

MINUTES OF THE CITY COUNCIL

CITY OF VILLA PARK, CALIFORNIA

The City Council of the City of Villa Park met in special session Thursday, April 1, 2004 at 1:00 PM in the City Council Chambers, 17855 Santiago Boulevard, Villa Park, California.

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

ROLL CALL:

COUNCILMEMBERS PRESENT:

Patricia Bortle	Mayor
Bill MacAloney	Mayor Pro Tem
Bob Bell	Councilmember
Rich Freschi	Councilmember

COUNCILMEMBERS ABSENT:

Robert McGowan	Councilmember
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STAFF PRESENT:

George Rodericks	City Manager
Cristina Sundstrom	Administrative Secretary/Deputy City Clerk
Leonard Hampel	City Attorney

FLAG SALUTE:

Robert Frackelton led the flag salute.

INTRODUCTIONS AND PRESENTATIONS: None.

ORAL COMMUNICATIONS: None.

CONSENT AGENDA: None.

ITEMS FOR CONSIDERATION:

1. Resignation of Council Member McGowan.
 - a. Consideration of Acceptance of Resignation of Councilmember McGowan, effective March 28, 2004.
 - b. Consideration of Alternatives to include, but not limited to, Appointments and Election.
 - c. Presentations

1. a. It was moved by Mayor Pro Tem MacAloney, seconded by Councilmember Bell, and carried by the following roll call vote to accept the resignation of Councilmember McGowan, effective March 28, 2004:

AYES:	COUNCILMEMBERS:	Bell, Freschi, MacAloney, Bortle
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

Mayor Pro Tem MacAloney stated that he was in favor of setting a date for candidate interviews as soon as possible so that a new Councilmember could be appointed.

Councilmember Bell agreed with Mayor Pro Tem MacAloney since he is aware of many competent possible applicants.

Councilmember Freschi stated he would like to see a person who is a bit younger than the current Councilmembers. He continued by saying that if more than four people apply, then a Committee of two Councilmembers should be formed to conduct interviews. Then a public interview can be arranged.

Mayor Bortle stated she disagreed with Councilmember Freschi's suggestion of having a Committee, not the full Council, conduct interviews. She stated further that she favored appointing someone until November 2, 2004 and then have the residents elect someone for the remaining two years of the term.

City Attorney Hampel discussed the Brown Act regarding appointments of Councilmembers. He stated that interviewing must be done by the City Council *publicly*. Thus, an open, public meeting is required.

In response to an inquiry made by Mayor Pro Tem MacAloney regarding the possibility of conducting interviews in closed session, City Attorney Hampel explained that this is not possible for this situation.

City Attorney Hampel discussed three options available to the Council; of which the first two do not require an Ordinance.

- Option #1: Fill the vacancy by appointment for the remainder of Robert McGowan's term, through 2006. This option must be selected and appointment made within thirty (30) days of the effective resignation date of March 28, 2004.
- Option #2: Call and hold a Special Election (Government Code Section 36512) with the Regular Election on November 2, 2004 in which the vacant seat will be presented as a two-year term and the other two seats as regular four-year terms.
- Option #3: Requires the adoption of an Ordinance, an appointment within thirty (30) days through November 2, 2004, and a Special Election called on November 2, 2004 for the remaining term vacated by Robert McGowan, through November, 2006.

Councilmember Freschi discussed the possibility of not accepting Councilmember McGowan's resignation today, but rather accepting his resignation about 120 days before the November, 2004 municipal election. At that time we would have thirty days to make a decision. This would allow for an individual to be elected for the remaining two years on Councilmember McGowan's term. This would mean there would only be four Councilmembers appearing at meetings for the next few months. He would like to see all the politics and favoritism kept out of the process.

Mayor Bortle deferred to City Attorney Hampel. He explained to Council that a Councilmember is allowed to resign effective whatever date he chooses, and that it is not dependent upon the Council accepting the resignation. This is a formality. He stated that once a resignation is tendered and becomes effective, a Council has thirty days to act.

Councilmember Freschi asked if Councilmember McGowan could be asked to rescind his resignation and still not attend the next several meetings.

City Attorney Hampel stated that the resignation could be accepted today and the seat go unfilled until the next municipal election in November, 2004. It would be a combined special and general election, one seat for the two-year remaining on McGowan's term, and two seats for a four-year term.

Councilmember Bell stated that he believes the community deserves a full, five member Council in order to function efficiently.

Mayor Pro Tem MacAloney expressed his desire to accept the resignation with the possibility of conducting interviews within the next thirty (30) days to fill the vacancy. He stated that he is in favor of appointing someone to serve the rest of Robert McGowan's term.

Councilmember Freschi stated that an appointment should only be valid through November 2, 2004 in order to be fair. Mayor Bortle concurred.

b. It was moved by Councilmember Freschi, seconded by Mayor Bortle, and carried by the following roll call vote to accept option #3, as explained by City Attorney Hampel:

AYES:	COUNCILMEMBERS:	Freschi, Bortle
NOES:	COUNCILMEMBERS:	Bell, MacAloney
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

City Attorney Hampel stated that the motion would have required four affirmative votes in order to pass.

Public testimony was given by Carol Kawanami, 18072 Athens Avenue, asked for clarification of option #2.

Dr. Robert Helton, 1051 Briley Way, explained to Council that a vacancy on the Council during his first term in office ended in an appointment for the remainder of the term. He felt this was the best option in this situation.

Chuck Niemann, 18092 Valley Drive, stated that it seemed like option #1 was the best way to vote.

Bob Fauteux, 9912 Briley Way, stated that he thought appointment for the remainder of Robert McGowan's term was appropriate.

Councilmember Bell stated that he favors option #1.

It was moved by Councilmember Bell, seconded by Councilmember Freschi, and carried by the following roll call vote to set a date for a Special meeting to conduct interviews for the appointed position of Councilmember for the remainder of Robert McGowan's term:

AYES:	COUNCILMEMBERS:	Bell, Freschi, MacAloney, Bortle
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

Applicants must submit their applications by April 9, 2004 at 5 p.m. and the interviews will take place on April 13, 2004 at 1 p.m.

c. It was moved by Mayor Pro Tem MacAloney, seconded by Councilmember Bell, and carried by the following roll call vote to present a plaque to former Councilmember Robert McGowan at the April or May, 2004 City Council meeting:

AYES:	COUNCILMEMBERS:	Bell, Freschi, MacAloney, Bortle
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

2. Consideration of Proposed Proclamation to Orange County Republican Party Chairman Thomas Fuentes.

Councilmember Freschi asked if there would be a discussion of this item if Mr. Fuentes was not a Republican.

Mayor Pro Tem MacAloney stated that he was not in favor of this proclamation.

Councilmember Bell told Council that he believes Mr. Fuentes has done a good job keeping the issues before the public and that he is deserving of this proclamation.

Public testimony was given by Carol Kawanami, 18072 Athens Avenue, stated that she has never known the City to make a partisan decision on any issue and that she believed this to be an example of partisan politics. She was not in favor of this proclamation.

Mayor Bortle stated that she would withdraw her second of the motion due to some conversations she had recently with some residents who are opposed to this proclamation.

It was moved by Councilmember Bell and seconded by no one to consider a proclamation to Orange County Republican Party Chairman Thomas Fuentes. **The motion failed for lack of a second.**

STAFF REPORTS: None.

OTHER BUSINESS: None.

ORAL COMMUNICATIONS: None.

ORDINANCES: None.

RESOLUTIONS: None.

CLOSED SESSION: None.

Mayor Bortle stated that she regretted the resignation of Councilmember McGowan. She said he would be missed and wished him best regards.

Mayor Pro Tem MacAloney, Councilmember Bell and Councilmember Freschi all wished him well and thanked him for his years of service to Villa Park.

ADJOURNMENT:

It was moved by Mayor Bortle and carried unanimously to adjourn the meeting at 4:07 p.m. to an Adjourned Special meeting April 13, 2004 at 1:00 p.m. in the Council Chambers for the purpose of interviewing candidates for City Council.

Patricia L. Bortle, Mayor
City of Villa Park

ATTEST:

George J. Rodericks, City Clerk
City of Villa Park