

**SAN FERNANDO CITY COUNCIL
MINUTES**

**DECEMBER 12, 2019 – 5:00 P.M.
SPECIAL MEETING**

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

CALL TO ORDER/ROLL CALL

Mayor Joel Fajardo called the meeting to order at 5:00 p.m.

Present:

Council: Mayor Joel Fajardo, and Councilmembers Sylvia Ballin, Robert C. Gonzales and Mary Mendoza

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

Absent: Vice Mayor Hector A. Pacheco

PLEDGE OF ALLEGIANCE

Led by Mayor Fajardo

APPROVAL OF AGENDA

Motion by Councilmember Ballin, seconded by Councilmember Mendoza, to approve the agenda. By consensus, the motion carried.

PUBLIC STATEMENTS – WRITTEN/ORAL

None

CONSENT CALENDAR

Motion by Councilmember Ballin, seconded by Councilmember Mendoza, to approve the Consent Calendar Item:

- 1) CONSIDERATION TO ADOPT A RESOLUTION APPROVING THE WARRANT REGISTER

By consensus, the motion carried.

RECESS TO CLOSED SESSION (5:01 P.M.)

RECONVENE (5:17 P.M.)

Mayor Fajardo announced Council may enter into closed session again and the City Attorney will read out from Closed Session when all Closed Session items are complete.

ADMINISTRATIVE REPORTS

- 2) CONSIDERATION TO APPROVE A FRANCHISE AGREEMENT FOR TOWING AND STORAGE SERVICES

City Manager Kimball and Lieutenants Chris Colleli and Nichole Hanchet presented the staff report and responded to questions from Councilmembers.

Discussion followed regarding the benefits of being able to see the pictures from the inspections, ownership and entrance of the Onyx Collision Center in relation to Mid Valley Towing, offering the most convenience to residents and differences between the service providers.

Assistant City Attorney Richard Padilla reported there was no requirement to be a Certified Police Garage in the RFQ, but it would not be inappropriate to take that into consideration and could be done for future RFQs.

Councilmember Ballin reported she reviewed all records relative to this matter.

Mayor Fajardo felt the additional information did not change his support of staff's recommendations and agreed Black and White Towing would be the best service provider for the community in terms of proximity and fees, adding that he would rather have lower fees for the consumer rather than higher revenues for the City. He commented on the merits of the other providers but noted the benefits of the security offered by Black and White Towing.

Motion by Councilmember Ballin, seconded by Councilmember Gonzales, to approve the following:

- a. Approve a Franchise Agreement for Vehicle Towing and Storage Services between the City and Black & White Towing, Inc. (Contract No. 1937) for a term of five years; and
- b. Authorize the City Manager, or designee, to make non-substantive changes and execute all related documents.

Subject to the following additional conditions:

1. That the City issue another RFQ/RFP in four years (January 21, 2024) for a contract to be awarded no later than the first City Council meeting of October 2024 and effective starting January 1, 2025;
2. That an Ad Hoc Committee be formed no later than the first City Council meeting of January 2024 and to be part of the review and preparation to guide the development of the RFQ/RFP;
3. To have the RFQ/RFP issued no later than February 2024;
4. That the radius restrictions under the subsequent RFQ/RFP be expanded to ten miles as opposed to the current five miles; and
5. That staff inform City Council of any raises in fees.

The motion carried with the following vote:

AYES: Gonzales, Mendoza, Ballin, Fajardo – 4
NOES: None
ABSENT: Pacheco – 1

3) **CONSIDERATION TO SUBMIT A BALLOT ARGUMENT RELATED TO THE BALLOT MEASURE TO BAN MARIJUANA BUSINESS ACTIVITY IN THE CITY AND PROVIDE RELATED BALLOT INFORMATION TO THE COMMUNITY**

Mayor Fajardo announced the agenda includes staff's version of a proposed argument in favor of Measure MJ and the Ad Hoc Committee also formulated a version which was emailed and blind-copied to Councilmembers. He indicated the version formulated by the Ad Hoc Committee is clearer and more concise than the version included in the agenda. Councilmembers requested hard copies of both versions and a recess was called to allow Councilmembers a chance to review them.

RECESS (6:05 P.M.)

RECONVENE (6:14 P.M.)

Discussion followed regarding comparisons of the two versions, and Councilmembers recommended edits.

Councilmember Gonzales referenced a statement that marijuana increases crime and noted a recent study showing that crime does not increase, and burglaries decreased after it became legal.

San Fernando Police Chief Vairo discussed incidents in the City of Los Angeles relative to crimes occurring in cannabis retail locations, agreed with Councilmember Gonzales in terms of the recently-released study but noted the need for more information and studies.

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Councilmember Gonzales noted there is potential for illegal activities with almost any business and felt the statement should not be included in the argument.

Assistant City Attorney Padilla discussed what can and cannot be in a ballot argument under the California Elections Code and did not feel including the language would create any sort of legal exposure to the City.

City Council continued to suggest edits to the ballot argument document.

Motion by Mayor Fajardo, seconded by Councilmember Mendoza, to approve the Ballot Argument with the proposed edits and allow any Councilmember to sign onto it, as desired.

The motion carried with the following vote:

AYES:	Mendoza, Ballin, Fajardo – 3
NOES:	None
ABSTAIN:	Gonzales - 1
ABSENT:	Pacheco – 1

Mayor Fajardo reported the Ad Hoc Committee worked on a notice to be distributed to residents in the water bill, in coordination with the City Attorney and Assistant City Attorney Padilla provided his input regarding the communication adding it would not be inappropriate for the City Council to send out neutral information about what the ballot measure does and does not do, provided it is done so through an existing distribution means. He commented positively regarding the specific document and noted it will be supplemented by an impartial analysis.

Councilmembers offered changes to the document in cooperation with the City Attorney.

Mayor Fajardo announced Council will consider Item No. 4 at this time; reported that subsequently, Council will take a brief recess and will return to continue discussion on the document to be distributed to residents in their water bills regarding Measure MJ.

4) DISCUSSION REGARDING START TIME FOR CLOSED SESSION ITEMS

Councilmember Ballin discussed challenges with Councilmembers attending Closed Sessions and asked for Council's support in having those scheduled at 5:00 p.m., prior to Council meetings.

Discussion followed regarding the benefits of having Closed Sessions early.

Mayor Fajardo spoke about giving Vice Mayor Pacheco weigh in on the subject, as he may have conflicts with work and would be potentially blocked from attending. He proposed Council discuss the item again, no later than Council's second meeting in January 2020.

Motion by Councilmember Ballin, seconded by Councilmember Gonzales, to begin Closed Sessions at 5:00 p.m.

The motion carried with the following vote:

AYES: Gonzales, Mendoza, Ballin – 3
NOES: Fajardo - 1
ABSENT: Pacheco – 1

RECESS TO CLOSED SESSION (7:02 P.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 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

B) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

G.C. §54956.9(d)(2) AND 54956.9(e)(1)

One (1) Matter

RECONVENE/REPORT OUT FROM CLOSED SESSION (7:26 P.M.)

Assistant City Attorney Padilla reported the following:

Items A & B – Updates were provided by staff, general direction was given, and no Council action was taken.

Mayor Fajardo announced discussion will continue regarding Item No. 3.

ADMINISTRATIVE REPORTS

3) CONSIDERATION TO SUBMIT A BALLOT ARGUMENT RELATED TO THE BALLOT MEASURE TO BAN MARIJUANA BUSINESS ACTIVITY IN THE CITY

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**AND PROVIDE RELATED BALLOT INFORMATION TO THE COMMUNITY
(CONTINUED)**

Mayor Fajardo noted Councilmember Ballin's recommendation to redelegate the item to the Ad Hoc Committee and presented a motion for consideration.

Motion by Mayor Fajardo, seconded by Councilmember Ballin, to direct staff to use the general template for the related ballot information to be distributed to the community in the water bill, as edited by City Council and give the Ad Hoc Committee the power to make changes, in connection with working with staff and the City Attorney to ensure that it is impartial, and to allow the line that reads, "Consideration to ban all marijuana/cannabis business activities", to potentially be the second line, to give staff authority to create a Spanish version and to edit any formatting.

The motion carried with the following vote:

AYES:	Fajardo, Gonzales, Mendoza, Ballin – 4
NOES:	None
ABSENT:	Pacheco – 1

ADJOURNMENT (7:31 P.M.)

Motion by Councilmember Ballin, seconded by Councilmember Gonzales, to adjourn the meeting. By consensus, the motion carried.

I do hereby certify that the foregoing is a true and correct copy of the minutes of December 12, 2019, meeting as approved by the San Fernando City Council.

*Elena G. Chávez, CMC
City Clerk*