

**SAN FERNANDO CITY COUNCIL
MINUTES**

**DECEMBER 5, 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 6:03 p.m.

Present:

Council: Mayor Robert C. Gonzales, Vice Mayor Joel Fajardo, and Councilmembers Jaime Soto, Antonio Lopez, and Sylvia Ballin

Staff: City Manager Brian Saeki, City Attorney Rick Olivarez, Assistant City Attorney Richard Padilla, and City Clerk Elena G. Chávez

PLEDGE OF ALLEGIANCE

Led by San Fernando Police Explorer

APPROVAL OF AGENDA

Councilmember Ballin requested to move up Closed Session Item C (to discuss after Public Comments) and pulled Item No. 12 from the agenda.

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

PRESENTATIONS

The following presentation was made:

- a) TRIBUTE TO OUR TROOPS – Abner Howard Akemon

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PUBLIC STATEMENTS – WRITTEN/ORAL

Sgt. Irwin Rosenberg requested that the City Council not approve Councilmember Soto's proposed Commission appointments of Brenda and Jennifer Perez and he wished Brian Saeki luck on his new job.

Josephine Gonzales expressed concern about the removal of the red curb at the Vista Del Valle Dual Language Academy and talked about how the traffic impacts the neighborhood.

Michelle Guijarro talked about increased traffic, and accidents, which have occurred around the school and near her home, said that most of the people present at this meeting do not live in the community, and wondered how many students live in the 91340 zip code.

Mel Wilson, local realtor, said there is a housing shortage and recommended that the City Council not extend the moratorium (agenda Item No. 8).

The following individuals spoke in support of Vista Del Valle Dual Language Academy, removal of the red curb on Eighth Street, and a permanent loading/unloading zone (i.e., valet program) at the school:

Isabella Torres

Angel Omar Sanchez

Sofia Enrique

Rafael Garcia

Cristobal Padilla

Cindi Torres

Maria Torres

Dolores Lomeli

Margaret Lomeli

Desi Favila

Michelle Mejia

Ashley Reynolds

Claudia Jimenez

Maria Santos

Lizbeth Espinosa

Margarita Cervacio

Suzanne Llamas

Patty Lopez (also said she is opposed to Item No. 10, talked about Item No. 12, and believes that the City Council should work with Councilmember Soto regarding Item No. 14)

Maya Vargas

Gilbert Berriozabal (also said that the City Treasurer should continue to be an elected position).

Jason Hayes introduced himself as a City Council candidate, wished both incumbents luck, and said he was very proud of the children that showed up at this meeting.

Mary Mendoza reported that residents do not want the proposed 101 apartment units at the JC Penney building (nor the 759 apartment units considered for the Transit Oriented Development),

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said that the City Treasurer should be an elected official, and thanked Councilmember Soto for his dedication to the City.

Vanessa Fierro talked about numerous health and safety violations that her landlord will not address. She is a single mom, and caregiver, on a fixed income and asked who can she talk to? (Community Development Director Fred Ramirez was directed to assist her).

Jesse Avila talked about housing (supply and demand), rents go up and seniors are on a fixed income, and said that eventually businesses will be impacted by the housing moratorium as well.

Robert Ortega said he agrees with what people have been saying about so-called affordable housing. He lives in a senior housing building and it's sad that people in their 80's have to leave because the rents keep going up.

RECESS TO CLOSED SESSION (7:25 P.M.)

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

- C. PUBLIC EMPLOYEE APPOINTMENT
G.C. §54957
Title: Interim City Manager/City Manager

RECONVENE/REPORT OUT FROM CLOSED SESSION (8:05 P.M.)

At this time, Councilmember Ballin had not returned to the Council Chambers.

Assistant City Attorney Padilla reported that no final action was taken on Item C; the City Council will resume discussion and consideration of the item after the open session.

CONSENT CALENDAR

Motion by Vice Mayor Fajardo, seconded by Councilmember Lopez, to approve the Consent Calendar Items:

- 1) CONSIDERATION TO ADOPT A RESOLUTION APPROVING THE WARRANT REGISTER
- 2) CONSIDERATION TO ADOPT A RESOLUTION APPROPRIATING GRANT FUNDS AWARDED BY THE MOBILE SOURCE AIR POLLUTION REVIEW COMMITTEE FOR THE COMPRESSED NATURAL GAS FUELING STATION UPGRADE PROJECT
- 3) CONSIDERATION TO ADOPT A RESOLUTION ADOPTING CONFLICT OF INTEREST CODE AMENDMENTS

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- 4) CONSIDERATION TO APPROVE CALENDAR YEAR 2017 BUSINESS PERMITS FOR CERTAIN BUSINESS ACTIVITIES AS REQUIRED BY THE CITY CODE
- 5) CONSIDERATION TO ADOPT RESOLUTIONS AMENDING THE CITY’S BUDGET POLICY AND GENERAL FINANCIAL POLICY
- 6) CONSIDERATION TO ADOPT A RESOLUTION REGARDING THE GENERAL MUNICIPAL ELECTION TO BE HELD ON MARCH 7, 2017

By consensus of Councilmembers present (Councilmember Ballin was absent), the motion carried.

ADMINISTRATIVE REPORTS

Since Councilmember Ballin had not returned to the Chambers and Mayor Gonzales would like her present when discussing Item No. 8, he suggested moving up the following agenda item.

14) APPOINTMENTS TO CITY COMMISSIONS

Motion by Councilmember Soto, seconded by Vice Mayor Fajardo, to appoint Jennifer Perez Helliwell to the Transportation and Safety Commission. The motion carried with the following vote:

AYES: Soto, Fajardo, Gonzales – 3
NOES: Lopez – 1
ABSTAIN: None
ABSENT: Ballin – 1

Motion by Councilmember Soto, seconded by Vice Mayor Fajardo, to appoint Anna M. Lopez to the Parks, Wellness, and Recreation Commission. The motion carried with the following vote:

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

Motion by Councilmember Soto to appoint Brenda Perez to the Planning and Preservation Commission. There being no second, the motion died.

At this time, Councilmember Ballin returned to the Chambers.

By consensus, the following items were moved up on the agenda.

- 15) CONSIDERATION TO REAPPOINT CITY COUNCIL LIAISON TO THE GREATER LOS ANGELES COUNTY VECTOR CONTROL DISTRICT

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Motion by Mayor Gonzales, seconded by Vice Mayor Fajardo, to reappoint Nina Herrera as the representative (City Council liaison) to the Greater Los Angeles County Vector Control District Board of Trustees for a four-year term (i.e., January 1, 2017 to January 1, 2021). The motion carried with the following vote:

AYES: Gonzales, Fajardo, Soto, Ballin, Lopez – 5
NOES: None
ABSTAIN: None
ABSENT: None

8) REVIEW OF PILOT PROGRAM LOCATION FOR STUDENT LOADING/
UNLOADING ZONE ADJACENT TO VISTA DEL VALLE DUAL LANGUAGE
ACADEMY

Deputy City Manager/Public Works Director Chris Marcarello presented the staff report. Representatives from Vista Del Valle Dual Language Academy and the Los Angeles Unified School District (LAUSD) also made presentations.

Councilmember Ballin requested that Dee Akemon, Transportation & Safety Commissioner, be permitted to speak and provide input and history on this item.

Discussion ensued whether Ms. Akemon should be allowed to speak and City Attorney Olivarez clarified that any resident may comment, but she could not speak on behalf of the entire Commission (unless voted on by the Commission).

Dee Akemon said she has no problem with the school principal and academics, her concern is regarding traffic safety, people not obeying basic traffic rules, and the need to keep the red curb at the school.

RECESS (9:00 P.M.)

Mayor Gonzales called for a brief recess to review the various last-minute handouts that had been provided to Councilmembers by audience members and school officials.

RECONVENE (9:18 P.M.)

Discussion ensued amongst Councilmembers, school officials from Vista Del Valle Dual Language Academy, and representatives from the Los Angeles Unified School District.

Motion by Vice Mayor Fajardo, seconded by Councilmember Ballin, to extend the pilot program through July 2017, provided that there be an additional traffic and environmental study done. The study will take residents' concerns into account and have them addressed through the report. At the July 2017 City Council meeting, staff to report back with their study and provide additional feedback on what improvements could, and should, be made (and regularly

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maintained) on the Bromont Ave. side. In addition, staff to explore whether a permanent solution could be done to the Bromont Ave. side.

Councilmember Lopez asked for a friendly amendment; instead of six months, he recommended extending the program through 2018.

Vice Mayor Fajardo did not accept the amendment because he would like a progress update in July 2017.

Discussion ensued.

Vice Mayor Fajardo withdrew his earlier motion.

Motion by Vice Mayor Fajardo, seconded by Councilmember Ballin, to extend the pilot program through the second City Council meeting in July 2017, with a provision that the City and LAUSD provide updates on an environmental and traffic study. The study should also address: the needs and concerns of residents living in the given community (and adjacent residents); improvements that could, and should, be made on the Bromont Ave. side; whether those improvements in and of themselves can ameliorate this issue; and that LAUSD bear the cost of the study.

Motion by Councilmember Soto, seconded by Councilmember Lopez, to extend the pilot program date to July 2018.

Vice Mayor Fajardo accepted the amendment with a provision that progress has been made on the issue. Progress meaning that a vendor has been selected, a contract (if required) presented to the City Council for consideration (and awarded), and that kickoff meetings and preliminary analysis are underway.

Councilmember Lopez offered a friendly amendment to not stop the pilot program mid school year (extend through the end of the school year - through June 2018).

Both Vice Mayor Fajardo and Councilmember Ballin accepted the amendment.

Assistant City Attorney Padilla restated the motion that was made by Vice Mayor Fajardo and seconded by Councilmember Ballin:

1. Extend the pilot program to July 2018 (end of June or school year) with a potential that the City Council could make a decision as early as July 2017 (if there is no substantial progress or other extenuating circumstances).
2. By July 2017, staff will provide a “receive and file” report to the City Council to verify that progress that has been made and the status of whether to do an environmental analysis. If there is no substantial good faith progress (i.e., a vendor selected, a contract presented to the City Council for consideration, kickoff meetings and preliminary analysis underway) by this date, then the City Council reserves the right to end the pilot program for the upcoming school year.

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3. By January 2018, the environmental analysis is to be completed. The scope of the analysis will be focused on traffic, traffic circulation, and traffic safety, to make sure a program that is conducive to traffic safety can be established. At any time between the time of completion and the end of the school year (i.e., June) the City Council may revisit the issue to decide whether to make a longer term commitment to extend the pilot program. However, the program shall not be ended until the school year has completed barring very extenuating circumstances of new information.
4. Also, the environmental and traffic study should address the needs and concerns of residents living in the given community (and adjacent residents), improvements that could, and should, be made on the Bromont Ave. side and whether those improvements in and of themselves can ameliorate this issue, and that LAUSD bear the cost of the study.

The motion carried with the following vote:

AYES: Soto, Lopez, Ballin, Fajardo, Gonzales – 5
NOES: None
ABSTAIN: None
ABSENT: None

RECESS (11:00 P.M.)

Mayor Gonzales called for a brief recess.

RECONVENE (11:09 P.M.)

PUBLIC HEARING

- 7) CONSIDERATION OF AN URGENCY ORDINANCE EXTENDING AN INTERIM MORATORIUM ON THE APPLICATION FILING, PROCESSING, APPROVAL AND ISSUANCE OF PERMITS FOR MULTIPLE-FAMILY DWELLING PROJECTS THROUGH JANUARY 17, 2018

Community Development Director Fred Ramirez presented the staff report. He and Assistant City Attorney Lloyd Pilchen replied to questions from Councilmembers.

Mayor Gonzales declared the Public Hearing open and called for public testimony.

Mel Wilson, local realtor, again urged that the City Council not vote in favor of the moratorium and that they think about the unintended consequences (i.e., hurting workers).

Mary Mendoza asked that the City Council continue the moratorium; Councilmembers are here to represent residents and not realtors nor special interests.

Assistant City Attorney Padilla clarified that a comment made earlier (under Public Comments) would be reflected on the record as well.

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

Discussion ensued amongst Councilmembers and staff.

Motion by Vice Mayor Fajardo, seconded by Councilmember Ballin, to waive full reading and adopt Urgency Ordinance No. U-1662 by title, “An Urgency Ordinance of the City Council of the City of San Fernando Extending an Interim Moratorium on the Application Filing, Processing, Approval and Issuance of Permits for Multiple-Family Dwelling Projects Through January 17, 2018”, and waive further reading.

The motion carried with the following vote:

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

ADMINISTRATIVE REPORTS (CONTINUED)

- 9) CONSIDERATION TO ADOPT A RESOLUTION CALLING FOR THE SUBMISSION OF A BALLOT MEASURE FOR THE MARCH 7, 2017 GENERAL MUNICIPAL ELECTION TO CONVERT THE ELECTIVE OFFICE OF CITY TREASURER INTO AN APPOINTIVE OFFICE

Assistant City Attorney Padilla presented the staff report and replied to questions from Councilmembers. He clarified that there will be a 2017 election for City Treasurer and the person elected will complete a four-year term. If that person were to step down or vacate the office within the four years, then that would accelerate the appointment period.

Motion by Councilmember Lopez, seconded by Councilmember Ballin, to approve staff's recommendation:

- a. Adopt Resolution No. 7774 supplementing City Council Resolution No. 7773 to include the submission to the voters of the City of San Fernando a ballot measure to convert the elective office of City Treasurer into an appointive office;
- b. Introduce for first reading, in title only, and waive further reading of Ordinance No. 1663 titled, “An Ordinance of the City Council of the City of San Fernando, California, Amending Article III (Officers and Employees) of the San Fernando City Code and Other Provisions to Reflect the Conversion of the Elective Office of City Treasurer to an Appointive Offices as Authorized by the Voters of the City of San Fernando Pursuant to Government Code Section 36508 Through 36510 at the City's General Municipal Election of March 7, 2017”.

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The motion carried with the following vote:

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

By consensus, direction was provided to both Mayor Gonzales and Vice Mayor Fajardo to author a ballot argument on behalf of the City Council.

10) CONSIDERATION TO RECLASSIFY THE TREASURER ASSISTANT TO TREASURY MANAGER AND REDUCE THE ROLE AND RESPONSIBILITY OF THE ELECTED CITY TREASURER

Finance Director Nick Kimball presented the staff report. Both he and City Manager Saeki and replied to questions from Councilmembers.

Motion by Councilmember Ballin, seconded by Councilmember Lopez, to:

- a. Adopt Resolution No. 7769 establishing the job specification for a Treasury Manager position;
- b. Adopt Resolution No. 7770 amending the salary plan to remove the Treasurer Assistant position, and add the Treasury Manager position;
- c. Adopt Resolution No. 7771 amending the table of organization to remove the Treasurer Assistant and Office Clerk from the Administration Department and add the Treasury Manager and Office Clerk to the Finance Department;
- d. Introduce for first reading, in title only, and waive further reading of Ordinance No. 1664 titled, “An Ordinance of the City Council of the City of San Fernando, California, Amending Section 2-192 (City Treasurer’s Salary) of Division 4 (City Treasurer) of Article III (Officers and Employees) of Chapter 2 (Administration) of the San Fernando City Code of Ordinances Relating to the City Treasurer’s Salary”; and
- e. Authorize the City Manager to reclassify the incumbent Treasurer Assistant to Treasury Manager, make non-substantive edits and execute all related documents.

The motion carried with the following vote:

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

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11) DISCUSSION REGARDING COMMERCIAL CANNABIS ACTIVITIES

City Manager Saeki provided background information regarding this item. Due to the passage of Proposition 64, Councilmember Ballin requested to agendaize this for discussion of possible opportunities to consider commercial cannabis cultivation in the City.

Discussion ensued amongst Councilmembers, staff, and Assistant City Attorney Padilla.

City Manager Saeki suggested that staff report back (possibly by the next meeting) with a plan/process for consideration regarding possible alternatives that could be considered by the City Council when evaluating whether to allow limited commercial cannabis uses in the City.

12) LETTER TO NORTH DAKOTA GOVERNOR JACK DALRYMPLE IN OPPOSITION OF THE DAKOTA ACCESS PIPELINE

This item was pulled under Approval of Agenda.

13) DISCUSSION REGARDING COMMISSIONER STIPEND

Councilmember Ballin requested that, in the interest of time, this item be moved over to the January agenda.

CITY COUNCIL - LIAISON UPDATES

Councilmember Ballin reported that she attended a conference all week regarding California Association of Water Agencies and was recently on a panel at Reseda High School to discuss the drought and water conservation efforts.

Vice Mayor Fajardo said that he attended the Chamber Mixer this last week (it was great to see the business community doing well) and he went to the grand opening of Holly's Trolley.

Mayor Gonzales reported that he could not attend the Independent Cities Association winter seminar due to the City's tree lighting ceremony, but encouraged Councilmembers to attend if possible.

DEPARTMENT HEADS - COMMISSION UPDATES

Community Development Director Ramirez reported that in the coming year, there's a potential alcohol CUP for CVS Pharmacy (former Jimmy's Place), Papa Juan's expansion at Library Plaza, and the homeless count will take place in January.

City Clerk Chávez reported that the Education Commission met last week (continued discussion regarding scholarships), and she stated that the nomination period for 2017 candidates will close on Monday.

GENERAL COUNCIL COMMENTS

Councilmember Soto wished everyone a Merry Christmas and is pleased that lights are up on Maclay Ave. (he hopes that next year, they go all the way to the gateway and to the Downtown Mall). He wished everyone happy holidays.

Councilmember Lopez also wished everyone happy holidays and thanked staff for their hard work.

Vice Mayor Fajardo thanked City Manager Saeki for his tenure and wished him the best of luck in his next venture. He wished staff, and remaining audience members, a happy holiday season and new year.

Mayor Gonzales thanked City Manager Saeki and staff for their work, said it's an exciting time in San Fernando, and although they don't always get along, believes that Councilmembers are making correct decisions for the City and moving forward. He also wished everyone a Merry Christmas and happy new year and he looks forward to next year.

Councilmember Ballin asked to close the meeting in memory of Andres Chávez, who wrote more than 400 articles and commentaries for our community newspaper and is one of the first handfuls of Chicano activists who paved the way for the younger generations.

Councilmembers called for a moment of silence for Mr. Chávez.

RECESS TO CLOSED SESSION (1:40 A.M.)

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

- 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
Assistant 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

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B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

G.C. §54956.8

Property Location: Lopez Villegas House Building located at 1320 San Fernando Road,
City of San Fernando (APN 2521-016-900)

Agency Negotiator: City Manager Brian Saeki, Lead Negotiator

Negotiating Parties: Gerardo Ascencio

Under Negotiation: Discussion of both price and terms of payment for sale of subject
property.

C. PUBLIC EMPLOYEE APPOINTMENT

G.C. §54957

Title: Interim City Manager/City Manager

RECONVENE/REPORT OUT FROM CLOSED SESSION (1:59 A.M.)

Assistant City Attorney Padilla reported that all Councilmembers were present for Items A and B. Councilmember Soto was present for part of Item C, but left early and did not participate on the final vote regarding the selection of an Interim City Manager.

Assistant City Attorney Padilla reported the following:

Item A – The City Council received a general update by the City Manager; no final action taken.

Item B – The City Council received an update from staff regarding the status of negotiations; no final action taken.

Item C – The City Council, by a vote of 4 to 1 (Councilmember Soto – No), voted to waive the 45–day notice requirement set forth in the employment contract of incumbent City Manager Saeki regarding his possible resignation from the City of San Fernando to accept employment elsewhere.

The City Council, by a vote of 4 to 0 (Councilman Soto – Absent), took the following action:

- Conditioned upon incumbent City Manager Brian Saeki consummating his acceptance of employment with the City of Covina, the City Council appointed Finance Director Nick Kimball to serve as Interim City Manager (commencing upon City Manager Saeki's departure date which the City understands to be December 31, 2016).
- The City Council authorized the engagement of a temporary 960 retiree to assist the Finance Department with its administrative workload during the period of time that Mr. Kimball is charged with Interim City Manager duties.
- Chris Marcarello is to continue to serve in his capacity as Deputy City Manager.

ADJOURNMENT (1:59 A.M.)

By consensus, the meeting adjourned

I do hereby certify that the foregoing is a true and correct copy of the minutes of December 5, 2016, meeting as approved by the San Fernando City Council.

Elena G. Chávez
City Clerk