

MINUTES OF THE CITY COUNCIL

CITY OF VILLA PARK, CALIFORNIA

The City Council of the City of Villa Park met in regular session Tuesday, November 15, 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
Bob Bell	Councilmember
Bob Fauteux	Councilmember
Rich Ulmer	Councilmember

COUNCILMEMBERS ABSENT:

Patricia Bortle	Mayor Pro Tem
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STAFF PRESENT:

Ken Domer	City Manager
Cristina Sundstrom	Deputy City Clerk
Leonard Hampel	City Attorney
Warren Repke	City Engineer

FLAG SALUTE:

Nicole Mora and Brittany Smith, sixth-graders at Villa Park Elementary School, led the flag salute.

INTRODUCTIONS AND PRESENTATIONS:

1. Presentation of Commendation for Outstanding Academic Achievement to Samantha Vega, Eighth-Grader at Cerro Villa Middle School.

Mayor Freschi and Bill Steiner, former Orange County Supervisor and grandfather of Samantha, made the presentation to her after reading the biography she prepared.

2. Presentation of Plaque to Retiring Orange County Vector Control District Board Representative and Villa Park Resident – Bill Oliva.

Councilmember Bell presented a City Tile Plaque to Bill Oliva in recognition of almost nineteen years of service as a Board member on the Orange County Vector Control District Board as a representative of Villa Park. Mr. Oliva thanked the Council and community for allowing him the honor of serving the community he so loves and will be

leaving to retire in Apple Valley next month. He submitted a letter of resignation to the Council on November 9, 2005.

3. Presentation of Plaque in Recognition of Marty Colleary and His Restaurant, Rockwell's Café.

This presentation was postponed to the next regular session of the City Council on December 20, 2005 since Mr. Colleary could not be present to accept the plaque of recognition.

4. Presentation of Certificates to Ten CERT Program Graduates.

Captain Jeff Taylor of the Orange County Fire Authority (OCFA) and Councilmember Bell presented certificates of completion to the most recent CERT graduates. The following ten Villa Park residents have just graduated from the CERT Program:

- Linda and Michael Cornue
- Donna DeLamarter
- Susan Drobish
- John Fader
- Carol and Sam Kawanami
- Alice Walli
- Carolyn and Jim Reichert

5. Presentation by Elizabeth Ussher and Current VPWL President Andrea Hollabaugh of All Safe Signs Sponsored by the Villa Park Women's League, Villa Park Community Services Foundation, Inc., American Medical Response, and Irvine Lake.

Elizabeth showed the audience the green with black writing All Safe Signs and thanked all the sponsors listed above and Captain Jeff Taylor for leading the way in CERT and in helping this project come to fruition.

ORAL COMMUNICATIONS:

1. Presentation of Grand Jury Information by Judge Frederick Aguirre.

Superior Court Judge and resident, Frederick Aguirre, made his annual presentation to the Council about the way to make a difference by serving on the 2006/2007 Orange County Grand Jury. Applications are available on the web site www.ocgrandjury.org or at City Hall. The deadline to submit applications is January 13, 2006. Judge Aguirre stated that more women and persons of color are desired and that several former Grand Jurors are Villa Park residents, including Councilmember Fauteux and Charlotte Bell, William Nelson and himself. The job entails working five days a week at a rate of pay of \$50 a day.

Councilmember Fauteux echoed his sentiments about the value in serving one's community by joining the Grand Jury. He stated that he belongs to the Grand Jurors Association of California, which has about 200 alumni jurors. He urged interested residents to apply by January 13, 2006.

2. Assemblyman Bob Huff.

Assemblyman Huff of the 60th District addressed Council about some upcoming Bond Acts which will most likely be introduced in January, 2006 covering Parks, Libraries and Schools. There is an anticipated shortfall in 2006-2007 of about 7.7 billion dollars.

Mayor Freschi asked him about general obligation bonds and Assemblyman Huff responded that he did not know yet but could state that there is a need of about 50 billion dollars.

Councilmember Ulmer thanked the Assemblyman for his attendance at the First Annual Red, White, and Blue Celebration in July. Assemblyman Huff said it was his pleasure and that he was looking forward to visiting Villa Park in the future.

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

Villa Park Community Services Foundation (VPCSF) President, Vito Canuso, reminded the audience of the organization's three goals:

1. To provide recreational and other community activity opportunities in the City of Villa Park for youths, adults, and seniors;
2. To coordinate the planning, preservation, and presentation of leisure, historical, music and/or arts programs in Villa Park; and
3. To coordinate the use and development of community resources to promote and support activities which advance the overall well-being and improve the quality of life in Villa Park.

Vito discussed other roles of the Foundation, including hosting of social events, like the upcoming New Year's Eve Gala in the Towne Center and giving back to the community.

The Board of Directors is expanding by two members for a total of seven members starting in January, 2006. Directors serve at the pleasure of the Council and receive no compensation. Residents of Villa Park may be considered for appointment by submitting an application available at City Hall by November 18, 2005.

Applications are available on the City's web site, www.villapark.org. Four positions are available for two-year appointments to the Villa Park Community Services Foundation, Inc. All positions are appointed by the City Council. Terms begin January 1, 2006.

Vito reported that the New Year's Eve Gala is in the planning stage. Babysitters will be available for \$20 per child all night and located in the Council Chambers. The VPWL is assisting with the Gala planning and the Villa Park Rotary Club is helping donate food for the Gala. There will be live entertainment, casino tables, and much more. Tickets cost \$100 per person (includes 2 free drinks and raffle tickets) for members and \$130 per person for non-members. About 250 people are expected and guests will be encouraged to park at Villa Park High School and walk to the Towne Center. Just in case, however, there will be a shuttle available for hire to deliver guests to their car or home.

On a final note, Vito publicly acknowledged and congratulated Board member John Fader for graduating from the CERT Program.

Vice-President, Karen Holthe, announced the Boat Parade Grand Marshals for 2005 as Jim Kleerup and Bruce Ramm. Both men have given 29 years of their lives to the Boy Scouts Troop 850 serving as Scout Masters, in which a record 67 scouts have attained Eagle Scout status out of over 600 young scouts in the troop. Ms. Holthe stated further that the theme of the 2005 Boat Parade is "Twilight D'Lights".

Wilmer LaCrosse, 10215 Prado Woods Drive, addressed the Council about the dangerous intersection created by cars cutting through his street to avoid Wanda Road. He discussed the red striped area on Santiago Boulevard covering only a small area near the cross-walk. He suggested the City consider red striping all four corners for optimum safety.

Mary Lynn Fader, 18512 Valley Drive, addressed the Council about poor cellular reception.

City Manager Domer responded that a modification of the Cingular Wireless tower was granted by the Council as a Conditional Use Permit for the Towne Center. So far the modifications have not been made. He stated that we can encourage residents to call their carriers and let them know that they are not pleased with the reception and that, as a result, you will be changing carriers. Complaints will drive the market.

Mayor Freschi mentioned a WiFi possibility he is looking into. Also, he stated that in the past it was explored to put "cypress" trees in street medians but the company proposing this is no longer in business.

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 October 11, 2005. Approved Action: That the City Council approve the City Council Minutes of October 11, 2005.
3. Consideration of City Council Minutes of October 25, 2005. Approved Action: That the City Council approve the City Council Minutes of October 25, 2005.
4. Consideration of List of Demands for September 30, 2005. Approved Action: That the City Council approve the List of Demands for September 30, 2005, numbered 1 through 31 in the amount of \$31,030.93.
5. Consideration of List of Demands for October 25, 2005. Approved Action: That the City Council approve the List of Demands for October 25, 2005, numbered 1 through 64 in the amount of \$245,348.60.
6. Consideration of Quarterly Reports for Period Ending September 30, 2005. Approved Action: That the City Council receive and file the Quarterly Reports for period ending September 30, 2005.

7. Consideration of Payment to Orange County Division, League of California Cities, of \$773.00 for Demographic Services from the Center for Demographic Research. Approved Action: That the City Council authorize a payment of of \$773.00 to the Orange County Division of the League of California Cities for Demographic Services from the Center for Demographic Research.

It was moved by Councilmember Bell, seconded by Councilmember Ulmer, and carried by the following roll call vote to approve Consent Agenda Items 1-5:

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

City Manager Domer pulled item #6 because other arrangements were made with Deputy City Clerk Sundstrom. She will be attending the New Law and Election Seminar given by the League of California Cities in Monterey on December 7-9, 2005. She will, however, pay for all her expenses, no longer necessitating authorization to incur travel and meeting expenses from the City Council.

Councilmember Fauteux pulled item #7 asking for an explanation from City Manager Domer.

City Manager Domer explained that at the last Orange County City Managers Association meeting League Director Michael Gold discussed a deficit. Southern California Association of Governments (SCAG) decided not to reimburse the Orange County Division for the \$75,000 it heretofore paid Fullerton's Center for Demographic Research. Notice of the deficit was given at a recent City Manager's Association meeting with the explanation that either the overall deficit could be divided amongst the member cities at a cost of \$2,700 per city or a second method would be to make a set amount followed by a per capita amount costing each City only \$773.00.

City Manager Domer stated that demographic studies are a valuable and necessary informational tool for the City and that relying on SCAG generated figures could lead to higher costs in the future. Also, he noted that participation with the OC Division is beneficial to the City.

It was moved by Councilmember Fauteux, seconded by Mayor Freschi, and carried by the following roll call vote to approve Consent Agenda item #7:

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

MATTERS PRESENTED BY COUNCILMEMBERS:

Mayor Freschi discussed business license enforcement of landscapers who are in the City on a continuing basis. He stated that perhaps an article could be put in the next city newsletter and on the city web site to alert residents. Another suggestion was to provide these small businessmen with a decal for their work trucks which could be displayed on

their windshield to indicate the expiration date of a city business license. Also, perhaps cards could be passed out in English and in Spanish explaining the Business Code requirements, etc., to encourage these people to pay for a business license and keep it current.

Councilmember Bell stated that he would like to see a cost effective study done to see how much staff time would need to be spent going after these landscapers and what the enforcement ramifications would be. He asked that the City Manager look into this matter further. Further, he commented that he does not favor providing literature in Spanish, rather only in English.

Councilmember Fauteux suggested that this business license enforcement issue be filtered for further consideration through the Finance Committee, which is currently chaired by himself and the alternate is Councilmember Ulmer.

City Manager Domer stated that since business license taxes are revenue, it ought to be presented to the Finance Committee.

Councilmember Bell agreed with Councilmember Fauteux's suggestion of filtering this issue through the Finance Committee.

CITY COMMISSION AND COMMITTEE REPORTS OR REFERRALS:

1. Community Development Committee.

Councilmember Ulmer discussed the Loma Street turn limitations and the ordinance under consideration for a First Reading at the December 20, 2005 Council meeting regarding secondary dwelling units.

Councilmember Fauteux spoke about the Serrano Water District meeting which was held November 15, 2005. He reported that there is emergency water back-up plans in place. He learned that Serrano Water District will join us in our Emergency planning.

He also reported on an OCTA meeting he attended the week of November 6th in which the Group 91 Major Investment Study (MIS) was discussed. Also in attendance at this meeting was Councilmember Bell.

An on-going study has been conducted to address 91 freeway traffic congestion. This was the last meeting of the elected officials to consider their options. He remarked that there is a polarization of Orange County cities so that 40% in North, 40% in mid-county, and 20% in Irvine and Newport Beach. The tunnel raises interesting reactions. Irvine/Mission Viejo are against the tunnel. Villa Park will suffer from the 91 congestion. He questioned what position Villa Park will take in supporting the tunnel.

Councilmember Bell thought the tunnel idea was a great way to proceed, albeit costly.

Councilmember Fauteux reported that at the next OCTA meeting on December 10th the final options will be considered.

Mayor Freschi stated that he sees two major issues facing OCTA today: 1) Current issues of the 91 freeway; and 2) The tunnel. In a recent conversation with Art Leahy of

OCTA, it was explained that more lanes are being considered for the 91 and that south county, including the Irvine Company, is opposed to the tunnel.

Lastly, Councilmember Fauteux reported that he attended an Orange Planning Commission meeting on November 8th at which 11 Resolutions were approved for the East Orange build-out. Irvine Company was given the green light to build approximately 4,400 homes. As a result, a real concern for Villa Park residents will be the increase in traffic on Chapman Avenue and Villa Park Road. It is a wait and see situation. Councilmember Fauteux will continue bringing back reports to the Council on this subject.

ITEMS FOR CONSIDERATION: None.

PUBLIC HEARINGS:

1. Consideration of Conditional Use and Variance Permit No. 0634 for a request to construct a detached one and a half (1 ½) car garage for a total of four and one half (4 ½) garages and for a request to encroach 10 feet into the rear yard setback for the detached 1 ½ garages (Location: 10071 Sycamore Street; Applicant: Barry Pesner).

Mayor Freschi opened the Public Hearing.

City Manager Domer reported that the applicant is requesting permission to encroach 10 feet into an exterior rear yard setback. The setback for a detached structure is 20 feet when the rear lot line is adjacent to a public street. The encroachment requires the granting of a Variance Permit. In addition, the applicant requires a Conditional Use Permit to construct the detached structure which is a one and one-half garage with workshop and bathroom. The existing property has an attached three car garage and the addition of the new garage requires the granting of a Conditional Use Permit. The lot size is 21,506 square feet and the proposed lot coverage, with a 5% exception as permitted by the Municipal Code, is within code requirements.

Based on a review of the project application, the proposed garage meets the requirements of front and side yard setbacks, height, and lot coverage, however, the structure does not meet the objectives of the Villa Park Zoning Code with respect to the rear yard setback requirement for exterior rear yard lot lines, necessitating the request for a Variance.

Mr. Pesner was present to answer any questions from Council. He thanked City Manager Domer for the extra time he took to studying his plans. He explained that he has 4 drivers in the family and that his teenage son is about to drive as well. The new garage will remedy the parking for the neighbors' sake.

Councilmember Bell stated that his property is unique since it backs up to Workman Circle. He added that he supports the project.

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. 2005-2849, a Resolution of

the City Council of the City of Villa Park, approving Conditional Use and Variance Permit No. 0634, request to construct a detached one and a half (1 1/2) car garage for a total of four and one half (4 1/2) garages, and for a request to encroach 10 feet into the rear yard setback for the detached 1 1/2 garages, with conditions (Location: 10071 Sycamore Street; Applicant: Barry Pesner):

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

2. Consideration of Variance Permit No. 0635 for a request to encroach 1 foot 9 inches into the south side yard setback for a replacement utility shed (Location: 9542 Lemon Street; Applicant: Joseph Alarid).

Mayor Freschi opened the Public Hearing.

City Manager Domer reported that the applicant is requesting permission to encroach 1 foot 9 inches into the south side yard setback. The applicant desires to locate a new, slightly larger utility shed in the location of an older shed which has been torn down. The original shed, installed by the applicant in 1975, was 7 feet wide by 10 feet long for a total of 70 square feet. This shed was located within inches of the side garden wall on the owner's side of the property line. In replacing the shed, the owner purchased a standard model Tuff Shed that is 8 feet wide by 12 feet long for a total of 96 square feet. As a detached accessory structure, the shed has a minimum setback from the side property line of 3 feet. The owner, in replacing the older shed, enlarged the foot print slightly and moved the shed away from the garden wall by 15 inches. The encroachment requires the granting of a Variance Permit.

Staff is able to recommend approval of the variance request.

Mr. Alarid that Councilmember Bell visited his house and he explained to him that he is an avid gardener and therefore needs the shed for this hobby. He remarked that City Manager Domer's report was well done. He referred to a letter of support written by a neighbor.

Mayor Freschi closed the Public Hearing.

It was moved by Councilmember Bell, seconded by Councilmember Ulmer, and carried by the following roll call vote to adopt Resolution No. 2005-2850, a Resolution of the City Council of the City of Villa Park, approving Variance Permit No. 0635, encroachment of 1 foot 9 inches into the south side yard setback (Location: 9542 Lemon Street; Applicant: Joseph Alarid):

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

STAFF REPORTS:

City Manager:

1. Modifications to Existing Secondary Dwelling Unit Ordinance.

City Manager Domer reported that the City currently allows the development of secondary dwelling units in all residential zones up to the State maximum of 1,200 square feet. The approval process for all secondary dwelling units is ministerial, as mandated by State law, if they meet all applicable Villa Park Municipal Code Requirements as set forth in Article 23-22. However, if a proposed unit is in conflict with a development standard requiring a Conditional Use Permit and Variance Permit, then the item will be subject to a Public Hearing.

A second review of the secondary dwelling unit issue based on actual development of units within the residential district supports the creation of a tiered structure in order to be compatible with residential lot sizes that range from 8,000 square feet to over 20,000 square feet. In a review of surrounding jurisdictions, many limit the size of secondary dwelling units, regardless of residential zone, based on several factors including, but not limited to, a percentage of size of primary unit, percentage of size of rear yard area, or total maximum size.

State law sets a minimum size for secondary dwelling units to be no less than sufficient for an efficiency unit, approximately 400 square feet, up to 1,200 square feet maximum.

Staff brought forward to the Community Development Committee a proposal to restrict the size of secondary dwelling units based on lot size. The following tiered structure was recommended: For lot sizes up to 13,750 square feet in size, the maximum second dwelling unit size shall be no larger than 640 square feet; for lot sizes from 13,751 to 18,000 square feet, the maximum second dwelling unit size shall be no larger than 900 square feet; and, for lot sizes 18,001 square feet and above, the maximum second dwelling unit size shall be no larger than 1,200 square feet. The Community Development Committee approved the proposal and is recommending to the City Council to place an amended ordinance on the December City Council meeting agenda for a first reading.

Councilmember Bell agreed that this ordinance is appropriate.

Councilmember Ulmer stated that such an ordinance is needed.

Mayor Freschi stated that he believes this type of ordinance is a good idea.

Councilmember Fauteux stated he agrees with the tiered system.

City Attorney Hampel received direction the Council to present this ordinance for a First Reading as a Public Hearing agenda item at the December 20, 2005 City Council meeting.

No vote was taken, however, the Council unanimously agreed to continue this item to the December 20, 2005 City Council meeting.

2. Loma Street Turn Limitations.

The City Council approved turn limitations from southbound Cannon Street to westbound Loma Street at the May 24, 2005 City Council meeting. The right turn limitations are from 6 a.m. to 9 a.m., Monday through Friday. The turn limitations were put in place primarily to control the amount of cut through traffic entering the City and impacting residential streets that are not designed to handle such traffic loads. Thirty days from the second reading of the ordinance, signs were posted to begin enforcement of the limitations.

A traffic count was conducted the week of October 24th to 28th. Traffic tubes were placed to count vehicles turning right onto Loma Street, left onto Loma Street, and to count total traffic proceeding westbound on Loma Street. The findings revealed that westbound traffic on Loma is approximately twice as much as eastbound (exiting) traffic on a daily basis. The heaviest hours are approximately 7 a.m. to about fifteen minutes past 8 a.m.

This item was brought before the Community Development Committee and several options were discussed, including the merits of adjusting or eliminating the prohibitions, looking at alternatives such as posting "local traffic only" signs, and prohibiting left hand turns onto Loma, which would require City of Orange cooperation in order to post signage. The Community Development Committee discussed and approved recommending the prohibition of left turns onto Loma Street. In addition, to reduce the impact on Villa Park residents, and using the traffic count as a basis, the Committee recommended reducing the hours of prohibited turns. After further discussions with law enforcement staff, the hours recommended to prohibit turns is 6:30 a.m. to 8:30 a.m.. This allows for feasible enforcement during the peak hours while providing more time for residents to enter the City from the east side.

It is recommended that the City Council direct the City Manager to place this item on the December 20, 2005 agenda for consideration of a first reading of this ordinance. The ordinance will amend Article 19-6, Section 19-6.1 of the Villa Park Municipal Code relating to turn limitations to prohibit left turns from Cannon Street to Loma Street from 6:30 a.m. to 8:30 a.m., Monday through Friday, and amend the prohibition of right turns from Cannon Street to Loma Street to the hours of 6:30 a.m. to 8:30 a.m., Monday through Friday.

Councilmember Bell asked what the reaction of the public was.

City Manager Domer responded that in regards to the left vs. right turn limitation, we are typically receiving negative remarks from those getting tickets. Overall from residents cutting through traffic for who are going to school, work, etc.

Councilmember Fauteux stated that at the last Council meeting a resident discussed controlling the speed on Loma Street. He asked City Manager Domer if he had made any fresh observations on the Loma traffic.

City Manager Domer replied that there is a great volume of traffic coming up Loma Street and that cars are making a U-turn onto Goldenrod in Orange. Evening traffic is still cutting through Loma Street.

Mayor Freschi stated that he had no objection to placing this item on the December 20, 2005 City Council agenda.

Councilmember Ulmer stated that it had been discussed to make Villa Park residents exempt from the turn limitations. He thought it was a good compromise to cut ½ hour off of either end to address the residents' concerns.

City Manager Domer stated that raw data on traffic conditions will continue in the future.

It was agreed that this item will be considered at the December 20, 2005 City Council meeting.

City Attorney:

1. Draft Proposal Re: View Ordinance.

City Attorney Hampel reported that the main criteria is to keep the City out of it as much as possible. He used Laguna Beach as a model for this ordinance. The idea behind such an ordinance is to value sunlight and views. This may be accomplished through lacing, pruning, thinning, topping, and finally tree removal. The process begins with the resident first attempting to communicate his/her desire to the neighbor. If that fails, the applicant/complainant may draw up a form which is submitted to the City Manager with a process fee. If the applicant proposes mediation, then the City appoints a mediator. It requires two (2) parties to mediate. A mediator is voluntary. The complainant/mediator must agree. The complainant bears the initial cost of an arborist. The mediator resolves the matter. The matter is reduced to writing. If mediation is turned down, the burden of proof shifts from the complainant to request "arbitration" as opposed to "mediation". The next step is arbitration. If arbitration cannot be agreed upon, then the City will get involved.

Both parties present arguments, however the arbitrator makes a "final" decision. The court has jurisdiction to send arborists to private property to trim, etc.

A civil action may be filed if the initial discussion with the neighbor is not fruitful. The City's only role is to suggest a mediator to receive the complaint and supervise the retaining of arborists. There are no legal expenses incurred by the City and no participation in litigation.

City Attorney Hampel stated that he feels comfortable with the ordinance. He believes it will serve a real purpose and recommends a view preservation ordinance.

Councilmember Fauteux asked if there is a problem in Villa Park which merits such an ordinance. He suggested coming up with guidelines to resolve such problems in the form of a Beautification Committee, for example. He stated that he believes an ordinance is too proactive and does not see the need for one.

City Attorney Hampel stated that, absent an ordinance, there is no way to file a civil suit. If there is not a problem in Villa Park, then an ordinance is not needed.

Mayor Freschi stated that he has heard there are problems on Daron Drive concerning views.

Councilmember Bell stated that he has not heard support for a view ordinance. He stated that this is just a case of one owner trying to get a right that did not exist at the time he/she purchased the property.

City Attorney Hampel stated that the complainant does get an advantage from such an ordinance.

Citing Martinique Homeowner's Association C C & R's as an example, Councilmember Ulmer stated that trees have grown up below his property and have blocked views. He stated that such an ordinance could address the unreasonable person.

Councilmember Bell stated that this is a question of public vs. private rights.

Mayor Freschi suggested that this issue be a Public Hearing to see if this ordinance is worth while to the residents.

Public testimony was given by Don Ebrite, 18131 Lincoln Street, who addressed the Council about this being more of a problem to have such an ordinance. People buy property knowing it may change. This ordinance will create a bigger problem, in his opinion.

Councilmember Fauteux stated that he too would like to get public input on the subject.

It was moved by Councilmember Ulmer, seconded by Mayor Freschi and carried by the following roll call vote to consider this matter at a Public Hearing at the January 24, 2006 City Council meeting:

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

2. Adelphia Communications Corporation Update.

Villa Park has until December 24, 2005 to address this issue.

After some discussion amongst the Council, this item was continued to the December 20, 2005 City Council agenda.

It was moved by Councilmember Fauteux, seconded by Councilmember Ulmer, and carried by the following roll call vote to continue this item to the December 20, 2005 City Council meeting:

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

Mayor Freschi requested a five-minute recess at 9:45 p.m.

The meeting reconvened at 9:50 p.m.

City Engineer:

1. Oral Update on Cannon Wall/Slope Repair.

City Engineer Repke reported that the completion date is on schedule to be approximately December 2, 2005. The total cost is estimated at \$400,000.

He stated that FEMA has not heard from OES at this time. As a consequence, the eligible cost may be less than 93%. OES gets final determination from FEMA.

2. Waiver of Permit Fees for Curb and Gutter Installation for Property Owners at 18921, 18941, and 18981 Valley Drive.

City Engineer Repke stated that the property owners at 18921, 18941, and 18981 Valley Drive are proposing to install street improvements (curb, gutter, paving and driveway approaches) along the frontage of their property. As a condition of the street improvement construction, the owners are being requested to also dedicate the additional street right of way of five (5) feet to bring the right of way to its ultimate width of 25 feet.

A street improvement plan for construction of the improvements was previously prepared by the City when the Valley Drive improvement project was constructed in 1990. Therefore, a street improvement plan is not required. However, a construction permit will be required for the installation. The permit fees are as follows:

18921 Valley Drive	\$440.00
18941 Valley Drive	\$440.00
18981 Valley Drive	<u>\$456.00</u>
TOTAL	\$1,336.00

These permit fees are required by Chapter XVII of the Villa Park Municipal Code. The amounts are based on fee Resolution No. 2003-2722.

The owners have requested that the City waive the permit fees as a consideration of the right of way dedication.

Staff has reviewed the request and believes it is reasonable. It is in the best interest of the City to work with property owners regarding installation of street improvements for reasons of drainage, safety and preservation of pavement.

Waiver of the fee would be conditional upon execution of a street easement deed for the additional street right of way.

It was moved by Councilmember Bell, seconded by Councilmember Fauteux, and carried by the following roll call vote to waive the permit fees for installation of street improvements at 18921, 18941, and 18981 Valley Drive, subject to receipt of executed Street Easement Deeds for five feet of additional right of way:

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

OTHER BUSINESS: None.

ORAL COMMUNICATIONS:

Frank Obuljen, 18941 Valley Drive, addressed the Council concerning his belief that the City should be responsible for part of the cost of curb and gutters. He would appreciate the City to help him defray his costs. He had a question about pilasters. City Engineer Repke sent him a plan which is incomplete for setting street grades. An Encroachment Agreement was granted to him to maintain the existing pilasters within the City right of way on October 11, 2005.

City Attorney Hampel clarified that the encroachment is in an easement area and that the City owns that property.

ORDINANCES: None.

RESOLUTIONS:

1. Consideration of Resolution No. 2005-2842, a Resolution of the City Council of the City of Villa Park, California Rejecting and Denying One or More FCC Forms 394 Relating to the Transfer of the Cable Television Franchise, An/Or Control Thereof, to an Entity Controlled by Time Warner Cable or Comcast Corporation.

The City was given an extension until December 24, 2005 by the applicants. Consequently, City Attorney Hampel advised the Council to wait until the next City Council meeting on December 20, 2005 for any follow-up action.

Mayor Freschi adjourned the meeting to Closed Session at 10:00 p.m.

CLOSED SESSION:

1. Conference with Legal Counsel Re: Anticipated Litigation/Decision to Initiate Litigation Involving Cannon Street Wall of Slope Failures, Govt. Code Section 54956.9[c].

City Attorney Hampel stated that the Council would meet in Closed Session to discuss costs associated with the Cannon Street Wall construction.

The meeting resumed at 10:14 p.m. City Attorney Hampel reported that no action was taken and that it was recommended that the Closed Session be continued to the December 20, 2005 City Council meeting.

ADJOURNMENT:

It was moved by Councilmember Bell, seconded by Councilmember Ulmer, and carried unanimously to adjourn the meeting at 10:15 p.m. to the next regular session of the City Council on December 20, 2005 at 7:30 p.m.

Richard A. Freschi, Mayor
City of Villa Park

ATTEST:

Kenneth A. Domer, City Clerk
City of Villa Park