

**SAN FERNANDO CITY COUNCIL
MINUTES**

**JULY 17, 2017 – 6:00 P.M.
REGULAR MEETING**

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

CALL TO ORDER/ROLL CALL

Mayor Sylvia Ballin called the meeting to order at 6:08 p.m.

Present:

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

Staff: Interim City Manager Nick Kimball, Assistant City Attorney Richard Padilla, and City Clerk Elena G. Chávez

PLEDGE OF ALLEGIANCE

Led by San Fernando Police Explorer Alberto Barragan

APPROVAL OF AGENDA

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

PRESENTATIONS

The following presentations were made:

- a) PARKS & RECREATION MONTH – JULY
- b) CERTIFICATE OF RECOGNITION – REVA GILMORE, RETIRED LAS PALMAS PARK SENIOR NUTRITION PROGRAM MANAGER

PUBLIC STATEMENTS – WRITTEN/ORAL

Patty Lopez expressed opposition to salary increases, said the recent lawsuit settlement was wasted money and the City Council needs to vote in the best interest of the residents.

SAN FERNANDO CITY COUNCIL

MINUTES – July 17, 2017

Page 2

Lupita Camacho stated that mall merchants lose business during filming, more money was spent on the lawsuit than business areas, and asked that the Council do something for the merchants.

Brenda Perez is upset that the 2014 Police Chief job specification was changed to allow for a G.E.D. or high school diploma but the salary remained the same, and she stated that the \$62,500 settlement is for a frivolous lawsuit.

Jaime Soto (speaking as a resident/citizen) said that it is a disgrace and waste of taxpayer's money that the Council will be giving Yolanda Haro \$62,500, Councilmembers need to be recalled, and said there needs to be a federal investigation regarding the City Attorney.

Responding to Councilmember Soto's comment, Mayor Ballin stated that both he and his attorney agreed to the settlement.

At this time, Interim City Manager Kimball said that if anyone has questions regarding the settlement, to feel free to contact his office and they could also request a copy of the public document.

Louis Lopez talked about the recent town hall meeting and bogus lawsuit, said that police response time is terrible, and he expressed concern regarding the proposed granny flats and 759 houses that cannot be supported by the current sewer system.

Benita Rivera thanked Reva Gilmore, complained about Las Palmas Park (sidewalks are lifted and people have fallen) and she thanked Councilmember Soto for donating cake for their celebration event.

Mary Mendoza said that the Council has an obligation to the citizens and are held to a strict standard of behavior (i.e., no conflict of interest). Before making a decision, there should be a complete vetting of facts and Council should reconsider their decision and appeal the settlement.

Dee Akemon said she believes that Chief Vairo is doing an outstanding job and spoke against Item No. 16 on the agenda.

Gustavo Franco said that this was not the time to give the Police Chief a raise and agreed there should be Spanish translators at these meetings.

Jason Hayes said the community loves and respects our police officers but he believes the department is understaffed and funds should be used for hiring new officers (instead of raises for the top brass), and thanked Councilmembers for attending the recent town hall meeting.

Maricela Rodriguez said she is surprised that the City does not provide Spanish interpretation services at each meeting, talked about traffic lights and parking issues, said there is trash everywhere (suggested getting rid of the refuse company).

Jesse Avila said everyone is here due to the actions of one Councilmember who should be held accountable and take responsibility for his actions, and he spoke against changing the current form of government.

SAN FERNANDO CITY COUNCIL

MINUTES – July 17, 2017

Page 3

Anahi Sostenes said that her family was never aware of the lawsuit (it's not fair to residents), people are not feeling comfortable and there is going to be a recall.

Margarita Cervacio said it's embarrassing that the City is giving \$62,500 to Yolanda Haro, but yet she said she fell on the street, had to go to the hospital, and the City did nothing for her.

Ronnie Veliz said that his partner is undocumented and it's heartbreaking that San Fernando does not have an official status as a sanctuary for all immigrants, and suggested that funding be redirected to youth, anger management, and anti-hate crimes.

Julie Cuellar talked about her concern regarding department heads leaving the City and believes there should be a Spanish translator at every meeting.

Mayra Todd said she's ashamed that the streets are full of trash, talked about a negative experience she had with the police department in Van Nuys, and believes that the Council should support the community.

Ricardo Benitez, Sylmar, talked about a recent town hall meeting held by Councilmember Soto and spoke about the \$62,000 settlement agreement.

Tom Ross, Chamber of Commerce, spoke against Item No. 16 and believes that the City is doing Councilmember Soto a favor by settling the lawsuit.

Angel Granados, 38-year resident, talked about his volunteer work with the Police Department and on the City's Transportation and Safety Commission, and talked about his daughter who is now a San Fernando Police Officer.

CITY COUNCIL - LIAISON UPDATES

Skipped.

CONSENT CALENDAR

Motion by Councilmember Fajardo, seconded by Councilmember Gonzales, to approve the following Consent Calendar Items:

- 1) REQUEST TO APPROVE THE MINUTES OF:
 - a) MAY 16, 2016 – REGULAR MEETING
 - b) APRIL 17, 2017 – REGULAR MEETING
 - c) JUNE 19, 2017 – REGULAR MEETING
 - d) JULY 11, 2017 – SPECIAL MEETING

SAN FERNANDO CITY COUNCIL

MINUTES – July 17, 2017

Page 4

- 2) CONSIDERATION TO ADOPT RESOLUTION NOS. 17-071 AND 17-072 APPROVING THE WARRANT REGISTERS OF JULY 3, 2017 AND JULY 17, 2017, RESPECTIVELY
- 3) CONSIDERATION TO APPROVE THE PURCHASE OF GIS MAPPING SOFTWARE FOR THE 9-1-1 COMMUNICATION CENTER
- 4) CONSIDERATION TO APPROVE THE PURCHASE AND INSTALLATION OF EQUIPMENT INTO TWO POLICE PATROL VEHICLES

By consensus, the motion carried.

ADMINISTRATIVE REPORTS

By consensus, the following item was moved up.

- 7) CONSIDERATION OF RECOMMENDATIONS BY VISTA DEL VALLE AD HOC COMMITTEE FOR THE VALET PROGRAM

Interim City Manager Kimball presented the staff report. Both he and Local District Northeast Superintendent Linda Del Cueto replied to questions from Councilmembers.

Motion by Councilmember Fajardo, seconded by Councilmember Gonzales, to allow staff to execute a Memorandum of Understanding with the additional recommendations provided by Councilmembers Gonzales and Fajardo which reference the study and distribution of traffic. By consensus, the motion carried.

RECESS (8:08 P.M.)

By consensus, Councilmembers recessed to continue with items listed on the Special meeting agenda.

RECONVENE (9:19 P.M.)

By consensus, the Regular meeting was reconvened.

PUBLIC HEARING

- 5) CONSIDERATION TO ADOPT A RESOLUTION FOR THE PLACEMENT OF LIENS ON REAL PROPERTY FOR NON-PAYMENT OF RESIDENTIAL SOLID WASTE COLLECTION SERVICES BILLINGS

Mayor Ballin declared the Public Hearing open.

SAN FERNANDO CITY COUNCIL

MINUTES – July 17, 2017

Page 5

Interim City Manager Kimball presented the staff report and replied to questions from Councilmember Fajardo.

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

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

Motion by Councilmember Gonzales, seconded by Vice Mayor Lopez, to adopt Resolution No. 7805 authorizing the placement of a lien against real property as a special assessment on property tax bills for the collection of delinquent solid waste billings. By consensus, the motion carried.

6) **CONSIDERATION TO ADOPT URGENCY ORDINANCE NO. U-1666 MAKING FINDINGS AND ESTABLISHING DEVELOPMENT STANDARDS FOR ACCESSORY DWELLING UNITS NOTED IN SAID URGENCY ORDINANCE CONSISTENT WITH RECENTLY ADOPTED STATE LAW**

Mayor Ballin declared the Public Hearing open.

Interim Senior Planner Humberto Quintana presented the staff report. Both he and Interim City Manager Kimball replied to questions from Councilmembers.

Assistant City Attorney Joaquin Vazquez also made a brief presentation and discussion ensued amongst Councilmembers.

Mayor Ballin called for public testimony.

Patty Lopez said it's shameful that Councilmembers do not listen to residents and believes that Councilmember Fajardo should recuse himself because he's in real estate.

Brenda Perez said it's ironic that Council is talking about money but aren't thinking about the lawsuit and are giving the Police Chief a raise instead of fighting for things that will benefit the community.

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

Discussion ensued amongst Councilmembers, staff, and legal counsel.

Assistant City Attorney Vazquez reiterated that Government Code Section 65852.2. states that cities may adopt more restrictions (such as the current proposed ordinance). Otherwise, since January 1st, there is a minimal criterion that the City is required to abide by and applications have to be considered under those standards.

Motion by Councilmember Fajardo, seconded by Councilmember Gonzales, to waive full reading and adopt Urgency Ordinance No. U-1666 by title, "An Urgency Ordinance of the City

SAN FERNANDO CITY COUNCIL

MINUTES – July 17, 2017

Page 6

Council of the City of San Fernando, California, amending provisions of Chapter 106 (Zoning), Article III (Zones), Division 2 (R-1 Single-Family Residential Zone) of the San Fernando Municipal Code relating to the regulation of Accessory Dwelling Units (also referred to as Second Dwelling Units) and making other harmonizing amendments to Chapter 106 (Zoning), Article III (Zones), Division 2 (R-1 Single Family Residential Zone) of the San Fernando Municipal Code in Recognition of the same.”, with the following provisions: that staff and the consultant include clarifications on items discussed most specifically that the ADU shall not have its exterior entrance visible from the street or feasible that an owner-occupied unit shall be understood to mean a unit in which the owner resides in part of the unit and where if a unit is not owner-occupied, the owner has the right to vacate that unit.

The motion carried with the following vote:

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

ADMINISTRATIVE REPORTS (CONTINUED)

By consensus, the following item was moved up.

11) CONSIDERATION TO APPROVE CO-SPONSORSHIP AND USE OF CITY SEAL FOR THE 3RD ANNUAL SAN FERNANDO CHILE FESTIVAL WITH THE SAN FERNANDO VALLEY CIVIC ASSOCIATION

San Fernando Valley Civic Association representatives Vanessa Ceballos and Julie Cardoso provided information regarding the festival.

In response to Councilmember Fajardo’s question, Ms. Ceballos reported that the event is run by the non-profit SFVCA and the idea is to give back money to the community in the form of scholarships.

In response to Councilmember Fajardo’s question regarding a breakdown of costs to ensure working towards sustainability, Interim City Manager Kimball replied that the City may condition the approval and request a revenue profit/loss expenditure statement.

Motion by Councilmember Fajardo, seconded by Councilmember Gonzales, to:

- a. Approve Co-Sponsorship of the 3rd Annual San Fernando Chile Festival with the San Fernando Valley Civic Association;
- b. Approve the use of the City Seal on San Fernando Chile Festival print material pursuant to City Council Resolution No. 6904;

SAN FERNANDO CITY COUNCIL

MINUTES – July 17, 2017

Page 7

- c. Approve the Chile Festival location, which includes closing portions of Brand Boulevard and Parking Lots 8 and 10; and
- d. Authorize the Interim City Manager to issue a Special Event Permit; and
- e. Require that staff follow up, get feedback from businesses, and a copy of the revenue profit/loss expenditure statement for future reference.

By consensus, the motion carried.

- 8) **CONSIDERATION TO ADOPT AN ORDINANCE CHANGING THE DATE OF CITY GENERAL MUNICIPAL ELECTIONS FROM THE FIRST TUESDAY AFTER THE FIRST MONDAY IN MARCH OF ODD-NUMBERED YEARS TO THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF EVEN-NUMBERED YEARS BEGINNING NOVEMBER 8, 2022 AND MAKING CORRESPONDING AMENDMENTS TO ELECTED OFFICIAL TERMS**

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

Discussion ensued amongst Councilmembers whether to keep the election date in 2022 or move it up to 2018 (affecting three Councilmembers by reducing their terms of office).

Motion by Councilmember Fajardo, seconded by Councilmember Soto, to approve and introduce for first reading, in title only, and waive further reading of Ordinance No. 1667, “An Ordinance of the City Council of the City of San Fernando Changing the Date of City General Municipal Elections from the First Tuesday after the First Monday in March of Odd-Numbered Years to the First Tuesday after the First Monday in November of Even-Numbered Years Beginning November 8, 2022 and Making Corresponding Amendments to Elected Official Terms.”

The motion failed with the following vote:

AYES:	Fajardo, Soto – 2
NOES:	Gonzales, Lopez, Ballin – 3
ABSENT:	None

Motion by Vice Mayor Lopez, seconded by Councilmember Gonzales, to direct staff to bring back an ordinance to changing the General Municipal Election date beginning November 2018.

The motion carried with the following vote:

AYES:	Gonzales, Lopez, Ballin – 3
NOES:	Fajardo, Soto – 2
ABSENT:	None

- 9) **PRESENTATION ON THE URBAN WATER MANAGEMENT PLAN AND NITRATE REMOVAL SYSTEM PROJECT**

SAN FERNANDO CITY COUNCIL

MINUTES – July 17, 2017

Page 8

Public Works Management Analyst Ken Jones presented the staff report.

Both he and Public Works Superintendent Tony Salazar replied to questions from Councilmembers.

By consensus, Councilmembers concurred to receive and file the report.

10) CONSIDERATION TO APPROVE CO-SPONSORSHIP AND USE OF THE CITY SEAL FOR A FRUIT TREE GIVEAWAY FESTIVAL EVENT WITH TREEPEOPLE

Interim City Manager Kimball presented the staff report.

Motion by Vice Mayor Lopez, seconded by Mayor Ballin, to:

- a. Approve Co-Sponsorship of the Fruit Tree Giveaway Festival Event with TreePeople on January 20, 2018; and
- b. Approve the use of the City Seal on the Fruit Tree Giveaway Festival Event print material pursuant to City Council Resolution No. 6904.

By consensus, the motion carried.

12) CONSIDERATION TO APPROVE CHANGE ORDERS AND INCREASE THE PROJECT BUDGET FOR ALEXANDER STREET IMPROVEMENTS BETWEEN FIRST STREET AND FOURTH STREET, CDBG PROJECT NO. 601819-16 JOB NO. 7596, PLAN NO. P-723

Interim City Manager Kimball presented the staff report and replied to questions from Councilmember Soto.

Motion by Councilmember Gonzales, seconded by Councilmember Fajardo, to:

- a. Adopt Resolution No. 7804 appropriating \$65,000 from the CDBG Unallocated Fund Balance to increase the total project budget for the Alexander Street Improvements Project to \$290,000;
- b. Approve a contract amendment (Contract No. 1847(a)) and necessary change orders with All American Asphalt in the amount of \$107,021 for a total contract amount of \$251,000; and
- c. Authorize the Interim City Manager to sign the change orders and execute the contract amendment.

By consensus, the motion carried.

Motion by Mayor Ballin, seconded by Councilmember Fajardo, to table Item No.s 13-22 (with the exception of No. 17) to the next meeting.

SAN FERNANDO CITY COUNCIL

MINUTES – July 17, 2017

Page 9

- 13) CONSIDERATION TO TAKE VARIOUS ACTIONS IN SUPPORT OF THE PARIS AGREEMENT
- 14) CONSIDERATION TO REDISTRIBUTE INDEPENDENT CITIES FINANCE AUTHORITY'S COMMUNITY OUTREACH PROGRAM FUNDS FOR A VETERANS RECOGNITION EVENT AND EDUCATION COMMISSION SCHOLARSHIPS
- 15) CONSIDERATION TO APPROVE A LETTER OF OPPOSITION TO SOUTHERN CALIFORNIA EDISON'S 2018 GENERAL RATE INCREASE BEING PROPOSED TO THE PUBLIC UTILITIES COMMISSION
- 16) DISCUSSION REGARDING REINSTITUTION OF THE CITY ADMINISTRATOR POSITION AND ABSOLVING THE CITY MANAGER FORM OF GOVERNMENT
- 17) PRESENTATION REGARDING ASSEMBLY BILL 2685 AND SENATE BILL 1069
- 18) REQUEST FOR AN UPDATE PERTAINING TO SEWER SYSTEM REPAIRS TO SEVENTH STREET, FOURTH STREET, AND HUBBARD AVENUE
- 19) REQUEST FOR UPDATE REGARDING THE MOTORBIKE OFFICER PROGRAM
- 20) REQUEST TO POSTPONE SALARY INCREASES FOR CITY COUNCIL AND DEPARTMENT HEADS UNTIL PERMANENT EXECUTIVE POSITIONS ARE FILLED
- 21) DISCUSSION REGARDING ELECTED OFFICIALS' AND CITY STAFF'S PARTICIPATION IN THE SAN FERNANDO POLICE DEPARTMENT NATIONAL NIGHT OUT EVENT
- 22) REQUEST FOR AN UPDATE PERTAINING TO HOMELESS ACTIVITY IN THE CITY AND POLICE RESPONSE TIMES

The motion carried with the following vote:

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

DEPARTMENT HEADS - COMMISSION UPDATES

No discussion.

GENERAL COUNCIL COMMENTS

No discussion.

SAN FERNANDO CITY COUNCIL

MINUTES – July 17, 2017

Page 10

STAFF COMMUNICATION

No discussion.

ADJOURNMENT (11:35 P.M.)

Motion by Mayor Ballin, seconded by Councilmember Gonzales, to adjourn the meeting. By consensus, the meeting was adjourned.

I do hereby certify that the foregoing is a true and correct copy of the minutes of July 17, 2017, meeting as approved by the San Fernando City Council.

Elena G. Chávez, CMC
City Clerk