



City of Villa Park

City Council Agenda

August 1, 2006

7:30 PM

The Villa Park City Council welcomes you to this meeting. We encourage your participation. This agenda contains a brief general description of each item to be considered.

If you wish to speak on an item contained on the agenda, please approach the podium at the time the item is being considered. Upon recognition by the Chair, state your name and address for the record prior to providing your comments. Speakers will be limited to a time period set by the presiding officer.

If you wish to speak on an item that is not on the agenda, please do so during the periods listed for Oral Communications. All supporting information is available for public review in City Hall during regular business hours, 8:00 a.m. - 5:00 p.m., Monday through Friday. Agendas are available on the City's Website at www.villapark.org. Meetings are broadcast live on VPCATV Channel 3.

ORDER OF BUSINESS

CALL TO ORDER

ROLL CALL

Mayor Bortle
Mayor Pro Tem Ulmer
Councilmember Bell
Councilmember Fauteux
Councilmember Freschi

FLAG SALUTE

ORAL COMMUNICATIONS

Members of the public in attendance wishing to address the **City Council** on matters not otherwise appearing on the agenda, upon recognition by the Chair, state their name, address, and subject. Unless the presiding officer grants further time, address time shall be limited to five minutes.

ITEMS FOR CONSIDERATION

1. Consideration of All Necessary Items Relating to an Advisory Measure Concerning the Sale and Use of Safe and Sane Fireworks in the City of Villa Park.

Recommendation:

That the City Council take appropriate action with regard to the following items:

Please Note: In compliance with the Americans With Disabilities Act, the City of Villa Park will make every reasonable attempt to accommodate attendees or participants at this meeting who need special assistance beyond what is normally provided. Please contact the City Hall at (714) 998-1500 at least 48 hours prior to this meeting to inform us of your particular needs and to determine if accommodation is feasible. Please advise us at the time you call if special assistance is required to attend or participate in meetings on a regular basis.

- 1.) Adopt Resolution No. 2006-2901, Ordering the submission to the qualified electors of the City of Villa Park a certain advisory measure relating to fireworks at the General Election to be held on Tuesday, November 7, 2006 as called by Resolution No. 2006-2882;
 - 2.) Adopt Resolution No. 2006-2902, Setting priorities for filing written arguments regarding an advisory City measure and directing the City Attorney to prepare an impartial analysis for a General Municipal Election to be held on Tuesday, November 7, 2006; and,
 - 3.) Any other necessary items to place advisory measure on ballot.
2. Consideration of Term Limit Ordinance No. 2006-520 and Setting the Matter before Voters at the November 7, 2006 General Election.

Recommendation:

That the City Council accept for second reading and adopt Ordinance No. 2006-520, an Ordinance amending Section 2-2.14 of Chapter II of the Villa Park Municipal Code relating to term limits for City Council members.

ORAL COMMUNICATIONS

Members of the public in attendance wishing to address the **City Council** on matters not otherwise appearing on the agenda, upon recognition by the Chair, state their name, address, and subject. Unless the presiding officer grants further time, address time shall be limited to five minutes.

ADJOURNMENT

**ITEMS FOR CONSIDERATION
AGENDA ITEM #**

**CITY OF VILLA PARK
CITY COUNCIL
AUGUST 1, 2006**

To: Mayor and City Council

From: Ken Domer, City Manager

**Subject: CONSIDERATION OF ALL NECESSARY ITEMS RELATING TO AN
ADVISORY MEASURE CONCERNING THE SALE AND USE OF SAFE
AND SANE FIREWORKS**

SUMMARY:

At the July 25th City Council meeting, staff was directed to prepare the required documents for putting a measure on the November 7, 2006 General Municipal Election ballot concerning the sale and use of safe and sane fireworks.

DISCUSSION:

Per City Council direction, staff is returning with two resolutions that are required to submit the advisory measure on fireworks to the Orange County Registrar of Voters. In addition, the City Attorney has drafted an impartial analysis of the measure. The City Council is expected to hold a discussion of the item at which time public input will be received on the matter and a final vote will be taken on whether to submit the measure to voters at the November 7, 2006 General Election.

FISCAL IMPACT:

The fiscal impact is that the City would expend approximately \$1,300 to place the measure on the ballot as charges to the Registrar of Voters. Additional election costs are unknown. Future costs related to legalized fireworks are unknown and would need to be researched to determine full impact to the City. Expected costs would include, but not be limited to, supplemental law enforcement and fire protection services, and street sweeping and litter control services.

RECOMMENDED ACTION:

That the City Council take appropriate action with regard to the following items:

- 1.) Adopt Resolution No. 2006-2901, Ordering the submission to the qualified electors of the City of Villa Park a certain advisory measure relating to fireworks at the General Election to be held on Tuesday, November 7, 2006 as called by Resolution No. 2006-2882;
- 2.) Adopt Resolution No. 2006-2902, Setting priorities for filing written arguments regarding an advisory City measure and directing the City Attorney to prepare an impartial analysis for a General Municipal Election to be held on Tuesday, November 7, 2006; and,
- 3.) Any other necessary items to place advisory measure on ballot.

RESOLUTION NO. 2006-2901

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VILLA PARK, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF VILLA PARK A CERTAIN ADVISORY MEASURE RELATING TO FIREWORKS AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2006, AS CALLED BY RESOLUTION NO. 2006-2882.

WHEREAS, a General Election on Tuesday, November 7, 2006, has been called by Resolution No. 2006-2882 adopted on June 27, 2006; and

WHEREAS, the City Council also desires to submit to the voters at the General Election an advisory question relating to fireworks;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF VILLA PARK, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1: That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election the following advisory question:

| | |
|--|-----|
| Advisory Vote Only. Should the City Council of the City of Villa Park adopt an ordinance that allows for the sale and use within the City of "safe and sane" fireworks approved by the State of California? | YES |
| | NO |

SECTION 2: That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 3: That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 4: That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Villa Park this 1st day of August, 2006.

Patricia L. Bortle
Mayor, City of Villa Park

ATTEST:

Kenneth A. Domer, City Clerk
City of Villa Park

STATE OF CALIFORNIA }
COUNTY OF ORANGE } ss
CITY OF VILLA PARK }

I, Kenneth A. Domer, City Clerk of the City of Villa Park DO HEREBY CERTIFY that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Villa Park held on the 1st day of August, 2006, and was carried by the following roll call vote, to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS

Kenneth A. Domer, City Clerk
City of Villa Park

RESOLUTION NO. 2006-2902

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VILLA PARK, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING AN ADVISORY CITY MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS FOR A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY NOVEMBER 7, 2006

WHEREAS, a General Municipal Election is to be held in the City of Villa Park, California, on Tuesday, November 7, 2006, at which there will be submitted to the voters the following advisory measure:

| | |
|--|-----|
| Advisory Vote Only. Should the City Council of the City of Villa Park adopt an ordinance that allows for the sale and use within the City of "safe and sane" fireworks approved by the State of California? | YES |
| | NO |

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF VILLA PARK, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1: That the City Council authorizes all members of the City Council to file (a) written argument(s) in Favor or Against this advisory measure, accompanied by the printed name(s) and signature(s) of the author(s) submitting it; or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument; or if submitted by an individual voter or any combination of voters who is/are eligible to vote on the advisory measure, the printed name and signature of each individual, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California.

SECTION 2: That per the Elections Code of the State of California, no argument shall exceed three hundred (300) words in length and shall not have more than five signatures. Arguments may be changed or withdrawn by their proponents until and including the date fixed by the City Clerk after which no arguments for or against the City advisory measure may be submitted to the City Clerk.

SECTION 3: That the City Council directs the City Clerk to transmit a copy of the advisory measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the advisory measure showing the effect of the measure on the existing law

and the operation of the advisory measure. The impartial analysis shall not exceed five hundred (500) words in length, and shall be filed by the date set by the City Clerk for the filing of direct arguments.

SECTION 4: That the City Clerk is directed to fix and determine a reasonable date prior to the election after which no arguments for or against the City advisory measure may be submitted for printing and distribution to the voters. If more than one argument for or against the City measure is submitted to the City Clerk, the City Clerk shall select one of the arguments for printing and distribution to the voters, according to the following preference and priority, in the order named: the City Council, or member or members of the City Council; bona fide associates of citizens; individual voters who are eligible to vote on the advisory measure.

SECTION 5: That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Villa Park this 1st day of August, 2006.

Patricia L. Bortle
Mayor, City of Villa Park

ATTEST:

Kenneth A. Domer, City Clerk
City of Villa Park

STATE OF CALIFORNIA }
COUNTY OF ORANGE } ss
CITY OF VILLA PARK }

I, KENNETH A. DOMER, City Clerk of the City of Villa Park DO HEREBY CERTIFY that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Villa Park held on the 1st day of August, 2006, and was carried by the following roll call vote, to wit:

AYES: COUNCILMEMBERS:
NOES; COUNCILMEMBERS
ABSENT: COUNCILMEMBERS

Kenneth A. Domer, City Clerk
City of Villa Park

ORDINANCE NO. 2006-520

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VILLA PARK, CALIFORNIA, AMENDING SECTION 2-2.14 OF CHAPTER II OF THE VILLA PARK MUNICIPAL CODE RELATING TO TERM LIMITS FOR CITY COUNCIL MEMBERS.

THE CITY COUNCIL OF THE CITY OF VILLA PARK, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Section 2-2.14 of Chapter II of the Villa Park Municipal Code is hereby amended to read as follows:

2-2.14 Limitation of Term of City Council Members. A person is ineligible to hold office as a member of the City Council for two years if such person served on the City Council for two (2) consecutive full terms.

SECTION 2: This Ordinance shall not become effective until approved by the Electorate pursuant to Government Code Section 36502.

PASSED AND ADOPTED by the City Council of the City of Villa Park at a regular meeting this 25th day of July, 2006.

Patricia L. Bortle
Mayor, City of Villa Park

ATTEST:

Kenneth A. Domer, City Clerk
City of Villa Park

STATE OF CALIFORNIA }
COUNTY OF ORANGE } SS
CITY OF VILLA PARK }

I, Kenneth A. Domer, City Clerk of the City of Villa Park DO HEREBY CERTIFY that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Villa Park held on the 25th day of July, 2006, and was carried by the following roll call vote, to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS

Kenneth A. Domer, City Clerk
City of Villa Park