

**SAN FERNANDO CITY COUNCIL
MINUTES**

**NOVEMBER 7, 2016 – 6:00 P.M.
REGULAR MEETING**

City Hall Council Chambers
117 Macneil Street
San Fernando, CA 91340

CALL TO ORDER/ROLL CALL

Mayor Robert C. Gonzales called the meeting to order at 6:02 p.m.

Present:

Council: Mayor Robert C. Gonzales, Vice Mayor Joel Fajardo, and Councilmember Antonio Lopez

Staff: City Manager Brian Saeki, City Attorney Rick Olivarez, Deputy City Attorneys Richard Padilla and Joaquin Vazquez, and City Clerk Elena G. Chávez

Absent: Councilmember Antonio Lopez

PLEDGE OF ALLEGIANCE

Led by San Fernando Police Explorer Rodriguez

APPROVAL OF AGENDA

City Manager Saeki requested to pull Item No's 4 and 5 and move to the meeting of November 21, 2016.

Motion by Councilmember Ballin, seconded by Councilmember Soto, to approve the agenda as amended. By consensus, the motion carried.

PRESENTATIONS

The following presentations were made:

- a) TRIBUTE TO OUR TROOPS – Juan Serrano Jr.
- b) CERTIFICATES OF RECOGNITION – CHILE FESTIVAL VOLUNTEERS

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PUBLIC STATEMENTS – WRITTEN/ORAL

Liana Stepanyan, San Fernando Library Branch Manager, invited everyone to their upcoming events.

Julie Cuellar expressed concern regarding motorists constantly speeding and running stop signs and the City's need to hire additional police officers.

Lupita Camacho spoke on behalf of the Downtown Mall businesses and their concern regarding filming in that area and the impact and losses the businesses have been experiencing.

Carlos (did not provide last name), Downtown Mall business owner, talked about his concerns regarding filming as well (in 2013 he lost \$8,000).

Ronnie Velez invited everyone to an upcoming gay pride youth event in the San Fernando Valley.

CONSENT CALENDAR

Motion by Councilmember Ballin, seconded by Councilmember Soto, to approve Consent Calendar Items 1, 2, 3, and 6. Item No's 4 and 5 to be moved to November 21, 2016.

- 1) REQUEST TO APPROVE MINUTES OF:
 - a. OCTOBER 3, 2016 – REGULAR MEETING
 - b. OCTOBER 17, 2016 – REGULAR MEETING
- 2) CONSIDERATION TO ADOPT A RESOLUTION APPROVING THE WARRANT REGISTER
- 3) CONSIDERATION TO AMEND AGREEMENT WITH GENERAL PUMP COMPANY FOR THE INSTALLATION OF A DEEP WELL TURBINE PUMP AND RELATED ELECTRICAL IMPROVEMENTS
- 4) REPUBLIC SERVICES UPDATE ON SOLID WASTE BILLING PROCESS AND DELINQUENT ACCOUNT NOTICES TO PROPERTY OWNERS
- 5) CONSIDERATION OF A LETTER OF SUPPORT FOR THE SAN FERNANDO COMMUNITY HEALTH CENTER
- 6) CONSIDERATION TO APPROVE THE PURCHASE OF REPLACEMENT DISPATCH/9-1-1 FURNITURE

By consensus, the motion carried.

ADMINISTRATIVE REPORTS

By consensus, the following item was moved up on the agenda.

8) **UPDATE FROM SENATOR ROBERT HERTZBERG**

Senator Robert Hertzberg provided an update regarding various projects that his office is working on and he talked about his support for the City of San Fernando.

Discussion ensued amongst Councilmembers and Senator Hertzberg (no formal action was taken).

PUBLIC HEARING

7) **CONSIDERATION TO ADOPT ORDINANCES RELATING TO THE ADOPTION OF A CODE AMENDMENT TO EITHER (1) PROHIBIT OUTDOOR PERSONAL MARIJUANA CULTIVATION AND ESTABLISH REGULATIONS AND A PERMITTING PROCESS FOR INDOOR PERSONAL MARIJUANA CULTIVATION; OR (2) ESTABLISH REGULATIONS AND A PERMITTING PROCESS FOR BOTH INDOOR AND OUTDOOR PERSONAL MARIJUANA CULTIVATION, SUBJECT TO CALIFORNIA VOTER APPROVAL OF PROPOSITION 64**

Deputy City Attorney Vazquez presented the staff report. Both he and Community Development Director Fred Ramirez replied to questions from Councilmembers.

Mayor Gonzales declared the Public Hearing open.

Mayor Gonzales called for public testimony; there were no public comments.

Motion by Vice Mayor Fajardo, seconded by Mayor Gonzales, to close the public comment portion of the Hearing. By consensus, the motion carried.

Motion by Vice Mayor Fajardo, seconded by Mayor Gonzales, to adopt:

- a. Urgency Ordinance No. U-1658 by title, “An Urgency Ordinance of the City Council of the City of San Fernando, California, Prohibiting Outdoor Personal Marijuana Cultivation and Establishing Regulations and a Permitting Process for the Indoor Personal Cultivation of Marijuana and Declaring the Urgency Thereof in Accordance With Government Code Sections 36934 and 36937, Subject to California Voter Approval of Proposition 64 at the Tuesday, November 8, 2016 Election”;
- b. Ordinance No. 1659 by title, “An Ordinance of the City Council of the City of San Fernando, California, Prohibiting Personal Marijuana Cultivation and Establishing Regulations and a Permitting Process for the Indoor Personal Cultivation of Marijuana, Subject to California Voter Approval of Proposition 64 at the Tuesday, November 8, 2016 Election” by majority vote of the City Council; and

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- c. Include the following amendments to both ordinances:

“cultivation will not be allowed within a required walkway or common open space area...”, in addition to “allowing for the enclosed accessory structures to be placed at distance of three to ten feet from a required property line, subject to review and approval of the Community Development Department to ensure that the structure is not visible from the public right of way...and odors.”.

The motion carried with the following vote:

AYES: Fajardo, Soto, Ballin, Gonzales – 4
NOES: None
ABSENT: Lopez – 1

ADMINISTRATIVE REPORTS (CONTINUED)

9) UPDATE ON THE SAN FERNANDO FALL HARVEST BREWFEST EVENT

David Bernal, San Fernando Fall Harvest Brewfest Event coordinator, provided an update and replied to various questions from Councilmembers.

10) DISCUSSION REGARDING FILMING IN THE DOWNTOWN AREA

Councilmember Ballin expressed frustration and concern regarding the continuous filming in the Downtown Mall area and said that it has created an unfair financial burden on the small businesses. She recommended that staff perhaps put together an ordinance that would prohibit any downtown area filming or leasing of public parking lots in that area.

Discussion ensued amongst Councilmembers and staff. By consensus, staff will bring forth a proposal to address this issue.

11) DISCUSSION AND DIRECTION REGARDING POTENTIAL REORGANIZATION OF THE CITY TREASURER DIVISION

At the request of Councilmember Ballin, City Manager Saeki provided background information. He reported that the City has been fortunate because, for many years, the current elected City Treasurer has held a dual position as full-time Treasurer Assistant. If in the future, she chooses not to run for City Treasurer, there would be additional \$32,000 annual cost to the City. It may be City Council’s desire to take a broader look at both the elected City Treasurer and Treasurer Assistant positions.

Deputy City Attorney Padilla added that there is a ballot measure component to this item because the City Treasurer is an *elected* position and a proposed change to an *appointed* position must be repealed by another ballot measure (the deadline to add a ballot measure to the March 2017 election is December 9).

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In response to Councilmembers, City Treasurer Margarita Solis stated that both she and Councilmember Ballin had a lengthy conversation, discussed the pros and cons, and she supports the proposed change. She reported that she surveyed City Treasurers in California and cities appear to be moving in the direction of an appointed City Treasurer.

Discussion ensued amongst Councilmembers, City Attorney staff, and City Treasurer Solis.

Deputy City Attorney Vazquez clarified that if the ballot measure is approved in March (the same election that the City Treasurer is elected), it would not take effect until after the elected City Treasurer serves out the four-year term.

By consensus, staff was directed to bring back this item.

12) UPDATE REGARDING OPTIONS PERTAINING TO THE GENERAL MUNICIPAL ELECTION ON MARCH 7, 2017

City Clerk Chávez presented the staff report. Both she and Deputy City Attorney Vazquez replied to questions from Councilmembers.

Motion by Vice Mayor Fajardo, seconded by Mayor Gonzales, to consolidate the General Municipal Election on March 7, 2017 with the County of Los Angeles. If there is no Countywide election, then approval to consolidate with the City of Los Angeles.

The motion carried with the following vote:

AYES:	Fajardo, Soto, Gonzales – 3
NOES:	Ballin – 1
ABSENT:	Lopez – 1

13) HONORING OUR TROOPS – LETTER IN SUPPORT OF IRAQ AND AFGHANISTAN WAR VETERANS

Vice Mayor Fajardo provided background information and requested authorization for staff to draft a letter in opposition of the government collecting the disputed enlistment bonuses from veterans. The letter is to be signed by Councilmembers and addressed to the Congressman, Secretary of Defense, and any other department deemed appropriate. By consensus, Councilmembers agreed.

14) SISTER CITY UPDATE

Mayor Gonzales provided an update regarding cities that he visited in Mexico (i.e., Tonalá, Tlaquepaque, Jalisco) that are interested in partnering with San Fernando as sister cities. He reported that the city of Tlaquepaque would like a letter of interest from the City (they will provide a draft letter). By consensus, staff will re-agendize this item for Council review.

At this time, Deputy City Attorney Vazquez requested clarification regarding the motion pertaining to Item No. 12 (there was no change to the motion).

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CITY COUNCIL - LIAISON UPDATES

Councilmember Ballin gave a brief update regarding a recent Metropolitan Water District inspection trip of the State Water Project and the Sacramento/San Joaquin Delta.

DEPARTMENT HEADS - COMMISSION UPDATES

Recreation and Community Services Director Ismael Aguila reported that there is an upcoming Parks, Wellness, and Recreation Commission meeting.

STAFF COMMUNICATION

Recreation and Community Services Director Aguila thanked staff for their hard work and assistance with the numerous events (nine weekends in a row) that have taken place.

RECESS TO CLOSED SESSION (9:35 P.M.)

By consensus, Councilmembers recessed to the following Closed Session as announced by City Attorney Olivarez:

A) CONFERENCE WITH LABOR NEGOTIATOR
G.C. §54957.6

Designated City Negotiators:

City Manager Brian Saeki
Deputy City Manager/Public Works Director Chris Marcarello
Finance Director Nick Kimball
City Attorney Rick Olivarez
Deputy City Attorney Richard Padilla

Employees and Employee Bargaining Units that are the Subject of Negotiation:

San Fernando Management Group (SEIU, Local 721)
San Fernando Public Employees' Association (SEIU, Local 721)
San Fernando Police Officers Association
San Fernando Police Officers Association Police Management Unit
San Fernando Police Civilian Association
San Fernando Part-time Employees' Bargaining Unit (SEIU, Local 721)
All Unrepresented Employees

RECONVENE/REPORT OUT FROM CLOSED SESSION (9:50 P.M.)

City Attorney Olivarez stated that all Councilmembers (with the exception of Councilmember Lopez) were present and reported the following:

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Item A – The City Council received a briefing from staff, direction was given, but no final action taken.

GENERAL COUNCIL COMMENTS

Councilmember Soto said that the streets are starting to come around, he thanked Public Works and Police Departments, and said that hopefully staff is putting together information regarding a police motorbike program.

Councilmember Ballin said she would like to close the meeting in memory of Al Fetter (her first boss 47 years ago). She also asked that staff prepare a letter, from the City and signed by all Councilmembers, congratulating the Chicago Cubs on their historical win.

Vice Mayor Fajardo thanked everyone who participated in the phenomenal Trunk or Treat event and he also reminded everyone to vote tomorrow.

Mayor Gonzales agreed that the Trunk or Treat community event was thoroughly enjoyed by everyone in attendance, thanked staff for all their work, and also reminded everyone to go out and vote.

ADJOURNMENT (9:53 P.M.)

Motion by Councilmember Ballin, seconded by Vice Mayor Fajardo, to adjourn the meeting in memory of Al Fetter. By consensus, the motion carried.

I do hereby certify that the foregoing is a true and correct copy of the minutes of November 7, 2016, meeting as approved by the San Fernando City Council.

*Elena G. Chávez
City Clerk*