

MINUTES OF THE CITY COUNCIL

CITY OF VILLA PARK, CALIFORNIA

The City Council of the City of Villa Park met in a regular session Tuesday, November 27, 2007 at 7:30 p.m. in the City Council Chambers, 17855 Santiago Boulevard, Villa Park, California.

CALL TO ORDER

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

ROLL CALL

COUNCILMEMBERS PRESENT

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

STAFF PRESENT

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

FLAG SALUTE

Rachel Siquenzaa and Minna Nguyen from Villa Park Elementary lead the Flag Salute. Mayor Ulmer presented each of them with a City pin and gift certificate to Rockwell's Bakery.

INTRODUCTIONS AND PRESENTATIONS

Recognition of Outstanding Efforts by the Villa Park Volunteer and Career Firefighters During the Recent Santiago Fire.

Mayor Ulmer read the commendation presented to the Villa Park Firefighters and presented them the plaque.

Recognition of Eagle Scout Ted Arehart from Boy Scout Troop 241.

Mayor Ulmer read a biography about Ted Arehart and presented him with a certificate of achievement.

Presentation of Academic Achievement Award to Derek Tan from Lutheran High School of Orange County.

Mayor Ulmer read a biography about Derek Tan and presented him with a certificate of achievement and gift certificate to First Class Pizza.

State of the School – Cerro Villa Middle School.

Carrie Hummel, with her son Logan, presented the State of the School address.

Presentation to Past Villa Park Community Services Foundation Members.

Karen Holthe presented Vito Canuso, John Fader, Erik Kuli, and Jeff Barens with a plaque and thanked them for their service and volunteerism on the Villa Park Community Services Foundation Board of Directors.

Presentation by Sandy Hill on Trauma Intervention Program (TIP) Efforts.

Sandy Hill updated the City Council on recent TIP activities.

City of Villa Park Intern - Joshua Morales.

Asstant to the City Clerk Hildenbrand introduced the City's newest intern, Joshua Morales, a senior at Villa Park High School.

MUNICIPAL ELECTION MATTERS

1. Election of Mayor and Mayor Pro Tem by the City Council.

Mayor Ulmer declared the Offices of Mayor and Mayor Pro Tem vacant.

Councilmember Ulmer nominated Councilmember Reese for the position of Mayor.

Councilmember Pauly nominated Councilmember Rheins for the position of Mayor

City Manager Domer asked the Council if there were any further nominations; after no response, he declared nominations closed.

In order of the nominations, the following roll call vote was taken for Councilmember Reese as Mayor:

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

City Manager declared Councilmember Reese as the newly elected Mayor and turned the meeting over to him.

Mayor Reese opened nominations for Mayor Pro Tem, and nominated Councilmember Ulmer.

Councilmember Pauly nominated Councilmember Rheins for Mayor Pro Tem

Mayor Reese asked the Council if there were any further nominations; after no response Mayor Reese declared the nominations closed and asked City Manager Domer for a roll call vote.

In the order of nominations, the following roll call vote was taken for Councilmember Ulmer as Mayor Pro Tem:

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

Not receiving a majority of the vote, Councilmember Ulmer and was not elected to the position of Mayor Pro Tem.

In the order of nominations, the following roll call vote was taken for Councilmember Rheins as Mayor Pro Tem:

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

Receiving a majority of the vote, Mayor Reese declared Councilmember Rheins as the newly elected Mayor Pro Tem.

ORAL COMMUNICATIONS

Mary Lynn Fader, 18512 Valley Drive, on behalf of the Villa Park Women's League, encouraged everyone to visit the Villa Park Pharmacy or Wells Fargo Bank and take a tag from their giving tree. The tags represent three organizations the Women's League supports each holiday season.

Karen Holthe, 18975 Mesa Drive, updated Council on the Villa Park History Book.

Teri Elmendorf, 10291 Camden Circle, recited a poem announcing City Historian Jan Van Emon as this year's Boat Parade and Holiday Celebration Grand Marshal's.

Our Boat Parade is 10 Years Old,
Our City 45,
Its takes a special talent to keep memories alive.
Recording events great and small, capturing our cities feel
Of good ole fashioned all American pride and people who are real.
To take on a laborious task and dedicate many years of research and unwavering love and
undoubtedly some frustrated tears.
There are few who would not stay so dedicated, especially as a volunteer.
Never losing sight of this goal, staying true year after year.
So this honor we bestow tonight on Historian Jan Van Emon
We ask you to please lead our boat parade as Grand Marshal for 2007.

Steve Palmer, 883 Red Robin Street, City of Orange, mentioned he is an ex-Villa Park Volunteer Firefighter and thanked the reserve firefighters for the wonderful job they did on the recent Santiago Fire. Mr. Palmer alleged that Orange County Fire Authority is undermanned and under equipped to effectively battle a large scale brush fire. Mr. Palmer further lobbied for the Volunteer Firefighter's.

PUBLIC HEARINGS

2. Consideration of Conditional Use Permit No. 0671, A Request for an Extension of Conditional Use Permit No. 0395. To Allow the Continued Use of the Undeveloped Residential Property for Landscape Nursery Operations, Including the Planting and

Maintenance of Exterior Plants and Trees. Location: 9642 Santiago Boulevard.
Applicant: Les Fields.

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

Mayor Reese opened the item for public comment.

Bill Baker, counsel to the applicant, 18301 Hillcrest Avenue, questioned if 7 years was the maximum time the Conditional Use Permit could be extended. City Attorney Hampel stated there is neither a maximum nor minimum, it is City Council discretion.

Councilmember Freschi mentioned he had a letter from Mr. McElroy regarding the condition of the sidewalks and asked if it this had been brought to Mr. Fields attention. Mr. Baker mentioned he would take this to Mr. Fields to see if his staff could be attendant on the exterior portion of the property which is under the City's jurisdiction.

Councilmember Ulmer stated the property is not being used for its highest value which the Citizens Advisory Committee has just reaffirmed this by not zoning anything commercial in the City. This is residential land that is under utilized.

In response to Councilmember Ulmer, Councilmember Pauly stated they are not changing the zoning of the property, it is still zoned residential. Previous Council's have grandfathered him in to allow the family to continue to do what they have always done.

City Manager Domer stated this is a permitted use in the residential zone.

Mayor Reese closed the item from public comment.

It was moved by Councilmember Freschi, seconded by Councilmember Pauly and carried by the following roll call vote to adopt Resolution No. 2007-2973 approving Conditional Use Permit No. 0671:

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

3. Consideration of Conditional Use Permit No. 0672, A Request to Exceed the Roof Height Limit of Twenty-five (25) Feet for a New Roof Height Not to Exceed Twenty-seven Feet, (27'4") Four Inches; and A Request to Increase the Allowable Floor Area from 32% to 34.58%. Location: 10522 Park Villa Circle. Applicant: Praful Patel.

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

Mayor Reese opened the item for public comment.

Councilmember Freschi questioned if the applicant agreed to the special conditions. Associate Planner Carson confirmed the applicant has agreed.

Praful Patel, applicant, stated the main reason for the addition is to house his grandparents.

Councilmember Pauly questioned why the roof height needed to be increased on the right side and not the left.

Mr. Patel's architect, Jim, stated they are trying to keep the roof lines and pitches consistent throughout the house and in order to do so the height on the right side needs to be increased.

Mayor Reese closed the item from public comment.

Mayor Pro Tem Rheins stated conditional use permits cause great difficulty for him because of the deviation from the zoning code.

In response to Mayor Pro Tem Rheins, Councilmember Ulmer stated you could get around the zoning code because it does not affect anyone. The applicant has Santiago Creek to the rear and his neighbor's are not in opposition. More importantly this secondary unit helps the City meet state regulations for low income housing.

Councilmember Pauly questioned if this secondary unit meets one of the City's RHNA requirements. City Attorney Hampel confirmed it would.

It was moved by Councilmember Freschi, seconded by Councilmember Ulmer and carried by the following roll call vote to adopt Resolution No. 2007-2974 approving Conditional Use Permit No. 0672:

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

CONSENT AGENDA

4. 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.
5. Consideration of City Council Minutes of October 23, 2007. Approved Action: That the City Council Approve the Minutes of October 23, 2007.
6. Consideration of the List of Demands from October 13, 2007 to November 14, 2007. Approved Action: That the City Council Approve the List of Demands in the Amount of \$527,205.52.
7. Consideration of Treasurer's Report for the Month of October. Approved Action: That the City Council Receive and File the Treasurer's Report for the Month of October.
8. Notice of Completion – Sewer Rehabilitation Project. Approved Action: That the City Council Accept the Project and Authorize the City Clerk to File the Notice of Completion.
9. Amendment No. 11 to Orange County Transportation Authority Agreement C-95-9944. Approved Action: That the City Council Approve Amendment No. 11 to Cooperative Agreement No. C-95-994 between the Orange County Transportation Authority and the City of Villa Park and Authorize the Mayor and City Clerk to Sign.
10. Consideration of an Updated Agency-State Master Agreement for Federal-Aid Projects and Program Supplement Agreement for the City of Villa Park. Approved Action: That the City Council Approve Resolution No. 2007-2976, Approving the Administrating Agency-State Agreement for Federal-Aid Projects Authorizing the City Manager or Designee to Approve and Execute these Agreements.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Rheins and carried by the following roll call vote to approve the Consent Agenda items number 4, 5, 6, 7, 8, 9 and 10:

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

MATTERS PRESENTED BY COUNCILMEMBERS

11. Travel and Meetings.

Councilmember Pauly reported on the Integrated Regional Watershed Management Planning dinner. It was more of a briefing on water policy issues laying out the seriousness of the drought.

Councilmember Freschi wanted an update on the police and fire services review. City Manager Domer stated the review is still in progress and will be brought before the Council within the next couple of months.

Councilmember Freschi recognized Julia Peterson, Nicol Jones and their committee for their volunteer efforts in organizing the Halloweenfest.

Mayor Pro Tem Rheins asked Council to direct staff to look into legalizing golf carts and segways on City streets. This would put the City at the forefront in trying to conserve energy and prevent greenhouse gasses. City Council unanimously agreed to direct staff to look into this issue.

CITY COMMISSION AND COMMITTEE REPORT OR REFERRALS

Councilmember Pauly reported on the City/Schools Committee. She stated at the last meeting a parent came forward with concerns regarding traffic crossing at Nichols and Serrano. Carrie Hummel took the lead on this and is looking at ways to solve the issue.

Councilmember Pauly reported on the Public Utilities Committee. She stated Serrano water District held a special meeting November 2, 2007, where they formed a committee to come up with emergency plans for the drought. Additionally, she met with Larry Labrado, from Southern California Edison, on November 8, 2007 to discuss the location of several utility poles on Center Street. Councilmember Pauly asked Council to direct City staff to work with Edison on the relocation of these poles, as well as to review the location of several street signs on Center Street.

Councilmember Freschi reported on the Sanitation District. He stated just this week the groundwater replenishment system took effect.

Mayor Pro Tem Rheins reported on the Capital Improvement Committee. He stated the Committee reviewed the Villa Park Road Rehabilitation project as well as those projects that remain for 2007-2008.

Councilmember Ulmer reported on the Community Development and Public Safety Committee. He stated the Committee reviewed three properties in the City, as well as all the ordinances of the City of Covina in an effort to improve our ordinances and code.

Councilmember Pauly reported on the Library and Civic Center Committee. She stated the Friends of the Library approved the renovation plans presented by Orange County. Also, Councilmember Pauly stated Mary Lynn Fader has offered to redecorate the Council Chambers as well as the restrooms and asked that City Council to authorize her to do so. City Council unanimously agreed to authorize Mary Lynn Fader as redecorator of the Council Chambers and restrooms.

ITEMS FOR CONSIDERATION

12. Consideration of Intention to Conduct a Public Hearing to Amend Penalties for Parking Violations in the City of Villa Park.

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

Based on minimal Council discussion, a range of penalties will be brought before City Council for consideration at the December 18, 2007 meeting.

It was moved by Councilmember Pauly, seconded by Councilmember Freschi and carried by a unanimous voice vote to schedule a Public Hearing to be held December 18, 2007 to Consider Resolution No. 2007-2975, Amending Penalties for Parking Violations in the City of Villa Park.

13. Consideration of Letter to Local State Legislators Regarding Modification of Uniform Housing Code Regarding Overcrowding in Single Family Residences.

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

It was moved by Councilmember Freschi, seconded by Councilmember Ulmer and carried by a unanimous voice vote to approve the letter and authorize the Mayor to sign on behalf of the City Council.

14. Consideration of Update on Cellular Distributed Antenna System (DAS) and Partnership Opportunities for Wireless Internet Infrastructure.

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

Councilmember Ulmer mentioned he does not want to extend the period, however long it may be, before the City gets improved cellular service.

Councilmember Pauly reiterated to the Council their primary mission is to ensure better cellular coverage throughout the City no to turn a profit. Additionally, she mentioned she had some concerns of being used as a guinea pig by an upstart company.

It was moved by Councilmember Freschi, seconded by Councilmember Ulmer and carried by a unanimous voice vote to direct staff to continue to work with possible parties and bring back a detailed plan for City Council consideration.

STAFF REPORTS

City Manager/City Clerk

15. Settlement of Administrative Civil Liability Complaint from Regional Water Quality Control Board.

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

It carried by a unanimous voice vote to receive and file the Settlement of Administrative Civil Liability Complaint from Regional Water Quality Control Board report.

Finance Department

16. Acceptance of 2006-2007 External Audit Report from Mayer, Hoffman & McCann.

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

It carried by a unanimous voice vote to receive and file the 2006-2007 External Audit Report from Mayer, Hoffman & McCann.

City Attorney

None.

City Engineer

None.

Planning Department

Associate Planner Carson touched on the Administrative Civil Liability (ACL) and the required conditions for complying with the ACL. Seven of the conditions have been met and two remain.

SUPPLEMENTAL AGENDA ITEM

17S. Consideration of the City Council to Hold a Public Hearing for the Purpose of Declaring 17832 Morrow Circle a Public Nuisance.

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

It was moved by Councilmember Freschi, seconded by Councilmember Pauly and carried by the following roll call vote to add the consideration of the City Council to hold a public hearing for the purpose of declaring 17832 Morrow Circle a public nuisance to the agenda:

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

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Rheins and carried by the following roll call vote to schedule a Public Hearing for December 28, 2007 at 4:00 PM to review the evidence for Declaring 17832 Morrow Circle a Public Nuisance:

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

Don Ebrite, 18121 Lincoln Street, questioned if Council could pass vote right now preauthorizing the City Manager and City Attorney to obtain a warrant.

City Attorney Hampel stated Council can if they desire, however legal fees will be incurred at that time.

City Council unanimously agreed to keep a close eye on the property and take action as needed.

ORDINANCES

None.

RESOLUTIONS

None.

ORAL COMMUNICATIONS

Jack Cleary, 18811 Peppertree Drive, thanked the City Council and the Citizens of Villa Park for their sympathy and support with the passing of his wife Gayle. St. Joseph's Cancer Center reported they have received thousands of dollars for their center in Gayle's name and the Friends of the Villa Park Library have set up a memorial fund as well.

CLOSED SESSION

None.

ADJOURNMENT

Adjourn in memory of Mrs. Gayle Cleary, a long-time friend of the community, who passed away on November 2, 2007, after a long battle against cancer.

Brad Reese, Mayor
City of Villa Park

ATTEST:

Kenneth A. Domer, City Clerk
City of Villa Park