotiations between members of the community, among other useful things. He believes it to be an excellent organization and one that should be supported by the City Council.

City Manager Domer reported that the Orange County Human Relations Commission was formed by the Orange County Board of Supervisors in 1971 to build mutual understanding among residents and to eliminate prejudice, intolerance and discrimination. In 1991, the commission formed a non-profit Human Relations Council to expand the vision and augment programmatic goals. The Council and the Commission became two separate but related arms in a successful human relations strategy. The County of Orange, as well as various cities, participate through annual memberships.

The Human Relations Council submitted a bill to the City of Villa Park for \$1,774.00 on July 18, 2005. At issue is not whether the services rendered by the Human Relations Council are meritorious, but whether the City of Villa Park, which has not participated in the past, should participate for FY 2005-06. According to the invoice, the services proposed to be made available are: Responding to bias related activity with victim support, law enforcement consultation, and community relations; training law enforcement officers through Hate Crime Network, at the Sheriff's Academy, through block training and specialized training; Community Oriented Policing Awards;

Consultation on various human relations problems with youth; Building inter-ethnic relations, violence prevention and conflict resolution programs with youth; Conducting Dialogues; and, Mediating and conciliating disputes.

In reviewing the services rendered, it is clear that the majority are not applicable to the City of Villa Park for reasons including our contracting with the Orange County Sheriff's Department, presence of four Orange Unified School District schools with minimal Villa Park children in attendance, and lack of previous incidents which are within the scope of the Human Relations Council. In fact, previous incidents and/or programs sponsored by the Human Relations Council have taken place at the schools.

City Manager Domer recommended that the City Council not pay an annual membership to the Orange County Human Relations Council.

It was moved by Councilmember Fauteux, seconded by Councilmember Ulmer, and carried by the following roll call vote to approve Consent Agenda Item #8 and deny payment of \$1,774 to Orange County Human Relations Council for 2005-06 annual membership:

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

MATTERS PRESENTED BY COUNCILMEMBERS:

Councilmember Ulmer discussed a recent League of California Cities program he attended on August 11, 2005 in Tustin at which the guest speaker spoke about the importance of physical fitness and how to encourage the community to get and stay active. He would like to explore doing a par course with stations throughout Villa Park. He requested that those interested in this please give feed-back to the City Manager.

Councilmember Fauteux spoke about an Orange Planning Commission Meeting he attended on August 15, 2005. He reported that the East Orange build-out is going ahead for better or worse and it is underway. The Planning Commission approved all ten items.

CITY COMMISSION AND COMMITTEE REPORTS OR REFERRALS: None.

ITEMS FOR CONSIDERATION: None.

PUBLIC HEARINGS:

1. Consideration of Variance Permit No. 0624 for rear and side yard setback encroachments (Location: 9531 James Circle; Applicant: Frank DeNunzio).

Mayor Freschi opened the Public Hearing.

City Manager Domer reported the applicant is requesting permission to encroach 2 feet 2 inches into the north side yard setback; 5 feet 2 inches into the south side yard setback; and 12 feet 6 inches into the rear yard setback. The required side yard setback

for the E-4 residential zone is 25 feet. 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 for the variance request is based on the fact that this property is pie-shaped and the rear yard slopes upward.

A Variance is required for any reduction in a required setback area.

Based on calculations for the required setback, staff concluded that the property has a setback of 13 feet 2 inches. It must be noted that the calculation submitted by the architect shows an 11 foot side yard setback. Staff disagrees with that calculation.

Based on a review of the project application, the proposed addition meets the requirements of height, lot coverage, and floor area, however, the structure does not meet the objectives of the Villa Park Zoning Code with respect to setback requirements, necessitating the request for a Variance.

Staff is not able to recommend a variance request.

It is recommended that the City Council adopt Resolution No. 2005-2832, a Resolution of the City Council of the City of Villa Park, denying Variance Permit No. 0624, encroachment of 2 feet 2 inches into the north side yard setback; encroachment of 5 feet 2 inches into the south side yard setback; and encroachment of 12 feet 6 inches into the rear yard setback.

Public testimony was given by the applicant, Frank DeNunzio and his architect, Mr. DeFrasier. Mr. DeFrasier stated to the Council that the staff made a calculation error of 1,000 square feet too much when calculating the addition.

City Manager Domer responded that the data was taken directly from the first page of the plans that were submitted by the applicant.

Further public testimony was given by Frank DeSantis, of James Circle, who spoke in favor of granting Mr. DeNunzio a Variance. He stated that he could not comprehend how this project would offend anyone in the neighborhood. He stressed that it is only fair to look at projects individually. He believes that homes need to be updated and that this should be encouraged by the Council.

Councilmember Fauteux asked City Manger Domer whether any comments were received by any other neighbors.

City Manager Domer responded that a neighbor who lives behind Mr. DeNunzio said he was not in favor of the project. However, no official letter was received from this neighbor, who did not attend this Council meeting, to confirm this stance.

Councilmember Fauteux summarized by stating that in essence, three sides, excluding the front yard, as proposed by the applicant would have encroachments.

Councilmember Bell stated that he would find it difficult to support a variance.

Mayor Pro Tem Bortle asked City Manager Domer if the neighbor behind Mr. DeNunzio ever got back to him.

City Manager Domer responded that he did not.

Mayor Freschi stated that he had no problem with the side yard setbacks, however, he did not approve of the rear encroachment. Due to the pie-shaped lot, a 10 foot minimum would be an acceptable side yard setback.

Councilmember Fauteux stated that this pie-shaped lot is no different from other pie-shaped lots. Also, he stated the slope is not significant.

Councilmember Bell stated that Villa Park must keep its standards. If we all asked for special treatment then the standards would disappear. The proposed rear yard setback is especially offensive.

Mayor Freschi suggested that the applicant work on altering the rear yard setback.

Hearing no further questions from the Council, Mayor Freschi closed the Public Hearing.

It was moved by Councilmember Fauteux, seconded by Councilmember Bell, and carried by the following roll call vote to adopt Resolution No. 2005-2832, a Resolution of the City Council of the City of Villa Park, denying Variance Permit No. 0624, encroachment of 2 feet 2 inches into north side yard setback; 5 feet 2 inches into south side yard setback; and 12 feet 6 inches into rear yard setback (Location: 9531 James Circle; Applicant: Frank DeNunzio):

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

2. Consideration of Variance Permit No. 0625 for request to exceed height limit of 15 feet for a new height of 20 feet on a secondary dwelling unit (Location: 18702 Patrician Drive; Applicants: Jeff and Kristi Barens).

Mayor Freschi opened the Public Hearing.

City Manager Domer reported that the applicant is requesting permission to exceed the 15 foot height limit for a secondary dwelling unit for a new height of 20 feet. The primary property has a site plan approval for a renovation and addition to include major architectural treatments. The secondary dwelling unit, per State law, only requires ministerial site plan review, unless it is found to require a Variance Permit, as is the case here. The secondary dwelling unit was reviewed by the Community Development Committee and approved based on the submitted plans and architectural rendering. However, since that time, the owner and architect have proposed the five foot height difference in the roof line in order to architecturally match the appearance of the primary unit. At issue is the slope of roof and not additional space or floor area to the secondary dwelling unit. As required by the Villa Park Municipal Code, secondary dwelling units are to "be consistent with the design and materials of the principal dwelling." The applicant's justification for the variance request is based on the fact that the 15 foot roof

height will make the appearance inconsistent with this requirement and that the back yard grade level is approximately four feet lower than the primary unit, effectively maintaining the proposed increase in roof height consistent with a 15 foot maximum, if on the same grade.

A Variance is required for any increase beyond a roof height limit.

State law only allows ministerial review of secondary dwelling units. Within State law, the Villa Park Municipal Code does limit roof height on a secondary unit to 15 feet. However, the VPMC also identifies the need for any secondary dwelling unit to "be consistent with the design and materials of the principal dwelling unit."

Based on a review of the project application, including a site review, the proposed addition meets the ministerial requirements for secondary dwelling units, however, the structure as proposed will exceed the height limit, necessitating the request for a Variance.

If the proposed unit were attached to the primary unit, the roof height would not be an issue. However, any such attachment through the use of architectural treatment is not recommended nor is the best interest of preserving the requirements of the Villa Park Municipal Code for residential development.

Additional findings include the rear of the property sloping down and leveling off at a level of approximately four feet lower than the primary residence. With this reduction in grade, the effective size of the secondary unit as proposed is reduced.

Staff is able to recommend a variance request.

The applicant, Jeff Barens, was present to address any concerns of the Council. He explained that he realized after designing the project that there would be a height restriction of 15 feet. The main house has a roof line height of 23 feet. His neighbor to the left supports his project.

Councilmember Bell stated that he visited the property and thought the project to be a logical exception. It is justified due to the rear drop off.

Councilmember Fauteux agreed with Councilmember Bell and stated furthermore this will not be observable from the street.

Councilmember Ulmer confirmed that nothing will be built in the gravel pit to the rear of Mr. Barens' property.

Mayor Freschi closed the Public Hearing.

It was moved by Mayor Pro Tem Bortle, seconded by Councilmember Ulmer, and carried by the following roll call vote to adopt Resolution No. 2005-2833, a Resolution of the City Council of the City of Villa Park, approving Variance Permit No. 0625 for height limit exceeding 15 feet for a new height of 20 feet on a secondary dwelling unit, with conditions (Location: 18702 Patrician Drive; Applicants: Jeff and Kristi Barens):

AYES: COUNCILMEMBERS: Bell, Fauteux, Ulmer, Bortle, Freschi

NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

3. Consideration of Conditional Use Permit No. 0626 for request to exceed lot coverage ratio by 2.9% (Location: 18771 Valley Drive; Applicant: Gary Crandall).

Mayor Freschi opened the Public Hearing.

City Manager Domer reported that the applicant is requesting permission to exceed the allowable lot coverage as permitted by the municipal code. As required by the Villa Park Municipal Code, two-story residences in the E-4 Residential Zone are required to have less than a 24% lot coverage area. The lot coverage is figured by taking the square footage of all building space, to include sheds and covered patios as a ratio in the lot size. The applicant is proposing a renovation of the home to include a change in architectural style to incorporate an Italian Villa look. To maintain consistency, there is a new patio cover addition proposed in the rear yard near the pool area. Per our code, patio covers that are more than 50% covered count towards lot coverage area. There is no additional square feet proposed for addition to the home. The new lot coverage is proposed to be 26.94%.

The Villa Park Municipal Code requires a Conditional Use Permit to exceed lot coverage area up to a ratio of 32%. This was a 2004 modification to the Villa Park Municipal Code.

The proposed renovation to the property will include a new covered patio area in the rear yard to conform to the Italian Villa architectural theme. Villa Park Municipal Code allows lot coverage for a two-story home to exceed 24% (and not exceed 32%) through the Conditional Use Process.

Staff is able to recommend a Conditional Use Permit request.

It is recommended that the City Council adopt Resolution No. 2005-2834, a Resolution of the City Council of the City of Villa Park, approving Conditional Use Permit No. 0626 for request to exceed lot coverage ratio by 2.9%, not to exceed 27%, with conditions (Location: 18771 Valley Drive; Applicant: Gary Crandall).

The applicant's architect, Miles Folsom of Folsom Architecture in Anaheim, was present to answer any questions of Council.

Councilmember Bell asked City Attorney Hampel about variances versus conditional use permit findings.

City Attorney Hampel replied that Conditional Use Permits are much more liberal in terms of findings and that, as such, conditions are added to make the property compatible with surrounding properties.

Councilmember Fauteux asked a question about the percentage of lot coverage.

Councilmember Bell asked City Manager Domer whether stairs count toward square feet for the sake of computing lot coverage.

City Manager Domer replied, "No."

Architect Miles Folsom explained that the project calls for reconstructing the front porch to make it "Italian Village" style. Square footage will be added to the back of the property and the pad will be reduced to the level of the home, which will be a large area.

Councilmember Fauteux asked whether the stairs will be removed.

Architect Folsom stated no. He further explained that the deck above would be transformed to add an attached patio cover on the eastern side.

Public testimony was given by neighbor Harold Leach, 18802 Joshua Tree Circle. He asked if the pool would be demolished.

The response from the architect was that it would be removed and a smaller pool at a lower elevation would be built in its place.

Mayor Freschi closed the Public Hearing.

It was moved by Councilmember Fauteux, seconded by Councilmember Bell, and carried by the following roll call vote to adopt Resolution No. 2005-2834, a Resolution of the City Council of the City of Villa Park, approving Conditional Use Permit No. 0626 for request to exceed lot coverage ratio by 2.9%, with conditions (Location: 18771 Valley Drive; Applicant: Gary Crandall):

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

STAFF REPORTS:

City Manager:

1. August 2005 City Newsletter.

City Manager Domer reported that he added an article on the first page of the newsletter about the LAFCO situation surrounding the recent "zero sphere of influence" designation received by the City. Also, he added an article on the Town Hall meeting on October 11, 2005. Due to the Jewish holiday, Rosh Hashannah on October 4th, the Town Hall was moved to October 11, 2005.

The Council agreed that this edition was acceptable for publication.

2. Award of Contract for VPCATV Build Out.

The City Council approved the ability to advertise and solicit bids for a proposed addition to City Hall to house a cable studio for the Villa Park Community Access Television Corporation. The advertisement was made through the Orange County Register, as per Council direction. During this time, more information was obtained on the construction needs and the ability to distribute plans and specifications to interested contractors.

While this was previously advertised as a design/build approach, having a set of plans in which contractors can submit bids off of is a preferred approach. Accordingly, extra time is required to solidify the plans with the VPCATV Corporation and submit an addendum to interested contractors.

Additional time is required to finalize plans and specifications in order to have consistent bid documents.

City Manager Domer met with the VPCATV Board and contractor on September 27, 2005 and it was decided to solicit new bids based on plans and specifications. This was a unanimous decision.

The fiscal impact is to be determined, but expected to reduce the costs contained in submitted bid packages.

It is recommended that the City Council continue this item to its next regularly scheduled City Council meeting on September 27, 2005.

3. Update on Holiday Decorations.

The Secretary (City Manager Domer) of The Villa Park Community Services Foundation, Inc. (VPCSF, Inc.) contacted the holiday decoration company and discovered that the list of remaining goods is smaller than he thought. He will take a trip to the warehouse to inventory the items and return with a report to the Foundation Board.

Councilmember Fauteux inquired as to whether there are ornaments in storage.

City Manager Domer replied yes and stated that some ornaments appear to be missing or damaged.

4. LAFCO Sphere of Influence Update.

City Manager Domer reported that the Orange County Local Agency Formation Commission (LAFCO) is a state agency responsible for, among other items, determining Spheres of Influences (SOI) for local jurisdictions. This process is a part of LAFCO's Municipal Service Review which is a "special study about future growth in Orange County and how local governments are planning for the future municipal service, governance, and infrastructure needs of Orange County residents that will arise from growth that will occur over the next 15 to 20 years." The City of Villa Park was one of the first jurisdictions to have a MSR completed. As stated by LAFCO, "the Commission is required to establish an SOI to identify the probable future boundaries and service areas of all cities and special districts." An SOI is a long-range planning tool used by LAFCO to guide future LAFCO decisions on jurisdictional boundary changes.

The SOI review for Villa Park was last completed in 1988. On July 26, 2005, LAFCO sent the City of Villa Park a letter requesting comment on an attached City map showing the current SOI. The current SOI for Villa Park is coterminous with our City boundary and is classified as such. An SOI that is coterminous does not indicate future ability or desire to adjust city boundaries or services, but does not preclude the possibility if so needed. The most recent LAFCO staff proposal is to give Villa Park a "Zero Sphere of Influence" designation. As defined, a Zero SOI is a designation that "may be applied to

any agency which the Commission has determined should reorganize, merge, dissolve or consolidate with another agency at some point in the future. Annexations to an agency with a zero sphere should be discouraged by the Commission.” This is only a LAFCO staff recommendation based on their technical review of the Municipal Service Review process. It is important to note that it does not reflect anything regarding the state of the City with regard to its service to residents, fiscal viability, or other factors necessary for delivering municipal services.

As directed by state law, LAFCO is to consider and prepare a written statement of determinations on several factors, to include: the present and probable need for public facilities and services in the area; the present capacity of public facilities and adequacy of services that the agency provides; and, the existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency (City).

It can be argued that a Zero SOI for the City of Villa Park would hamper the ability of the City in the future to work with surrounding jurisdictions or districts for realignments of boundaries for better service delivery. In addition, the City of Villa Park is very much fiscally sound and has been throughout the years. We have maintained adequate budget reserves and have not needed to deficit spend to maintain a very high quality of lifestyle for our residents. And finally, among many arguments, there is a strong social and economic community of interest within the City – it is a reason the City incorporated – that would continue to be well served by the municipal structure in place.

While there is merit to LAFCO reviewing the service ability of jurisdictions, specifically special districts, and where such a policy determination of a Zero SOI may be appropriate for other jurisdictions/districts, it is not such in the case with Villa Park and it is recommended that the City Council authorize the City Manager to submit comments reflecting the City of Villa Park’s opposition to a Zero SOI designation.

It is recommended that the City Council direct the City Manager to submit a letter to the Orange County Local Agency Formation Commission opposing the designation of a Zero Sphere of Influence for the City of Villa Park and, further, copy said letter to individual members of the Commission.

City Manager Domer reported that staff review did not find merit in the Zero SOI designation and that it is not appropriate.

Public testimony was given by several individuals on this subject.

Supervisor Bill Campbell, resident and member of LAFCO, explained to the public what is the purpose of LAFCO. He explained that the MSR was mandated by state law since 2003.

He stated that he asked the Executive Director of LAFCO to explain zero SOI. The City is too small and contracts for all its services. This is a plus, not a negative. Villa Park is a good model for other communities to adopt. Council ought to support a letter “on record” opposing LAFCO’s staff report. When the Commissioners vote, he will vote no and he will encourage his colleagues to do the same. He urged the residents to write letters of opposition to LAFCO, as well. He stated further that he believes the designation of Zero SOI is inappropriate to label any of the 34 cities in Orange County.

Mayor Freschi questions Campbell about the 3 categories of SOI. He asks the Supervisor why Villa Park was downgraded from coterminous to Zero?

Supervisor Campbell responded that their report indicated that Villa Park is too small and contracts out for almost all services.

Councilmember Fauteux stated his opinion that he is personally against LAFCO's report concerning the status of Villa Park.

Former Councilmember and Mayor W. Bill MacAloney, 18916 Valley Drive, spoke in support of Supervisor Campbell's words and Councilmember Fauteux's words. He urged City Manager Domer to put LAFCO contact information on the city's website.

Pete DeGandis, 9631 Fleet Road, has lived in Villa Park for 30 years and is currently a member of the Orange County Grand Jury. He suggested that hard data be presented to LAFCO to prove we are a model city.

Dr. Robert Helton, 10051 Briley Way, resident for 37 years, spoke of his experience as ex- President of the Villa Park Historical Society when they worked on a book project for the 1976 Bicentennial.

Janet Bjorklund, resident, addressed the Council about Villa Park's uniqueness concerning fiscal soundness.

Jim Worden, 10021 Sycamore, asked Council if there could be a fiscal impact to Villa Park from this Zero SOI designation. Supervisor Campbell told him he did not believe there would be any fiscal impact as a result of this designation. He further explained that it was more related to changes and making autonomous decisions.

Jody Roberto, Assemblyman Bob Huff's aide, spoke to the small town ambiance of lovely Villa Park and how this could be destroyed if the city is annexed to Orange. She stated that Assemblyman Huff believes that municipal contracted services are a positive, not a negative.

Thomas Mein, 10161 Verde Lomas, spoke about his belief that The City of Orange wants Villa Park's tax base.

Woody Rickerl, 19037 Cerro Villa Drive, stated that he supports all of the statements made by the residents. As Director of the Serrano Water District, which has also been classified as a Zero SOI, he is quite concerned about LAFCO's report. There will be a meeting next week with LAFCO's staff. This action was taken without the knowledge of *all* the Commissioners.

Deborah Pauly, 18122 Gloria Circle, spent 2 hours on the state website studying LAFCO. Her understanding is that LAFCO should have held multiple Public Hearings on this subject which would have given ample time for the residents of Villa Park to address this issue. She did not read any Notices of Public Hearing. She believes LAFCO should be approached by city leadership to request these Public Hearings be held.

Jeff Schultz, 1037 Linda Vista, Orange, stated that his parents live in Villa Park currently and that he grew up in Villa Park. His interpretation of the sphere of influence

designation is that it covers more than borders or boundaries, rather the perception of surrounding neighbors of Villa Park. He is against the zero sphere.

Councilmember Fauteux stated that it would be wise to be objective and realize that LAFCO does provide a vital role in the community. It is probably safe to say that this issue is "D.O.A."

Councilmember Bell agreed with Councilmember Fauteux. He stated that the City of Villa Park needs to be vigilant.

Mayor Freschi stated that one of his pet peeves is public agency appointees, who are not elected officials. Villa Park must communicate our needs to these appointees. We must make it known that we are unique in that our Councilmembers are not paid. A community survey compiled in 2004 should be made available to LAFCO. He urged the residents to write LAFCO and also mention Serrano Water District's positive role in the community. Irvine Lake is an asset to the residents of Villa Park.

City Attorney:

1. Adoption of Resolution Transferring Denial Authority to City Manager Relating to the Transfer of the Cable Television Franchise, and/or Control Thereof, to an Entity Ultimately Controlled by Time Warner Cable.

City Manager Domer reported that the City of Villa Park, through our City Attorney, has retained the law offices of Rutan & Tucker with regard to the bankruptcy and ultimate cable franchise transfer agreement for Adelphia Communications, the City's cable television provider. It has been proposed to transfer the franchise agreement to Comcast Cable and then ultimately Time Warner Cable. As part of the overall review of this transfer, the City previously authorized the participation in a financial due diligence study of Time Warner Cable. In addition, the Rutan & Tucker attorney, Bill Marticorena, has recommended that the cities affected by this transfer delegate authority to the City Manager to reject the application of transfer. Villa Park is one of ten cities represented by Rutan & Tucker in this matter.

It is recommended that the City Council adopt Resolution No. 2005-2835, which delegates denial authority to the City Manager for the transfer of the cable television franchise to Time Warner Cable.

City Attorney Hampel reported that no information has been received yet. Other cities have adopted a similar Resolution. Bill Marticorena recommends adopting this Resolution. We have a 120-day clock running from June 14, 2005. The City needs flexibility in refusing the transfer if we don't get the necessary information in a timely manner. We want a new franchise and as such we will use the authority spelled out in this Resolution if we have no other choice.

Councilmember Fauteux asked City Attorney Hampel whether Time Warner has been put on notice.

City Attorney Hampel replied in the affirmative. The City has 120-day period in which to deny the transfer or it is automatically approved.

It was moved by Councilmember Fauteux, seconded by Councilmember Bell, and carried by the following roll call vote to adopt Resolution No. 2005-2835, a Resolution of the City Council of the City of Villa Park, delegating authority to the City Manager to reject one or more FCC Forms 394 relating to the transfer of the Cable Television franchise, and/or control thereof, to an entity controlled by Time Warner Cable or Comcast Corporation:

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

City Clerk:

1. Update on League of California Cities Annual Conference in San Francisco on October 6-8, 2005.

Deputy City Clerk Sundstrom addressed the Council about the League of California Cities Annual Conference schedule for Thursday, October 6 through Saturday, October 8, 2005 in San Francisco at the Moscone Convention Center.

She stated that we are fortunate to have full participation of the Councilmembers and the City Manager this year. Councilmember Ulmer and City Manager Domer will receive a first-time attendee discount of \$100 each. Hotel arrangements have been made at the Villa Florence Hotel.

This is an excellent opportunity for Villa Park's representatives to network and take advantage of study sessions which explore issues affecting cities throughout our state. Since our Councilmembers serve the City without compensation and with great honor year after year, this annual event is significant and the Councilmembers are well-deserving of the opportunity to serve as representatives of the Hidden Jewel.

City Engineer:

1. Award of Construction Contract for Cannon Street Wall and Slope Repair.

City Engineer Repke reported that in January, 2005, a portion of the Keystone Retaining Wall and adjacent slope on the west side of Cannon Street, south of Loma Street, failed. A geotechnical evaluation of the failure including recommendations for repair was completed in April, 2005. Design of the wall and slope repair was commenced upon receipt of the geotechnical report.

Authorization to advertise the project for construction bids was received from the City Council at its June 28, 2005 meeting. In addition to the slope and wall repair, the project will include repair of the Loma Street Recreation Trail.

Construction bids for the project were opened on August 11, 2005. A total of two (2) bids were received as follows:

- | | | |
|----|--------------------------------------|--------------|
| 1. | Earth Construction and Mining | \$323,990.00 |
| 2. | Klassic Engineering and Construction | \$469,300.00 |

The Engineer's estimate for the project was \$337,350.00.

After review and evaluation of the bids, Staff has determined the lowest responsible and responsive bid was received from Earth Construction and Mining in the amount of \$323,990.00.

It is anticipated that FEMA and OES will reimburse the City approximately 93.75% of the eligible project costs. Eligible items of work are presently being discussed with FEMA and OES.

The 2005-06 budget includes \$30,000 for the City's share of the cost.

It is recommended that the City Council award a construction contract to Earth Construction and Mining in the amount of \$323,990.00 for the Cannon Street Retaining Wall and Slope Repair and authorize the Mayor to execute the contract agreement.

Councilmember Fauteux asked City Engineer Repke whether the City is within its initial parameters.

City Engineer Repke replied in the affirmative.

It was moved by Councilmember Bell, seconded by Mayor Pro Tem Bortle, and carried by the following roll call vote to award a construction contract to Earth Construction and Mining in the amount of \$323,990.00 for the Cannon Street Retaining Wall and Slope Repair and authorize the Mayor to execute the contract agreement:

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

Finance/Administrative Manager:

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

Finance/Administrative Manager Desai reported to Council that expenditures for the 2004-05 fiscal year were \$3,100,000.00 while expenditures this fiscal year (2005-06) are expected to reach about \$3,400,000.00. The reserves are at \$630,000.00. The unadjusted ending balance as of June, 2005 was approximately \$1,009,260.

Councilmember Bell stated that we take in more money than we spend.

Councilmember Ulmer stated that we provide services in a "quality way".

OTHER BUSINESS: None.

ORAL COMMUNICATIONS:

Charlotte Bell, 18501 Robin Way, resident and former member of the Orange County Grand Jury, reminded Council of their duty as a watch dog of government. She suggested that a letter to LAFCO would be advisable at this time.

Councilmember Fauteux, also a former member of the Orange County Grand Jury, stated that the Grand Jury operates in utmost secrecy. Their actions appear in a Year End Report.

ORDINANCES:

1. Consideration of First and Second Reading of 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 I 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.

Mayor Freschi opened the Public Hearing.

Mayor Freschi closed the Public Hearing.

It was moved by Councilmember Fauteux, seconded by Councilmember Bell, and carried by the following roll call vote to accept for second reading and adoption Ordinance No. 2005-511, an Ordinance of the City Council of the City of Villa Park 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 I 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:

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

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

City Manager Domer respectfully requested that this item be continued to the September 27, 2005 City Council meeting so that an Introduction of the Ordinance Summary could be published in the Orange City News. There was not enough time to accomplish this before the item was placed on the agenda.

RESOLUTIONS:

1. Consideration of Resolution No. 2005-2836, a Resolution of the City Council of the City of Villa Park, California recognizing the Southern California Association of Governments (SCAG) and their forty years of service to the Southern California Region.

It was moved by Mayor Pro Tem Bortle, seconded by Councilmember Ulmer, and carried by the following roll call vote to adopt Resolution No. 2005-2836, a Resolution of the City Council of the City of Villa Park, recognizing the Southern California Association of Governments (SCAG) and their forty years of service to the Southern California Region:

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 9:40 PM.

Richard A. Freschi, Mayor
City of Villa Park

ATTEST:

Kenneth A. Domer, City Clerk
City of Villa Park