

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, December 19, 2006, 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

**FLAG SALUTE**

Charlotte Adnams and Sue Kwon, sixth graders from Villa Park Elementary led the flag salute.

Mayor Ulmer presented each with a City pin and a gift certificate to Rockwell's Bakery.

**INTRODUCTIONS AND PRESENTATIONS**

Presentation of Commendation to Jonathan Ditty, from Lutheran High School for his Outstanding Academic Achievement.

Jonathan Ditty was not in attendance, however Mayor Ulmer read a biography and announced a certificate of academic achievement and a gift certificate to First Class Pizza in his honor.

Presentation of the Quarterly Awards by a member from Villa Park's Beautification Committee.

Natalie Young, President of the Villa Park Women's League, along with Marie Young presented Robert and Madonna Frackelton of Hazel Circle and Robert and Beverly Leos of Robyn Way with this quarter's Beautification Awards; pictures of the winning houses will be on the City's website shortly. Natalie Young is now accepting nominations for next quarter's awards. Nominations can be emailed to [marie@youngideas.com](mailto:marie@youngideas.com).

**ORAL COMMUNICATIONS**

City Attorney Hampel provided Members of the City Council and the audience with a brief description of laws that govern oral communications. Villa Park Municipal Code 2-3.10 states that during the public comment item of the agenda, any member of the public may address the City Council on items of interest to the public that are within the subject matter jurisdiction of the City Council. Also, Government Code Section 54954.3 states "every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda..."

Mayor Ulmer thanked City Attorney Hampel for that definition and opened Oral Communications.

Jack Cleary, 18811 Peppertree, came before the Council addressing them of the Patrician-Butler Development Homeowners Association. In 1973 when the homes were constructed, the developers created the current Covenants, Conditions and Restrictions (CC & R's). Mr. Cleary stated these CC & R's will expire in January 2009 and the residents have started the process to ratify them for at least another ten 10 years. Mr. Cleary stated that he has started an organization with a President, Vice President and Secretary-Treasurer to oversee the process.

Councilmember Freschi asked Mr. Cleary what the best way to determine if there are any CC & R's on our own property. Mr. Cleary suggested the County Clerk Recorder's Office or by checking the original Title.

Councilmember Pauly asked Mr. Cleary if he was the President of the organization. Mr. Cleary answered, yes and announced Lance Raybun as Vice President and Don Coppersmith as Secretary-Treasurer.

Council discussion ensued

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Anurudha Moonesinghe, 19141 Ridgeview, a representative from the Friends of the Villa Park Library stated they were raffling off a 2007 Cadillac CTS at the Community

Services Foundation Gala event on New Year's Eve. There are only 11 days left to buy tickets and encourages everyone to buy one.

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Jim Worden, 10021 Sycamore, asked if the corner of Taft and Sycamore was being considered as a potential cell tower site. He stated that Dave Noyes from Serrano Water District assured him that it was not.

City Manager Domer stated yes, ATS Communications, the City's consultant was working with the City and Serrano Water District to determine potential cell tower sites and the best way to camouflage a cell tower at any location. City Manager Domer stated that he had not been informed by anyone from Serrano Water or been informed of official action by the Board that denied the City the opportunity to review the site in question. City Manager Domer stated that it was in the City's best interest to look at every site, including alternatives, in order to determine the best coverage for residents and that no site should be eliminated without due diligence.

Mayor Ulmer asked if there was a time frame when the City expects to hear back about the potential site. City Manager Domer replied that a report would be given in January or February.

Council discussion ensued.

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Residents Wally Courtney, Tony Lemus, Debo Tracewell, Teri Elmendorf, Nicole Jones, Grace Bjornstad and Jim Worden all spoke on alleged unfair campaign practices they contend took place during the municipal election. Each person expressed ideas on how they thought to run an election or campaign.

City Attorney Hampel was required to interrupt several times stating that the City Council does not have jurisdiction over this matter and it is beyond the limits of what the City Council can do. The proper jurisdiction for alleged election violations is the Registrar of Voter's or District Attorney's office.

Mayor Ulmer restated that government code and city code did not allow members of the audience from speaking on issues not within the jurisdiction of the City Council. Anyone wishing to speak on others issues may approach the podium.

After no further public response, Mayor Ulmer closed oral communications.

### **RECESS DUE TO POWER OUTAGE**

The Civic Center experiences a power outage that briefly interrupted the Council Meeting. The Council resumed meeting after portable lights were set up.

## **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 10, 2006. Approved Action. That the City Council Approve the Minutes of October 10, 2006.
3. Consideration of City Council Minutes of November 21, 2006. Approved Action. That the City Council Approve the Minutes of November 21, 2006.
4. Consideration of List of Demands from November 21, 2006 to December 13, 2006. Approved Action. That the City Council Approve the List of Demands from November 21, 2006 to December 13, 2006 in the amount of \$91,370.49.
5. Denial of Claim - Cathy M. Nichols. Approved Action. That the City Council reject the claim and direct the City Manager to send a letter of rejection to the claimant.

Councilmember Rheins asked City Attorney Hampel if a Councilmember could vote on the minutes if they were not present for the meeting.

City Attorney Hampel stated yes, the "doctrine of necessity" comes into order. If all three Councilmember's were to abstain there would be a lack of quorum, therefore those members not present can vote for the item.

It was moved by Councilmember Freschi, seconded by Councilmember Pauly and carried by the following roll call vote to approve Consent Agenda, items numbered 1,2,3,4 and 5:

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

## **MATTERS PRESENTED BY COUNCILMEMBERS**

Councilmember Pauly commended City Staff for their help Tuesday, December 12, 2006, putting on the transition and reorganization ceremony.

Mayor Ulmer commented on the Strategic Plan. The City of Villa Park has not updated its Strategic Plan in years and it is now time to look at the sphere of influence, the financial stability of the City, and other various ways to make Villa Park a better place to live.

Mayor Pro Tem Reese spoke on behalf of Villa Park Rotary. He stated that it is an excellent organization which is currently holding a toy drive. The toys will be donated to families living at Camp Pendleton. If you would like to donate, please bring an unwrapped toy to City Hall by noon tomorrow.

Mayor Ulmer said cash and/or checks are being accepted. He also apologized for the late notice but he just found out about the toy drive today.

**CITY COMMISSION AND COMMITTEE REPORT OR REFERRALS**

Mayor Ulmer presented for consideration the City Council Committee Appointments.

<b>CITY COUNCIL COMMITTEE APPOINTMENTS FOR 2007</b>		
<b><u>Aviation Advisory &amp; Vector Control Committee</u></b> Council Member Freschi, Chair Council Member Rheins	<b><u>Capital Improvement Committee</u></b> Council Member Rheins, Chair Mayor Pro Tem Reese	<b><u>City Liaison Committee</u></b> Council Member Pauly, Chair Council Member Freschi
<b><u>Community Development &amp; Public Safety Committee</u></b> Mayor Ulmer, Chair Mayor Pro Tem Reese	<b><u>Finance &amp; Risk Management Committee (Includes CJPIA)</u></b> Council Member Rheins, Chair Mayor Pro Tem Reese	<b><u>Library &amp; Civic Center Committee</u></b> Council Member Pauly, Chair Council Member Rheins
<b><u>Foundation &amp; Special Events Committee</u></b> Mayor Ulmer, Chair Council Member Pauly	<b><u>Human Resources Committee</u></b> Mayor Ulmer, Chair Council Member Rheins	<b><u>Orange County Fire Authority</u></b> Mayor Pro Tem Reese, Chair Council Member Pauly
<b><u>Public Utilities Committee</u></b> Council Member Pauly, Chair Council Member Freschi	<b><u>Sanitation District Committee</u></b> Council Member Freschi, Chair Mayor Pro Tem Reese	

Mayor Ulmer stated that each member was asked their preference and after reviewing the requests, the committee positions as presented were representative of members preferences.

Councilmember Freschi asked Mayor Ulmer why he changed the City Liaison Committee; traditionally it has been the Mayor and Mayor Pro Tem.

Mayor Ulmer felt that Councilmember Pauly and Councilmember Freschi would do a good job as fellow Councilmember's and citizens.

It was moved by Councilmember Freschi, seconded by Councilmember Rheins and carried by the following roll call vote to approve the City Council Appointments for 2007:

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

## **ITEMS FOR CONSIDERATION**

### 6. Consideration of 2007 City Council Meeting Schedule.

Mayor Ulmer opened the item for discussion.

City Manager Domer presented the staff report stating the City Council meets regularly on every fourth Tuesday of each month of the year. To assist in scheduling purposes and to avoid potential conflicts with holidays, vacations periods, or other known items, the City Council meetings for 2007 should be scheduled and approved by the City Council. With the exception of December, the fourth Tuesday of each month poses no known conflicts. The schedule is:

January 23, 2007	February 27, 2007	March 27, 2007
April 24, 2007	May 22, 2007	June 5, 2007 (Budget Study)
June 26, 2007	July 24, 2007	August 28, 2007
September 25, 2007	October 23, 2007	November 27, 2007
December 18, 2007 (Special Meeting)		

Mayor Ulmer closed the item for discussion.

It was moved by Councilmember Freschi, seconded by Councilmember Pauly and carried by the following roll call vote to approve the City Council Meeting schedule for 2007:

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

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

Mayor Ulmer opened the item for discussion.

City Manager Domer presented the staff report stating the RFP was released in October 2006 and was sent to approximately 25 interested parties as well as made available to contractor web sites. 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 to conduct the walk-through. Per the RFP, the City held a public bid opening on November 14, 2006 at 4:00 PM. Only one bid from Mr. Stephen Hart of S. Hart Construction Company was received. The sole bid received is for \$234,780.00.

Council direction from November directed staff to negotiate with the contractor for a reduced price. In a discussion with the contractor, he was asked to produce a proposal for a "shell out" only option. A shell out option would cost \$128,310. The advantage to completing a shell out at this time include the reduced cost that can be funded by identified funds, ability to complete a portion of the project while additional fundraising efforts continue, and holding physical construction costs to present day figures.

Revenue sources include approximately \$55,000 of cable television franchise related fees; approximately \$85,000 of funds on hand, committed to, or raised by the Friends of the Villa Park Library. The remaining required funds, approximately \$94,780 would be required to be covered by the General Fund. Staff recommendation is to approve of the shelling out option and award the contract, with new insurance requirements to S Hart Construction.

Councilmember Rheins had concerns with the shell out option. What is to gain by shelling out? What happens if the contractor exceeds the \$128,310 quote? Finally, the Library does not have \$85,000 at this point in time to pay for the costs.

Mayor Ulmer still is frustrated with one bid and one bid only. He brought up the City of Anaheim for example. The NFL offered 50 million to bring in an NFL Team. A Councilmember was not satisfied and wanted more bids; the project finally went for a total of 200 million dollars.

Councilmember Freschi motioned to approve the contract. The bid was sent out to 25 other contractors and one was received. Why not award S. Hart? S. Hart Construction is a local contractor, who stated himself that he would have not bid this project, but he just wanted to help the City.

Mayor Pro Tem Reese agreed with Councilmember Freschi. Awarding the contract for the shell out gets the ball rolling. Once the ball is rolling, with donations, citizens of the community will help with the completion of the interior.

Councilmember Pauly stated it is a worthwhile project, but she does have some concerns. One bid is not enough for a public works project, there is also no need to fast-track the project, we can not count on the money being there, and what is the full scope of the project? Will Council be able to see exact blueprints of the work that is needed to be done?

Council discussion ensued.

Mayor Ulmer closed the item for discussion.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Reese and carried by the following roll call vote to award the contract to S. Hart Construction:

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

## **RECESS**

A recess was called due to power being restored. The City Manager requested the recess to allow the resumption of taping and audio by VPTV.

After the recess Mayor Ulmer expressed continued concerns about the process and funds for the Library expansion. Mayor Ulmer requested clarification from City Attorney Hampel on whether the item can be revisited. The City Attorney stated that a member of the affirmative vote could move to reconsider the item during the meeting in which it was voted on.

It was moved by Mayor Ulmer and seconded by Councilmember Rheins to reconsider the item.

Mayor Ulmer stated that during the break a contractor who bid on the original project came up stating he did not receive notice to bid again nor was he notified that the original bid was canceled.

City Manager Domer explained that 21 months ago the Cable TV Corporation (VPTV) sent out RFP's for the media room expansion. Originally, 3 bids had been received when the Cable Corporation was running the project. After discussion with the City Attorney, City Manager Domer stated the process as run by VPTV did not conform to public contracting code and therefore was ceased. The City Manager stated that the three original contractors were to have received a new RFP notice since they were local contractors and originally interested in the job. Once the RFP for the new project was sent out, only the one bid from S. Hart Construction was received.

Council discussion ensued.

Mayor Ulmer asked for a vote and it was carried by the following roll call vote to reconsider the award of contract to S. Hart Construction:

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

It was moved by Councilmember Pauly, seconded by Mayor Ulmer and carried by a voice vote to move item 7 to the end of public hearings, after item 11.

8. Membership Changes for Investment Advisory Committee.

Mayor Ulmer opened the item for discussion.

City Manager Domer presented the staff report stating the City Council appoints members to the Investment Advisory Committee. James Rheins is a public member and current Chair of the IAC. With his election to the City Council, it is required the he resign from the IAC as a public member. With the vacancy created, the alternate member, Mr. Joe Hagler, is eligible to be appointed by the City Council as a regular member. As a result, the alternate member position would become vacant and the City Council is therefore able to appoint a new public member to the alternate position.

All members of the IAC are on concurrent two-year terms. An option at this time for consideration is the staggering of terms. The two remaining public members terms will expire in January 2008. It is proposed that Mr. Joe Hagler be appointed for a two year term to expire in January 2009. In addition, it is proposed that the alternate member's term be set to also expire in January 2009. This will allow a staggered effect for membership.

It is recommended that the City Council accept the resignation of James Rheins as public member of the Investment Advisory Committee; appoint Joe Hagler to serve as a regular member of the Investment Advisory Committee with a term to expire in January 2009; and, direct staff to advertise for the alternate member position with a term to expire in January 2009.

Mayor Ulmer closed the item for discussion.

It was moved by Councilmember Freschi, seconded by Councilmember Pauly and carried by the following roll call vote to accept the resignation of James Rheins as public member of the Investment Advisory Committee; appoint Joe Hagler to serve as a regular member of the Investment Advisory Committee with a term to expire in January 2009; and, direct staff to advertise for the alternate member position with a term to expire in January 2009:

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

**PUBLIC HEARINGS**

9. Consideration of Conditional Use Permit No. 0659, a request to construct a new two story residence exceeding the roof height limit of twenty-five (25) feet for a new roof height of thirty (30) feet, four (4) inches. (Location: 19222 Valley Drive. Applicants: John and Neena Sarkaria).

Mayor Ulmer opened the public hearing.

Associate Planner Carson presented the staff report stating the applicant is requesting to exceed the roof height limit not to exceed 30' 4" average maximum roof height.

The property in question is currently vacant. Historically it and surrounding lots were part of a significant drainage channel, that at various points in time have seen the construction of a open concrete channel in 1970 and then in 1985 the channel was replaced with an under ground system. The current owner has since realigned that storm drain line in order to create a workable building envelope with which to place his structure.

Concerns raised by the surrounding residents triggered the need for Staff to require that the applicant construct a "Story Pole" depicting the maximum roof height based on the designed finish grade elevation. A reevaluation of the impact of the structure on surrounding views was then made by Staff.

Staff is confident that the base elevation for the establishment of the maximum average roof height, which is depicted on the "Story Pole", is accurate and representative of topographic conditions prior to the realignment of the storm drain.

Staff recommends the denial of the request to exceed the roof height limit not to exceed 30' 4" average maximum roof height based on the determination that the proposal will cause material injury to the public welfare, specifically derived from the view infringement impacts surrounding residents will be subject to.

4 residents spoke in opposition of the CUP. They had concerns about view infringements and the grade at which the roof height would be measured at.

City Manager Domer stated that an alternative to consider is that the applicant could reduce the grade of his lot which, if approved by an engineer, would allow him to build at the roof height of at least 28 feet. Since the owner can legally build up to 25 feet at this time without a CUP, if the grade level was reduced and the ultimate height for building remained the same, it would allow for a higher roof height.

Council Discussion ensued.

Mayor Ulmer closed the public hearing.

It was moved by Councilmember Freschi, seconded by Councilmember Rheins and carried by the following roll call vote to continue Conditional Use Permit No. 0661 to January 23, 2007:

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

10. Consideration of Conditional Use Permit No. 0660, a request to exceed the roof height limit of twenty-five (25) feet for a new roof height in this case not to exceed twenty-seven (27) feet, six (6) inches average height on a sloped property. (Location: 18682 Mesa Drive. Applicants: Ron and Sandy Green).

Mayor Ulmer opened the public hearing.

Associate Planner Carson presented the staff report stating the applicant is requesting to exceed the roof height limit not to exceed 27' 6" average maximum roof height on a sloped property.

This applicant filed a previous Conditional Use Permit application to exceed the maximum allowed average roof height and also increase the total number of garage spaces to 4. Council approved the increase in total garage spaces to 4 but denied without prejudice the request to exceed the maximum allowable average roof height, an action which allows the applicant to reapply for a higher roof height without waiting the required 1 year reapplication period.

The applicant has made several changes to address these concerns in this new application. The first is the realignment of the finish grade elevation to a more accurate representation which has provided a clearer maximum average height value, the second revision was a reduction of the deigned pitch of the roof lowering the overall height, and the last revision physically lowered the maximum designed height of the portion of addition over the garage.

The overall reduction in maximum average roof height was reduced 4' 6" to 27' 6". The height of the northern portion of addition was lowered 4' to 25' 6". And lastly the finish grade base for measurement of the average maximum height was raised approximately 3'. Staff has since revisited the site to evaluate what impacts the redesign has had on the impacting of views.

Staff recommends approval of the request to exceed the roof height limit not to exceed 27' 6" average maximum roof height.

The Sugar's, 9701 Leigh Circle, spoke in opposition of the Conditional Use Permit. They had concerns about noise, length of the construction project, construction on Saturday's, and the location of the port-a-potty to their residence.

City Manager Domer stated that the City does have ordinances regulating noise levels, length of the projects, and working on Saturday's. Placing the port-a-potty next to the

vacant lot can be placed as a condition of approval so that it is not located next to the Sugar property.

Mayor Ulmer closed the public hearing.

It was moved by Councilmember Freschi, seconded by Councilmember Rheins and carried by the following roll call vote to adopt Resolution No. 2006-2922 Approving Conditional Use Permit No. 0659, a request to exceed the roof height limit of twenty-five (25) feet for a new roof height in this case not to exceed twenty-seven (27) feet, six (6) inches average height on a sloped property; with the added condition of approval in regards to the location of the port-a-potty on the property. Location: 18682 Mesa Drive. Applicants: Ron and Sandy Green.

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

11. Consideration of Ordinance No. 2006-522 Readopting Voter Approved Term Limits as set forth in Ordinance No. 98-456.

Mayor Ulmer opened the public hearing.

City Manager Domer presented the staff report stating the City adopted a revised term limit ordinance at its August 1<sup>st</sup> special meeting. Ordinance No. 2006-520 amending the City's Term Limits Ordinance to allow for a member of the City Council to seek election after a two year layoff was not approved by voters at the November 7, 2006 General Election. It has been determined that the City Council should re-adopt the original 1998 Ordinance No. 98-456. Accordingly, Ordinance No. 2006-522 is the original 1998 Ordinance limiting members to 2 full terms.

Staff recommends that the City Council introduce and approve the first reading of Ordinance No. 2006-522, re adopting Section 2-2.14 of Chapter II of the Villa Park Municipal Code as relating to term limits for City Councilmember's and set a second reading and adoption for January 23, 2007.

It was moved by Councilmember Freschi, seconded by Councilmember Pauly and carried by the following roll call vote to introduce and approve the first reading of Ordinance No. 2006-522, re adopting Section 2-2.14 of Chapter II of the Villa Park Municipal Code as relating to term limits for City Councilmember's and set a second reading and adoption for January 23, 2007:

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

The following item was continued from earlier in the meeting.

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

City Manager Domer stated Mr. Hart is agreeable to continue the item to January 23, 2007 for further discussion.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem Reese and carried by the following roll call vote to continue the public hearing to the January 23, 2007 City Council Meeting:

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

**STAFF REPORTS**

City Manager / City Clerk

None

City Attorney

None.

City Engineer

None.

**ORDINANCES**

None Presented.

**RESOLUTIONS**

City Attorney Hampel stated that City Manager Domer has drafted a resolution congratulating the Lutheran High Lancers football team. Since the event occurred Saturday, after the agenda had already been posted, under Section 54954.2 of the Brown Act, with a 2/3<sup>rds</sup> council vote the resolution could be added to the agenda.

It was moved by Councilmember Freschi, seconded by Councilmember Pauly and carried by the following roll call vote to add the resolution to the agenda:

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

City Manager Domer presented the staff report stating Resolution No. 2006-2925 shows congratulations to Lutheran High School of Orange County Lancers football team for achieving the 2006 CIF Division II State Championship.

It was moved by Councilmember Freschi, seconded by Councilmember Rheins and carried by the following roll call vote to adopt Resolution No. 2006-2925, a resolution of the City Council of the City of Villa Park commending and congratulating the Lutheran High School of Orange County High School football team for achieving the 2006 CIF Division II State Championship:

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

12. Consideration of Resolution No. 2006-2923, A Resolution of the City Council of the City of Villa Park, Amending the Appropriations Limit for Fiscal Year 2005-2006.

City Manager Domer presented the staff report stating annually the City Council sets an appropriation limit, otherwise known as the Gann Limit which determines the legal amount of expenditures by the City. Resolution No. 2006-2923 amends Resolution No. 2005-2823 with regard to the Gann Limit amount.

In conducting the audit of City Finances in June 2006, the external auditor found that the appropriations limits as contained in the 2005-06 budget resolution were calculated incorrectly. The calculated appropriations limit was \$10,123 more than the actual limit of \$2,766,668.

Staff recommends that the City Council adopt Resolution No. 2006-2923 amending the appropriations limit for the 2005-06 Fiscal year.

It was moved by Councilmember Freschi, seconded by Mayor Ulmer and carried by the following roll call vote to adopt Resolution No. 2006-2923, a resolution of the City Council of the City of Villa Park amending the appropriations limit for Fiscal Year 2005-2006:

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

**ORAL COMMUNICATIONS**

Mayor Ulmer opened the floor for oral communications; after no response he closed oral communications.

**CLOSED SESSION**

None.

**AJOURNMENT**

It was moved by Mayor Ulmer and carried unanimously to adjourn the meeting at 11:20 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