

**SAN FERNANDO CITY COUNCIL
MINUTES**

**NOVEMBER 16, 2015 – 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 6:01 p.m.

Present:

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

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

PLEDGE OF ALLEGIANCE

Led by Police Explorer Michael Hernández and Mayor Fajardo called for a moment of silence for the Paris attack victims.

APPROVAL OF AGENDA

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

PRESENTATIONS

The following presentations were made:

- a) CHILI FESTIVAL – CERTIFICATES OF RECOGNITION
- b) DISCOVERY CUBE L.A. ECO CHALLENGE EDUCATION PROGRAM PARTNERSHIP
- c) SAN FERNANDO BEAUTIFICATION PROJECT – RECOGNITION OF VOLUNTEERS

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PUBLIC STATEMENTS – WRITTEN/ORAL

Tania Ragland, Republic Services, discussed upcoming events and programs in the City.

Christina Bernal discussed the removal of City Commissioners (should be left up to Councilmembers) and commented positively on the farmers market and multi-unit housing.

Connie Negrete spoke in opposition to Item No. 6.

Julie Cuellar discussed the need to address homelessness in the City.

Mary Mendoza spoke positively regarding the moratorium on apartment units, discussed trees that were chopped down, and asked about Christmas lights in the mall.

City Clerk Chávez read two letters into the record from Pilar Enriquez in opposition to the SFPD and City Manager salary increases, and from Scott Garig who offered suggestions about working with the film industry.

CONSENT CALENDAR

Mayor Fajardo announced that Item Nos. 5 and 6 would be pulled for further discussion.

Motion by Mayor Fajardo, seconded by Vice Mayor Ballin, to approve the remaining Consent Calendar Items:

- 1) REQUEST TO APPROVE MINUTES OF OCTOBER 19, 2015 – SPECIAL MEETING
- 2) CONSIDERATION TO ADOPT RESOLUTION NOS. 15-111 AND 15-112 APPROVING THE WARRANT REGISTERS OF NOVEMBER 2, 2015 AND NOVEMBER 16, 2015, RESPECTIVELY
- 3) CONSIDERATION TO ADOPT PUBLIC EMPLOYEE RETIREMENT SYSTEM RESOLUTIONS IMPLEMENTING PROVISIONS OF THE CURRENT MEMORANDUM OF UNDERSTANDINGS WITH THE CITY'S BARGAINING UNITS
- 4) CONSIDERATION TO APPROVE A PURCHASE ORDER WITH DELL FOR THE PURCHASE OF SOFTWARE FOR THE NETWORK SERVER UPGRADE PROJECT
- 7) CONSIDERATION TO APPROVE AN AGREEMENT WITH THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) RELATED TO COMMUNITY SUSTAINABLE TRANSPORTATION PLANNING GRANT

By consensus, the motion carried.

Items Removed for Further Discussion

5) CONSIDERATION AND APPROVAL OF A FIRST AMENDMENT TO CITY MANAGER EMPLOYMENT AGREEMENT

Councilmember Soto opposed offering the City Manager a one-year severance pay, discussed Mr. Saeki's failure to address the City's sewer and water issues, talked about a breakdown in parity of pay with public employees, addressed the erroneous removal of trees, and wasteful spending.

Councilmember Lopez disagreed with Councilmember Soto's comments and noted the City Manager follows Council direction.

Vice Mayor Ballin spoke in support of the City Manager and all City staff.

Deputy City Attorney Padilla discussed specific changes to the contract, resulting from Closed Session discussions.

Motion by Mayor Fajardo, seconded by Councilmember Gonzales, to approve the First Amendment (Contract No. 1737(a)) to the City Manager Employment Agreement, as presented and discussed.

The motion carried with the following vote:

AYES: Ballin, Fajardo, Gonzales, Lopez – 4
NOES: Soto – 1

6) CONSIDERATION AND APPROVAL OF CITY CLERK JOB SPECIFICATION AND EMPLOYMENT AGREEMENT

Deputy City Attorney Padilla discussed specific corrections to the contract.

Motion by Vice Mayor Ballin, seconded by Councilmember Gonzales to adopt Resolution No. 7712 approving a revised job specification for the position of City Clerk, and approve an Employment Agreement with the City Clerk (Contract No. 1804).

The motion carried with the following vote:

AYES: Ballin, Fajardo, Gonzales, Lopez – 4
ABSTAIN: Soto – 1

ADMINISTRATIVE REPORTS

Mayor Fajardo announced that the following item was moved up on the agenda.

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15) CONSIDERATION TO SUBMIT AN APPLICATION FOR THE FOOD INSECURITY NUTRITION INCENTIVE GRANT PROGRAM AND POTENTIAL IMPLEMENTATION OF A FARMER’S MARKET

A representative from the California Center for Public Advocacy gave a presentation.

Discussion followed regarding community benefits implementing a farmers market in the City, management of the grant application process, offering incentives to retailers, inclusion of a community education program, staffing, the possibility of moving forward with other programs (i.e. corner markets) and postponing implementation of a farmers market, and promoting and marketing efforts.

Motion by Mayor Fajardo, seconded by Councilmember Lopez to proceed with the application provided that focus in year one will be on corner markets, and in subsequent years on a farmers market. By consensus, the motion carried.

Mayor Fajardo announced that the following item was moved up on the agenda.

14) DISCUSSION REGARDING A REQUEST FOR A MORATORIUM ON ANY MULTI-UNIT HOUSING OF FOUR UNITS OR MORE

Deputy City Attorney Padilla and City Manager Saeki made brief presentations.

Discussion ensued amongst Councilmembers and staff.

Vice Mayor Ballin stated that more information (fact gathering) was required of staff to allow Council to make an informed decision.

Motion by Vice Mayor Ballin, seconded by Councilmember Gonzales, to move the agenda item forward, have staff prepare a moratorium on any multi-unit housing (four units or more) and bring back an urgency ordinance.

The motion carried with the following vote:

AYES: Ballin, Fajardo, Gonzales, Lopez – 4
NOES: Soto – 1

Mayor Fajardo announced that the following item was moved up on the agenda.

13) PHOTOGRAPHY AND FILM PRODUCTION PERMIT ANALYSIS

Public Works Administrative Analyst Kenneth Jones gave the staff report.

Discussion ensued and Councilmembers provided feedback regarding allowing small business owners to charge productions companies, directly, for filming on their property, the need for increased communication between parties, considering employees of the film industry who are

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residents of San Fernando, the need to assess City fees and review processes and meeting with mall merchants to hear their concerns.

Vice Mayor Ballin asked staff to prepare a new process including a fee schedule and contingency plans if merchants refuse to sign the agreement, considering also including signage and impacts to parking.

Ensuing discussion pertained to the possibility of compensating businesses for potential losses and the need to follow industry standards.

Direction as stated by Vice Mayor Ballin was approved by consensus.

PUBLIC HEARING

8) CONSIDERATION TO ADOPT A RESOLUTION APPROVING THE ISSUANCE OF CERTIFICATES OF PARTICIPATION TO FINANCE CERTAIN STREET IMPROVEMENT PROJECTS AND TO APPROVE THE EXECUTION OF NECESSARY FINANCING DOCUMENTS

Finance Director Kimball gave a brief staff report and replied to questions from Councilmembers.

Discussion followed regarding related costs, how the program works, availability of Measure R funds for street improvements, interest rates, and maintaining flexibility in terms of the amount to be borrowed.

Mayor Fajardo opened the Public Hearing and called for public testimony; there were no public comments.

By consensus, the Public Hearing was closed.

Motion Councilmember Gonzales, seconded by Vice Mayor Ballin, to:

- a. Adopt Resolution No. 7705 approving the execution and delivery of California Communities Transportation Revenue Certificates of Participation, Series 2016 pursuant to a Trust Agreement, authorizing the execution and delivery of a Trust Agreement, Certificate Purchase Agreement and Installment Sale Agreement, authorizing the distribution of an Official Statement in connection with the offering and sale of such Certificates, and authorizing the filing of a validation action and other matters relating thereto; and
- b. Authorize the City Manager to execute all related documents.

The motion carried with the following vote:

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

- 9) CONSIDERATION TO ADOPT AN URGENCY ORDINANCE EXTENDING AN INTERIM MORATORIUM ON THE ESTABLISHMENT OR EXPANSION OF DENTAL OR MEDICAL CLINICS THROUGH OCTOBER 17, 2016

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

Discussion followed regarding allowing additional time for staff to do their due diligence and develop additional solutions, impacts to traffic and parking, rationale for the urgency ordinance, reasons for the original moratorium and addressing existing ambiguities in the code.

Mayor Fajardo opened the Public Hearing and called for public testimony; there were no public comments.

By consensus, the Public Hearing was closed.

Motion by Councilmember Gonzales, seconded by Vice Mayor Ballin, to waive full reading and adopt Urgency Ordinance No. U-1647 by title, “An Urgency Ordinance of the City Council of the City of San Fernando Extending an Interim Moratorium on the Establishment or Expansion of Dental or Medical Clinics Through October 17, 2016”, and waive further reading.

The motion carried with the following vote:

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

ADMINISTRATIVE REPORTS (CONTINUED)

- 10) CONSIDERATION TO ADOPT AN ORDINANCE AMENDING THE CITY CODE REGARDING THE APPOINTMENT, REMOVAL, AND RULES OF DECORUM FOR CITY COMMISSIONERS

Mayor Fajardo read the title of the ordinance and Deputy City Attorney Padilla gave the staff report.

Discussion followed regarding avoiding regulations that threaten freedom of speech and the need to have rules of decorum as elected officials and representatives of the City.

Motion by Vice Mayor Ballin, seconded by Councilmember Gonzales, to introduce for first reading, in title only, and waive further reading of Ordinance No. 1648, “An Ordinance of the City Council of the City of San Fernando Amending Division I (Generally) of Article V (Boards,

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Commissions, Committees, Agencies, and Authorities) of Chapter 2 (Administration) Regarding the Appointment, Removal, and Rules of Decorum for City Commissioners.

The motion carried with the following vote:

AYES: Ballin, Fajardo, Gonzales, Lopez – 4
NOES: Soto – 1

11) CITY COUNCIL PRIORITIES UPDATE

City Manager Saeki presented an update of City Council priorities and discussion followed regarding the need to avoid adding priorities unless items are completed, and additional staff is considered.

By consensus, the report was received and filed.

12) CONSIDERATION TO APPROVE A FUNDING AGREEMENT FOR A COUNTYWIDE PARK NEEDS ASSESSMENT

Recreation and Community Service Director Ismael Aguila presented a brief report.

Discussion followed regarding the importance of community engagement and being transparent.

Motion by Councilmember Gonzales, seconded by Vice Mayor Ballin, to:

- a. Authorize the City Manager to execute Funding Agreement No. 1803 with the County of Los Angeles to secure “Engagement Funds” for conducting one community engagement meeting; and
- b. Authorize the City Manager to allocate City staff time to begin plans for implementing the community engagement meeting in the City of San Fernando related to the Countywide Parks Needs Assessment.

By consensus, the motion carried.

COMMITTEE/COMMISSION LIAISON UPDATES

Councilmember Gonzales reported he is in charge of membership dues for Independent Cities Association, discussed a recent Educational Luncheon Series on homelessness and summarized discussions at a recent Library Commission meeting.

Councilmember Lopez provided a summary of discussions at a recent Metro Service Council meeting and addressed upcoming programs.

Vice Mayor Ballin provided an update on a recent Metropolitan Water District Board meeting.

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Mayor Fajardo discussed updates on the High Speed Rail project and addressed the opening of a new business in the City.

GENERAL COUNCIL COMMENTS

Councilmember Soto requested an explanation of why the palm trees were removed and a proposal for replacing them, and suggested the City place lights and decorations throughout the City in preparation for the upcoming holidays.

Councilmember Gonzales expressed pride in the City and talked about positive efforts being made, discussed a recent SCAG meeting, and noted rushing out of a previous Council meeting because of the imminent passing of his father.

Councilmember Lopez discussed public transportation available in the City, noted upcoming opportunities to improve that system and thanked staff for their hard work.

Vice Mayor Ballin thanked City staff for their hard work.

Mayor Fajardo commented positively on the meeting, thanked City staff for their hard work, and wished everyone Happy Holidays.

STAFF COMMUNICATION

City Manager Saeki thanked Council for its support of his contract.

Police Chief Anthony Vairo announced upcoming programs and events.

Motion by Vice Mayor Ballin, seconded by Councilmember Gonzales, to adjourn the meeting in memory of Ziggy Hernandez. By consensus, the motion carried.

ADJOURNMENT (9:29 P.M.)

Motion by Councilmember Gonzales, seconded by Councilmember Soto, to close the meeting in memory of Ziggy Hernandez. By consensus, the motion carried.

I do hereby certify that the foregoing is a true and correct copy of the minutes of November 16, 2015, meeting as approved by the San Fernando City Council.

*Elena G. Chávez
City Clerk*