

**SAN FERNANDO CITY COUNCIL
MINUTES**

**DECEMBER 2, 2019 – 6:00 P.M.
REGULAR 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 6:05 p.m.

Present:

Council: Mayor Joel Fajardo and Councilmembers Robert C. Gonzales, Mary Mendoza, and Hector A. Pacheco

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

Absent: Vice Mayor Sylvia Ballin

PLEDGE OF ALLEGIANCE

Led by Cub Scout Pack 911

APPROVAL OF AGENDA

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

PRESENTATIONS

The following presentation was made:

- a) RECOGNITION OF DIA DE LOS MUERTOS 5K WINNERS

PUBLIC STATEMENTS – WRITTEN/ORAL

Arturo Garcia, field representative for Assemblymember Luz Rivas, provided district information and updates on their activities.

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Leticia Bianchi, San Fernando Loan, reported joining the Downtown Mall Association, urged the City to work with the Association to revitalize the mall.

Marco Solis, Jim's Western Wear, spoke in support of revitalizing the downtown mall.

Michelle Vergara, field representative for Congressman Tony Cardenas, provided district information and updates on their activities.

Christina Bernal, Throwback Junction, President of the Downtown Mall Association, spoke in support of revitalizing downtown.

Tom Ross, on behalf of the Downtown Mall Association, spoke in support of the City working closely with the Association to revitalize downtown.

Jessie Elias, Mid Valley Towing, discussed his company's bid for City towing services, said they were never inspected and stated they have remodeled since their last inspection five years ago (this was not noted on the City's evaluation matrix). He believes the contract was predetermined before they submitted their bid and urged Council to reconsider his application.

Priscilla Estrada, Crossfit 90, spoke in support of the Downtown Mall Association and looked forward to working closely with the City to revitalize downtown.

Adriana Gomez, Vice President of the Downtown Mall Association, read a statement from member Sarah Ro, on behalf of Mob HQ, encouraging the City to work with the Association to revitalize downtown and upgrade the MOU.

David Bernal spoke regarding a mural by the 218 Freeway exit on San Fernando Rd., discussed the need for cleaning up the area around the MetroLink route, and urged the City to consider doing something to beautify the area.

Mike Sinanyan, Mid Valley Towing, referenced the company's bid for a towing contract with the City and noted their application stated they would give 10% to the City from storage charged.

CONSENT CALENDAR

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

- 1) CONSIDERATION TO ADOPT A RESOLUTION APPROVING THE WARRANT REGISTER
- 2) CONSIDERATION TO APPROVE CO-SPONSORSHIP OF THE EARTH DAY NETWORK GREEN CITY PROGRAM FOR THE 50TH ANNIVERSARY OF EARTH DAY AND THE USE OF THE CITY SEAL

3) **CONSIDERATION TO APPROVE CALENDAR YEAR 2020 BUSINESS PERMITS FOR CERTAIN BUSINESS ACTIVITIES AS REQUIRED BY THE CITY CODE**

By consensus, the motion carried.

ADMINISTRATIVE REPORTS

4) **CONSIDERATION TO APPROVE A FRANCHISE AGREEMENT WITH BLACK & WHITE TOWING, INC. FOR TOWING AND STORAGE SERVICES**

Police Chief Anthony Vairo announced that Lieutenants Chris Colleli and Nichole Hanchet would present the staff report.

Discussion followed regarding storage of impound records and verification of insurance.

Councilmember Pacheco suggested the agenda and presentation does not suggest impartiality and recommended using language that is not as persuasive as Council is supposed to evaluate the item, critically and factually.

In response to Councilmember Pacheco's inquiry regarding Mid Valley Towing, it was noted that staff did not do an on-site inspection but submitted photos of their evidence storage and they and they did not meet the qualifications for the RFQ based on their proximity from the Police Station.

Discussion ensued regarding developing the minimum qualifications established in the RFQ including the number of vehicles (capacity) to be stored, response times offered by each bidder, distance from the Police Station, distinctions between RFQs and RFPs, and the process involved in becoming an official police garage and the benefits.

Mayor Fajardo reported after reviewing the RFQ, he believed Black and White Towing Inc. is the best-qualified company to provide towing services for the City, agreed with Councilmember Pacheco's comments about staff being impartial in presentations, and discussed capacity and the convenience of choosing a provider that is close by.

In response to Councilmember's questions, Assistant City Attorney Padilla reported that the agreement is being presented by way of a resolution and would require three affirmative votes to pass, but could be reconsidered at an upcoming meeting without a resolution.

Mayor Fajardo invited public comments.

Jessie Elias, Mid Valley Towing, discussed challenges with being an official police garage and requirements, addressed oversight by the Police Commission, response times and insurance, and indicated his priority would be strictly to the City of San Fernando.

Robert Ordelhiede, President and CEO, Black and White Towing, reported providing all of the information required in the RFQ, noted treating every police call with top priority, addressed

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Police Commission oversight, added they maintain records up to 15 years and financial documents were not required in the RFQ.

Brief discussion followed regarding franchise fees.

Mayor Fajardo closed public comments and discussion briefly ensued.

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

- a. Adopt Resolution No. 7970 approving 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 execute all related documents.

The motion failed with the following vote:

AYES: Gonzales, Fajardo – 2
ABSTAIN: Pacheco, Mendoza – 2
ABSENT: Ballin – 1

Mayor Fajardo directed staff to bring the item back to City Council in a format requiring two affirmative votes and extend the current agreement until the end of February in case there are challenges in getting a quorum in December.

Direction was given to staff without objection.

Mayor Fajardo commended Lieutenant Chris Colleli for his service and congratulated him on his upcoming retirement.

- 5) UPDATE REGARDING EFFORTS TO WORK WITH THE MALL ASSESSMENT DISTRICT, INC. TO DRAFT A SUCCESSOR MEMORANDUM OF UNDERSTANDING TO SUPPORT AND FACILITATE AN EFFECTIVE DOWNTOWN MALL ASSOCIATION

City Manager Kimball presented the staff report and replied to questions from Councilmembers.

Discussion ensued pertaining to getting additional information regarding the necessary trash infrastructure, increasing the effectiveness of cleaning efforts in parking lots, quantifying staff hours on the matter going forward, considering potential changes in parking and parking fees, making sure the Association is given the tools to succeed, providing clarity about the assessment through the MOU, reaching out to the Spanish-speaking merchants, the importance of transparency, monthly board meetings and membership, board eligibility requirements, requiring diversity in the board and that the City be represented at board meetings, and formally updating the Council liaison to the Association.

Mayor Fajardo invited a representative of the Downtown Mall Association to the podium.

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Adriana Gomez, Vice President of the Downtown Mall Association, reported all Board Members speak Spanish, noted they distribute communications in both English and Spanish, and discussed diversity in the board and mall ambassadors.

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

- a. Draft a successor Memorandum of Understanding (MOU) to support and facilitate an effective Downtown Mall Association.
- b. Authorize the City Manager to approve reimbursement requests from the Mall Association for actual expenses, up to \$25,000, related to operating, marketing, event planning, and professional consultation services; and with a friendly amendment to continue the item through June 30th.
- c. To continue efforts in this direction come back around budget time with an MOU.

The motion carried with the following vote:

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

6) VETERANS BANNER PROGRAM UPDATE

Director of Recreation and Community Services Julian Venegas presented the staff report and replied to questions from Councilmembers.

Discussion followed regarding accommodating special requests, considering running the program through other months of the year (including Memorial Day, in May and July 4th), expanding the program to honor those currently serving or establishing a different program with specified parameters, considering installing the banners in June and leaving them up through November, having someone sing the National Anthem during the ceremony, adding chairs and mentioning the names of those honored and the possibility of offering hardship waivers.

Motion by Mayor Fajardo, seconded by Councilmember Mendoza, to approve Item No. 6 per staff recommendations and for the Ad Hoc Committee to continue looking for ways of potentially expanding the program.

By consensus, the motion carried.

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

City Manager Kimball presented the staff report and replied to questions from Councilmembers.

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Discussion followed regarding the importance of taking time to develop arguments for (and against) the measure, having the Ad Hoc Committee develop the argument for the measure since Council placed it on the ballot, having Councilmembers sign who are for the measure to show consensus on the argument, the deadline for submitting the documents, and the direction sought from Council.

In response to questions from Councilmembers, Assistant City Attorney Padilla noted that State law prohibits the City from engaging in any sort of advocacy for measures that it placed on the ballot and may provide neutral, impartial information.

Discussion followed regarding the types of information that could be dispersed.

Mayor Fajardo noted the direction would be to direct Assistant City Attorney Padilla to return to an upcoming Council meeting with a list of the types of information that could be disseminated and the possibility of including information in the water bill. He stressed the importance of being clear that a "no" vote means the matter stays at the discretion of the City Council and a "yes" vote takes it away from Council's discretion and places the matter back in the hands of the voters.

Motion by Mayor Fajardo, seconded by Councilmember Mendoza, to approve Item No. 7 with the understanding that the Ad Hoc Committee shall create the ballot argument in favor of the ballot measure (allowing any Councilmember to sign on if they choose), the Ad Hoc Committee to work with the City Attorney to provide impartial information, and at the City Attorney's discretion, to provide in a water bill.

The motion carried with the following vote:

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

8) UPDATE FROM SAN FERNANDO FLAVORED TOBACCO WORKING GROUP

Mayor Fajardo and City Manager Kimball presented the report.

Discussion ensued regarding considering best practices in other cities, directing staff to return to City Council (at the second meeting in January) with an ordinance for consideration of a ban, including funding for Code Enforcement, and provide outreach to and education for the community and retailers.

Direction was given without objection and no motion was taken.

**9) CONSIDERATION TO DISCUSS THE UNITED STATES SUPREME COURT CASE:
DEPARTMENT OF HOMELAND SECURITY V. REGENTS OF THE UNIVERSITY OF
CALIFORNIA REGARDING THE DEPARTMENT OF HOMELAND SECURITY'S
DECISION TO END THE DEFERRED ACTION FOR CHILDHOOD ARRIVALS
(DACA) POLICY**

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Councilmember Mendoza asked City Council to support a letter against the Department of Homeland Security's decision to end the DACA policy.

Councilmembers expressed their wholehearted support of the DACA policy and Dreamers and thanked Councilmember Mendoza for bringing the item forward.

Motion by Councilmember Mendoza, seconded by Councilmember to approve Item No. 9 per staff recommendations to direct staff to draft a letter and allowing each Councilmember to sign onto the letter, as desired.

By consensus, the motion carried.

10) REORGANIZATION OF THE CITY COUNCIL – SELECTION OF MAYOR AND VICE MAYOR

A brief discussion ensued regarding a recommendation by Councilmember Mendoza to postpone the item until all five Councilmembers were present.

City Clerk Chávez presented a brief agenda report and opened nominations for Mayor.

Councilmember Mendoza nominated Joel Fajardo for Mayor and the motion was seconded by Councilmember Pacheco.

There were no other nominations for Mayor.

Motion by Councilmember Mendoza, seconded by Councilmember Pacheco, to close nominations. By consensus, the motion carried.

The motion to select Joel Fajardo as Mayor carried with the following vote:

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

City Clerk Chávez opened nominations for Vice Mayor.

Mayor Fajardo nominated Hector A. Pacheco for Vice Mayor and the motion was seconded by Councilmember Pacheco.

Councilmember Mendoza nominated Sylvia Ballin for Vice Mayor.

A brief discussion ensued regarding the absence of Vice Mayor Ballin, whether she needs to be present to accept the nomination, and Roberts Rules of Order.

Mayor Fajardo yielded back to City Clerk Chávez who called for a second to Councilmember Mendoza's motion. There being no second, the motion died.

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There were no other nominations for Vice Mayor.

Motion by Mayor Fajardo, seconded by Councilmember Pacheco, to close nominations. By consensus, the motion carried.

The motion to select Hector A. Pacheco as Vice Mayor carried with the following vote:

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

STAFF COMMUNICATION INCLUDING COMMISSION UPDATES

City Clerk Chávez reported that the LA County Registrar-Recorder/County Clerk has established numerous voting demo center sites, noted the operating hours, and added the San Fernando Library will host a demo center starting today through December 23rd.

Director of Recreation and Community Services Julian Venegas gave updates regarding the upcoming Parks, Wellness, and Recreation Commission meeting, and provided a recap regarding the Dia de Los Muertos and Christmas Tree Lighting Celebration events.

Deputy City Manager/Director of Community Development Hou gave an update regarding the Planning and Preservation Commission meeting.

City Manager Kimball congratulated the Mayor and Vice Mayor on their nominations and elections.

GENERAL COUNCIL COMMENTS AND LIAISON UPDATES

Councilmember Mendoza congratulated Mayor Fajardo and Vice Mayor Pacheco on their appointment.

Councilmember Gonzales congratulated Mayor Fajardo and Vice Mayor Pacheco on their appointment, thanked staff and wished everyone Happy Holidays.

Councilmember Pacheco discussed a meeting of the Tree Ad Hoc Committee, spoke about considering having a voting holiday for City staff, and reported on an upcoming SCAG meeting.

Mayor Fajardo thanked everyone for the opportunity to serve as Mayor, commended Councilmember Pacheco for assuming the role of Vice Mayor, and suggested notification of water rate increases include information regarding qualifying and applying for discounts.

RECESS TO CLOSED SESSION (9:48 P.M.)

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 REAL PROPERTY NEGOTIATOR

G.C. §54956.8

Property:

13441 Foothill Blvd., Sylmar, City of Los Angeles

Agency Negotiator:

City Manager Nick Kimball, Lead Negotiator

City Attorney Rick Olivarez

Assistant City Attorney Richard Padilla

Negotiating Parties:

Brian Board and Christina Garay of Rodeo Realty on behalf of Richard C. Patterson, as to an undivided 50% interest in the subject property and David M. Kull and Ronna Kull, Trustees of the David and Ronna Kull Trust dated March 30, 2007, as to an undivided 50% interest in the subject property

Under Discussion:

Price and Terms of Payment as relates to Option to Purchase Agreement

RECONVENE/REPORT OUT FROM CLOSED SESSION (10:37 P.M.)

Assistant City Attorney Padilla reported the following:

Item A – The City Manager provided an update, feedback was given by City Council, but no final action was taken.

Item B – The City Council received an update, there were no substantial comments or feedback from Council, and no final action was taken.

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ADJOURNMENT (10:38 P.M.)

Motion by Mayor Fajardo, seconded by Councilmember Mendoza, to adjourn the meeting in memory of Olaf Garcia. By consensus, the motion carried.

I do hereby certify that the foregoing is a true and correct copy of the minutes of December 2, 2019, meeting as approved by the San Fernando City Council.

Elena G. Chávez, CMC
City Clerk