

MINUTES OF THE CITY COUNCIL

CITY OF VILLA PARK, CALIFORNIA

The City Council of the City of Villa Park met at a Special Meeting on Monday, January 17, 2005 at 8 a.m. at 17855 Santiago Boulevard, Villa Park, California.

CALL TO ORDER: Mayor Pro Tem Bortle called the meeting to order.

ROLL CALL:

COUNCILMEMBERS PRESENT:

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

STAFF PRESENT:

George Rodericks	City Manager
Leonard Hampel	City Attorney

COUNCILMEMBERS ABSENT:

Rich Freschi	Mayor
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FLAG SALUTE:

Councilmember Ulmer led the flag salute.

ORAL COMMUNICATIONS: None.

ITEMS FOR CONSIDERATION:

Ratification of Proclamation Declaring a Local Emergency

City Manager Rodericks presented a staff report regarding ratification by the City Council of a Proclamation declaring a Local Emergency issued on January 12, 2005 as a result of the failure of a City-owned and constructed keystone wall along portions of Cannon Street.

Section 2A-1.6(a)(1) requires that the City Council take action to ratify the proclamation within seven (7) days of its issuance. A declaration of emergency sets the stage for assistance from the state, federal, and private agencies and enables the local government to rely on special immunities for its discretionary decisions relating to the disaster.

Councilmembers Fauteux and Bell inquired into the current assessment of the wall failure, a timeline for remedy, and the process to be followed.

City Manager Rodericks and City Attorney Hampel responded that the current condition is being evaluated by soils and geology specialists in a forensic study to assess the extent of the

damage, possible causes, and remedies. It is estimated that initial reports will be returned within six (6) weeks. It is recommended that the February City Council meeting include a closed session to discuss potential litigation.

Further, after completion of the initial soil and forensic studies, plans and specifications will be created to rebuild, replace, and/or redesign the wall. Contracts for the construction will not be let without prior City Council review. The City's Emergency Operations Plan authorizes the Director of Emergency Services to expend funds necessary to remedy the disaster. Initial funds are and will be spent on traffic control, debris clearance, geology and soils reports, and plans and specifications.

Mayor Pro Tem Bortle inquired as to the City's liability and the impact on the City's Reserve.

City Attorney Hampel expressed the City's current liability situation regarding the immediate protection of public safety, but suggested that more details pertaining to cause of failure be evaluated before assigning liability.

City Manager Rodericks addressed the impact of the project on the City's Reserve by stating that the City retains a mandatory reserve of approximately \$630,000 and that the City is currently \$100,000 to \$200,000 above that lower limit. However, the project is estimated to cost approximately \$300,000 to \$350,000, conservatively. State and/or Federal reimbursements will be requested, but the timeline for their receipt is uncertain and could take longer than the City's timeline for repair.

It was moved by Councilmember Bell, seconded by Councilmember Fauteux, and carried by the following roll call vote to ratify the declaration of a local emergency issued on January 12, 2005 by the Director of Emergency Services:

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

ADJOURNMENT:

It was moved by Mayor Pro Tem Bortle and carried unanimously to adjourn the meeting at 8:20 a.m. to a regular adjourned meeting on January 25, 2005 at 7:30 PM.

Patricia L. Bortle, Mayor Pro Tem
City of Villa Park

ATTEST:

George J. Rodericks, City Clerk
City of Villa Park