

## MINUTES OF THE CITY COUNCIL

### CITY OF VILLA PARK, CALIFORNIA

The City Council of the City of Villa Park met in a special session Tuesday, November 21, 2006, at 7:30 p.m. in the City Council Chambers, 17855 Santiago Boulevard, Villa Park, California.

**CALL TO ORDER** Mayor Bortle called the meeting to order at 7:30 p.m.

### **ROLL CALL**

#### **COUNCILMEMBERS PRESENT**

Patricia Bortle	Mayor
Rich Ulmer	Mayor Pro Tem
Bob Bell	Councilmember
Bob Fauteux	Councilmember
Rich Freschi	Councilmember

#### **STAFF PRESENT**

Ken Domer	City Manager
Todd Litfin	Deputy City Attorney
Warren Repke	City Engineer
Jarad Hildenbrand	Assistant to the City Clerk

### **FLAG SALUTE**

Matthew Bowden, a Student from Serrano Elementary, led the flag salute.

Mayor Bortle presented Matthew Bowden with a City pin and a gift certificate to Rockwell's Bakery.

### **INTRODUCTIONS AND PRESENTATIONS**

Presentation of Commendation to Cheyenne Moore, from Cerro Villa Middle School, for her Outstanding Academic Achievement.

Mayor Bortle presented Cheyenne Moore with a certificate of academic achievement and a gift certificate to First Class Pizza.

Presentation of Certificates to 2006 Spring CERT Graduates.

Councilmember Bell, CERT Program Manager Brad Reese, and Orange County Fire Authority Battalion Chief Patterson presented CERT graduates Brad Smith, Jay Scollick, and Denise Floryan with a graduation certificate and CERT Team Emergency Bag.

**ORAL COMMUNICATIONS**

Teri Elmendorf, 10291 Camden Circle, recited a poem announcing Mr. and Mrs. Bob and Charlotte Bell as this year's Boat Parade and Holiday Celebration Grand Marshall's.

The 2006 Boat Parade approaches  
And this evening is the time  
We stand before the City  
And recite our little rhyme.

We tell you the many accomplishments  
Of the Grand Marshall soon to reveal  
Their countless gifts to our City  
We try to express how lucky we feel.

This year we are doubly proud  
As we find ourselves with two  
Citizens who have given decades of service  
To make this City the Hidden Jewel.

One dedicated to Fire Station 23  
And the volunteers serving there  
The other his loving partner  
Who has done so more than her share.

Their first date was the Boat Parade  
And from there their love did swell  
We proudly present our Grand Marshall's to you  
Chief Bob and Charlotte Bell.

**CONSENT AGENDA**

1. 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.
2. Consideration of City Council Minutes of October 24, 2006. Approved Action. That the City Council Approve the Minutes of October 24, 2006.
3. Consideration of List of Demands from October 16, 2006 to November 14, 2006. Approved Action. That the City Council Approve the List of Demands from October 16, 2006 to November 14, 2006 in the amount of \$ 293,134.08.

It was moved by Councilmember Freschi, seconded by Councilmember Bell, and carried by the following roll call vote to approve Consent Agenda, items numbered 1, 2, and 3:

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

#### **MATTERS PRESENTED BY COUNCILMEMBERS**

##### 4. Travel and Meetings

Mayor Pro Tem Ulmer and Councilmember Freschi reported on attending the Orange County Division, League of California Cities meeting on November 9<sup>th</sup> where Ed McMahon discussed how urban areas, like Orange County, can maintain their high quality of life and strong economic vitality.

The report was received and filed.

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

Mayor Pro Tem Ulmer reported that the Community Development Committee had met last month discussing the need to establish a City park, and once a park is established, the City can apply for grant money. The Wanda greenbelt is actually a park and grant funds could be used for improvements. It was proposed to also look at the public area in front of City Hall for improvements as a small pocket park.

#### **ITEMS FOR CONSIDERATION**

##### 5. Consideration of Ordinance No. 2006-521, an ordinance of the City Council of the City of Villa Park amending Chapter XIX replacing Section 19-3.2 of the Villa Park Municipal Code, to read Residential Parking Designation.

Mayor Bortle opened the item for discussion.

City Manager Domer presented the staff report stating the City Council heard a first reading of a proposed ordinance to amend several sections of the Villa Park Municipal Code relating to parking. Based on public concern at the August 22, 2006 City Council meeting and October 10, 2006 Town Hall meeting, two proposed amendments were eliminated. Based on a Community Development Committee meeting held on September 28, 2006, the school zone parking restriction was discussed and a new alternative was proposed. That alternative was to create a Residential Parking Only district around the high school. If student parking begins to impact a designated residential neighborhood, the property owners could contact the Sheriff's Department to report potential violators for ticketing.

Discussion ensued as to the affect that the parking zone would have on high school athletic events, how will the Residential Parking only neighborhoods be designated, will there be enough personnel to enforce this ordinance, and how will the residents of the residential parking only neighborhoods be informed of the new ordinance.

Councilmember Fauteux had concerns with informing the residents of this new parking zone. If the ordinance would pass he did not want to surprise the residents of proposed streets with this new ordinance.

Mr. Lacrosse, Prado Woods Drive, stated that he never received a notice to inform him of this ordinance.

Councilmember Freschi asked the City Manager if another letter of the proposed ordinance could be sent out.

City Manager Domer stated that the original letter was sent out in August 2006 when the ordinance was first brought to council and that another would be sent out prior to the January meeting.

Mayor Bortle closed the item for discussion.

It was moved by Councilmember Freschi, seconded by Councilmember Bell and carried by the following roll call vote to approve the first reading of Ordinance 2006-521, an ordinance of the City Council of the City of Villa Park amending Chapter XIX replacing Section 19-3.2 of the Villa Park Municipal Code, to read Residential Parking Designation:

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

6. Consideration of Tentative Award of Contract to S. Hart Construction for Media Room and Library Expansion Project.

Mayor Bortle opened the item for discussion.

City Manager Domer presented the staff report stating the Request for Proposal for the Villa Park Community Access Television studio and Villa Park Public Library expansion was released in October 2006. The City had several contacts from interested parties and held a non-mandatory contractor walk-through on November 2, 2006. Only one contractor showed up. Only one response was received from the public bid opening on November 14, 2006. The Staff recommends to the Council to direct them to negotiate with the Contractor for a reduced price.

Councilmember Fauteux asked if the \$235,000 was for the total project or just the shell of the building.

City Manager Domer stated it was the total price for the complete build out of the media room and for the shell out of the Library portion.

Councilmember Freschi raised questions about the costs of prevailing wage, insurance, and if the \$25,000 - \$30,000 assistance from the County of Orange was in writing.

Deputy City Attorney Todd Litfin stated that prevailing wage was a state set wage for a public works project and insurance costs were high because of the requirements of the California construction codes.

City Manager Domer stated that funding from the county was not in writing and any funding will be used for maintenance for the library, for example, book relocation, new paint, computer wiring, and electrical work.

Greg Winterbottom stated that the Friends of the Villa Park Library have committed \$50,000 for the project.

Mayor Pro Tem Ulmer brought up that only one bid was highly undesirable and the City should go about getting other bids by virtually any legal means possible.

City Manager Domer stated that if Council directs Staff to begin negotiations with S. Hart Construction, the City can not solicit for bids during that negotiation period.

Mayor Pro Tem Ulmer stated that if the City went that way we must go out and get more bids after the City has reworked the job.

Discussion ensued.

It was moved by Councilmember Freschi, seconded by Councilmember Fauteux and carried by the following roll call vote that the City Council direct the City Manager and City Engineer to Begin Negotiations with S. Hart Construction for Tentative Award of Contract for the Media Room and Library Expansion Project and Return to the City Council by December 19, 2006 for a Final Award.

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

7. Consideration of Resolution No. 2006-2920 Reciting the Fact of the General Municipal Election Held in the City on November 7, 2006, Declaring the Results and Such Other Matters as Provided by the Provisions of Law.

Mayor Bortle opened the item for discussion and after no discussion, based on the County not certifying the election results Mayor Bortle closed the item.

It was moved by Mayor Bortle, seconded by Councilmember Fauteux and carried by the following roll call vote that the City Council continue the consideration of Resolution No. 2006-2920 to a Special Meeting on December 12, 2006.

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

**PUBLIC HEARINGS**

8. Consideration of Conditional Use Permit No. 0655, a request to exceed the roof height limit of twenty-five (25) feet for a new roof height in this case not to exceed thirty-two (32) feet average height on a sloped property; and the relocation and construction of a new two (2) car garage for a property total of four (4) garage bays. (Location: 18682 Mesa Drive; Applicants: Ron and Sandy Green).

Mayor Bortle opened the public hearing.

City Manager Domer presented the staff report stating this is a continued item from October 24, 2006. A request to exceed the roof height limit of twenty-five (25) feet for a new roof height not to exceed thirty-two (32) feet average height on a sloped property; and the relocation and construction of a new two (2) car garage for a property total of four (4) garage bays.

Frank Robotille, 18622 Mesa Drive, spoke against the proposed height of the green property.

Mayor Bortle closed the public hearing.

Council discussion ensued as to the height of the structure and the affect if would have on neighboring property values, including the finding that the proposed height could be materially injurious to properties in the vicinity.

It was moved by Councilmember Freschi, seconded by Councilmember Bell, and carried by the following roll call vote to adopt Resolution No. 2006-2913 Approving Conditional Use Permit No. 0655: Approving the request for the relocation and construction of a new two (2) car garage for a property total of four (4); and Denying without Prejudice the request to exceed the roof height limit of twenty-five (25) feet for a new roof height not to exceed thirty-two (32) feet average height on a sloped property. Location: 18682 Mesa Drive; Applicants: Ron and Sandy Green.

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

9. Consideration of Conditional Use Permit No. 0658, a request for the addition of a 480 square foot living space to a detached garage not to exceed fifteen (15) feet in height. (Location 9601 Christine Circle; Applicants: Robert and Kathy Gascon).

Mayor Bortle opened the public hearing.

City Manager Domer presented the staff report stating this is a continued item from October 24, 2006. A request for the addition of a 480 square foot living space to a detached garage not to exceed fifteen (15) feet in height.

Bob Gascon, owner, stated that this was the first time he has heard about the wall being off the property line. He does agree with the City Council and will build the detached structure ten feet from the property line once it becomes established.

Discussion ensued as to where the property line is.

A condition of approval was added to establish a property line, whether it be by professional surveyor or locating the monuments in the ground and file it on record with the Building Department.

It was moved by Councilmember Bell, seconded by Councilmember Freschi, and carried by the following roll call vote to adopt Resolution No. 2006-2916 Approving Conditional Use Permit No. 0658, subject to added condition of approval on file with the Building Department. Location: 9601 Christine Circle; Applicants: Bob and Kathleen Gascon:

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

## **STAFF REPORTS**

### City Manager / City Clerk

City Manager Domer reported that the City received a letter from the Federal Emergency Management Agency regarding the reimbursement for the Cannon Wall slope failure. FEMA agreed with 75% of the City's claim and required further documentation to validate some of the identified unit costs. The City Manager stated that he and the City Engineer were scheduling a meeting to go over the letter and would coordinate with the State Office of Emergency Services on a response. Mr. Domer further reported on the activities of the new Associate Planner, Jason Carson, and reported that he would be present at meetings to handle all of the Conditional Use and Variance Permit reports. Finally, the City Manager reported that the City's e-mail network to communicate with residents will be changed over to a listserv.

### City Attorney

None.

### City Engineer

None.

## **ORDINANCES**

None presented.

## **RESOLUTIONS**

10. Consideration of Resolution No. 2006-2918, a Resolution of the City Council of the City of Villa Park, Authorizing the Extension of Time for Variance Permit No. 0602 and Tentative Tract No. 16783. Location: 18801 Mesa Drive; Applicant: Leonard Savala.

City Engineer Repke presented the staff report stating that on September 15, 2006 the applicant submitted a request for an extension of one year to both the Tentative Tract No. 16783 located on Mesa Drive and Variance Permit No. 0602 allowing retaining walls exceeding six feet in height. City Engineer Repke also recommended additional conditions, which are keep on file in the City Engineers office, regarding NPDES Water Quality requirements be placed on the Tentative Tract.

It was moved by Councilmember Bell, seconded by Councilmember Freschi, and carried by the following roll call vote to adopt Resolution No. 2006-2918, a Resolution of the City Council of the City of Villa Park, Authorizing the Extension of Time for Variance Permit No. 0602 and Tentative Tract No. 16783. Location: 18801 Mesa Drive; Applicant: Leonard Savala.

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

11. Consideration of Resolution No. 2006-2919 Proclaiming December 2006 as Drunk and Drugged Driving Prevention Month.

City Manager Domer presented the staff report stating this Resolution is a request from the Orange County Fire Authority in its efforts to prevent drunk and drugged driving.

It was moved by Councilmember Fauteux, seconded by Councilmember Freschi, and carried by the following roll call vote to adopt Resolution No. 2006-2919, a Resolution of the City Council of the City of Villa Park Proclaiming December 2006 as Drunk and Drugged Driving Prevention Month.

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

**ORAL COMMUNICATIONS**

None.

**CLOSED SESSION**

None.

**ADJOURNMENT**

It was moved by Mayor Bortle and carried unanimously to adjourn the meeting at 9:08 p.m. to a Special Meeting on December 12, 2006 at 7:30 p.m.

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W. Richard Ulmer, Mayor  
City of Villa Park

**ATTEST:**

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Kenneth A. Domer, City Clerk  
City of Villa Park