

**SAN FERNANDO CITY COUNCIL
MINUTES**

**NOVEMBER 18, 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 6:04 p.m.

Present:

Council: Mayor Joel Fajardo, Vice Mayor Sylvia Ballin (arrived at 6:05 p.m.), and Councilmembers Mary Mendoza, and Hector A. Pacheco (left at 9:33 p.m.)

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

Absent: Councilmember Robert C. Gonzales

PLEDGE OF ALLEGIANCE

Led by Vintage Magnet Elementary Student Tonantzin Isabel Zarate

APPROVAL OF AGENDA

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

Mayor Fajardo announced that Item Nos. 14 and 15 would be moved up on the agenda and some items would be moved out of order.

ADMINISTRATIVE REPORTS

15) CONSIDERATION TO APPOINT AN EDUCATION COMMISSIONER

Mayor Fajardo asked if there were audience members who wished to speak on the item; there were no public comments.

Vice Mayor Ballin introduced David Govea who made a few comments.

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Motion by Vice Mayor Ballin, seconded by Mayor Fajardo, to appoint David Govea as Vice Mayor Ballin’s representative to the Education Commission. By consensus, the motion carried.

14) CONSIDERATION TO APPOINT AN EDUCATION COMMISSIONER

Mayor Fajardo asked if there were audience members who wished to speak on the item; there were no public comments.

Councilmember Mendoza introduced Suzanne Llamas who made a few comments.

Motion by Councilmember Mendoza, seconded by Mayor Fajardo, to appoint Suzanne Llamas as Councilmember Mendoza’s representative to the Education Commission effective November 1, 2019. By consensus, the motion carried.

PRESENTATIONS

The following presentations were made:

- a) CERTIFICATES OF RECOGNITION – STUDENT OF THE MONTH
 - Mahika Ahmed – Academy of Scientific Exploration
- b) CERTIFICATE OF ACCOMPLISHMENT – ROXONIE “RIGHT HOOK ROXY” VERDUZCO FOR QUALIFYING FOR THE 2020 U.S. OLYMPIC TRIALS FOR BOXING

PUBLIC STATEMENTS – WRITTEN/ORAL

Juan Salas, Community Services Supervisor, talked about the Teens for a Better Community Program and introduced team members who provided information about the program and addressed upcoming fundraising efforts.

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

Kenny Majers, businessowner, spoke in opposition to recent water/sewer rate increases and urged Council to reconsider the matter and develop reasonable increases that will not hurt businesses and residents.

CONSENT CALENDAR

Councilmember Mendoza requested to pull Item No. 2 for further discussion.

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

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- 1) REQUEST TO APPROVE MINUTES OF NOVEMBER 4, 2019 – REGULAR MEETING
- 3) CONSIDERATION TO APPROVE A FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH PUKÚU CULTURAL COMMUNITY SERVICES TO PROVIDE YOUTH DIVERSION PROGRAM SERVICES
- 4) CONSIDERATION TO ADOPT AN ORDINANCE TO MERGE THE CULTURAL ARTS COMMISSION AND THE PARKS, WELLNESS AND RECREATION COMMISSION
- 5) CONSIDERATION TO APPROVE A REIMBURSEMENT AGREEMENT WITH PLAINS ALL AMERICAN PIPELINE, L.P. FOR PIPELINE RELOCATION AS PART OF THE GLENOAKS BOULEVARD STREET SEWER AND WATER IMPROVEMENTS PROJECT AND RELATED BUDGET RESOLUTION
- 6) CONSIDERATION TO AUTHORIZE EXECUTION OF AN AGREEMENT WITH THE COUNTY OF LOS ANGELES FOR CENSUS 2020 EDUCATION AND OUTREACH ACTIVITIES
- 7) CONSIDERATION TO AUTHORIZE SUBMITTAL OF AN APPLICATION FOR THE SENATE BILL 2 PLANNING GRANTS PROGRAM TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
- 8) CONSIDERATION TO ADOPT A RESOLUTION APPROVING THE ADOPTION OF THE 2017 UPDATED REGIONAL WATER MANAGEMENT PLAN

By consensus, the motion carried.

Item Pulled for Further Discussion

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

Councilmember Mendoza inquired about the \$21,500 payment to the San Fernando Mall Association and City Manager Kimball replied to various questions from Councilmembers including the need to renegotiate the outdated MOU (an update will be provided at the December City Council meeting).

Motion by Mayor Fajardo, seconded by Councilmember Mendoza, to adopt Resolution No. 19-112 approving the Warrant Register. By consensus, the motion carried.

PUBLIC HEARING

- 9) CONSIDERATION TO ADOPT PROPOSED WATER AND SEWER RATE INCREASES

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Mayor Fajardo declared the Public Hearing open.

Interim Director of Public Works Martin Pastucha made brief comments and introduced Catherine Tseng, Lechowicz and Tseng, who presented the staff report.

Discussion ensued regarding the preferred options, the San Juan Capistrano legal case regarding tiered rates, tiered-structured rates versus uniform-structured rates, increases in commercial rates versus residential rates, creating rates that are equitable and fair versus impacts on the system and commodity versus fixed charges, low-income rebate, the possibility of issuing a notice with the first bill in English and Spanish, clarification of revenue deficits from water and sewer, reserves, existing and upcoming infrastructure and Capital Improvement Projects requiring resources, providing transparency regarding the use of funds, protecting water resources, and providing discounts for seniors and low-income residents.

During discussion of this item, Mayor Fajardo briefly departed the Chambers but returned.

Mayor Fajardo called for public testimony. He noted comments made earlier in the meeting from Mr. Majers would be incorporated into this portion of public testimony.

Claudia Lozano, property owner, spoke in opposition to the proposed increases for single-family properties noting it is not fair they will pay higher rates than multi-family and commercial properties.

Diana Raymond, property owner, spoke in opposition to the proposed increases.

Kenny Majers, business owner, stated during the last increase, it was reported that the City well would be fixed and that did not occur.

Motion by Mayor Fajardo, seconded by Councilmember Mendoza, to close the Public Hearing. By consensus, the motion carried.

Brief discussion ensued amongst Councilmembers and staff.

City Clerk Chávez declared nine written protests have been received, in total.

Motion by Mayor Fajardo, seconded by Vice Mayor Ballin, close the protest portion of the public hearing; direct the City Clerk to count the protests to determine whether a sufficient number of protests have been submitted and defer action on the overall rate increase until the ad hoc committee returns with recommendations to Council.

The motion carried with the following vote:

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

The following item was moved up on the agenda.

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11) CONSIDERATION TO ADOPT A RESOLUTION AND ORDINANCE TO PLACE ONE OR MORE BALLOT MEASURES ON THE MARCH 2020 BALLOT TO BAN CERTAIN MARIJUANA BUSINESS ACTIVITY

Mayor Fajardo declared the Public Hearing open.

City Manager Kimball presented the staff report and Assistant City Attorney Padilla also made a brief presentation.

Discussion followed regarding sample ballot questions, the existing Council-implemented ban approved by ordinance, the possibility of a voter-implemented ban, the single-question rule and the need to include a reference to "store fronts" in the ballot question possibly two ballot questions, possibly an all-encompassing ballot question.

RECESS (8:09 P.M.)

Mayor Fajardo called for a brief recess to allow the City Attorney to formulate proper ballot questions.

RECONVENE (8:41 P.M.)

Assistant City Attorney Padilla reviewed three proposed titles for the ballot question and Councilmembers stated their preferred titles and sample questions. Council concurred with the title and question: *Ban all marijuana/cannabis business activities. Shall the City ban marijuana store front dispensaries and all other cannabis business activities in the City?*

Mayor Fajardo called for public testimony, there were no public comments.

Motion by Mayor Fajardo, seconded by Vice Mayor Ballin, to close the Public Hearing. By consensus, the motion carried.

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

- a. Adopt Resolution No. 7965:
 - i. Calling and giving notice of a Special Municipal Election to be held March 3, 2020 to submit to the voters a question relating to the ban of certain marijuana business activity in the City of San Fernando;
 - ii. Requesting consolidation of such election with the Presidential Primary Election to be held on the same day;
 - iii. Requesting the County of Los Angeles to provide specific election services; and
 - iv. Setting priorities for filing written arguments and rebuttals regarding City measures and directing the City Attorney to prepare an impartial analysis; and to use the language decided upon by the Council; and

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- b. Introduce for first reading, in title only, and waive further reading of Ordinance No. 1690 “An Ordinance of the People of the City of San Fernando, California, Amending Chapter 22 (Businesses) and Chapter 106 (Zoning) to Expressly Prohibit All Adult-use and Medicinal Commercial Cannabis Activity Throughout the City, Except as Allowed by State Law.”;
- c. Adopt Resolution No. 7966 appropriating \$65,000 in the Election Services Division to cover the estimated cost of the election; and
- d. Request to the County that they designate the measure MJ or B.

The motion carried with the following vote:

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

10) CONSIDERATION OF A PROPOSED BALLOT MEASURE TO ADOPT A QUARTER-CENT LOCAL SALES TAX

City Manager Kimball presented the staff report.

Assistant City Attorney Padilla discussed benefits of placing the measure on the ballot before a County measure is put in place and addressed upcoming deadlines.

Discussion followed regarding the special pension tax levy and the City's ability to increase it, existing County special tax measures, the process for reconciling competing measures and related challenges, effects on staffing and businesses, seeking creative ways to reduce the City's long-term pension liability and the importance of raising funds for critical infrastructure improvements.

Mayor Fajardo commented on the possibility of doing a partial tax that would more-directly impact residents than a sales tax. He discussed getting input from POA and SEIU to gauge their support and get their feedback and directed staff to schedule a special meeting before the next regular meeting to finalize this matter as well as other items.

At this time, Mayor Fajardo briefly stepped away and shortly returned.

ADMINISTRATIVE REPORTS (CONTINUED)

- 12) CONSIDERATION TO APPROVE AN AGREEMENT TO PURCHASE A CITYWIDE RADIO SYSTEM AND APPROVE A RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE-PURCHASE AGREEMENT WITH MOTOROLA SOLUTIONS, INC.

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Police Chief Anthony Vairo presented the staff report and replied to questions from Councilmembers.

At this time (9:33 p.m.), Councilmember Pacheco exited the Council Chambers.

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

- a. Waive formal bid requirements and piggyback on the terms and pricing offered to the County of Los Angeles (County of LA Contract# MA-IS-1740313) for a Citywide Radio System through a competitive bid process pursuant to Section 2-802 of the San Fernando City Code;
- b. Approve Resolution No. 7968 approving the execution of a Municipal Lease-Purchase Agreement with Motorola Solutions, Inc.;
- c. Approve a Purchase Order for a Citywide Radio System and Related Equipment with Motorola Solutions, Inc., pursuant to the proposal dated November 5, 2019;
- d. Approve a 36-month Lease to Purchase Agreement (Contract No. 1936) with Motorola Solutions, Inc.; and
- e. Authorize the City Manager to execute the Purchase Order, Purchase Agreement, and all related documents, with Motorola Solutions, Inc.

By consensus, the motion carried.

13) CONSIDERATION TO AWARD A CONSTRUCTION CONTRACT FOR THE GLENOAKS BOULEVARD STREET RESURFACING AND HIGHWAY SAFETY IMPROVEMENT PROJECT

Interim Public Works Director Pastucha presented the staff report and replied to questions from Councilmembers.

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

- a. Approve plans and specifications for the Glenoaks Boulevard Street Resurfacing and Highway Safety Improvement Project, Federal Project No. HSIPL-5202(018), Job No. 7595, Plan No. P-728.;
- b. Accept the lowest responsive bid in the amount of \$2,399,784 from All American Asphalt, for construction of these improvements;
- c. Authorize the City Manager to execute a construction contract with All American Asphalt, for an amount of \$2,399,784 (Contract No. 1933);

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- d. Establish a construction contingency of 10% of the contract amount, \$239,978, to cover costs of unforeseen conditions and authorize City Manager to execute change orders as necessary up to \$239,978; and
- e. Approve Budget Resolution No. 7953 to amend the Capital Improvements Budget for Fiscal Year 2019-2020.

By consensus, the motion carried.

STAFF COMMUNICATION INCLUDING COMMISSION UPDATES

City Clerk Chávez gave updates regarding the Education Commission activities, reported that the San Fernando Library will be hosting a voter Demo Center from December 2-23, and the City Clerk Department will be reaching out to other departments to review the boxes of records scheduled for destruction.

Police Chief Vairo discussed the Saugus High School shooting and reported San Fernando Police Officer Walter Dominguez participated on-scene and assisted other officers in rescuing students. He commended Officer Dominguez for his actions as well as Detective Cervantes other Officers who helped in the incident.

Director of Recreation and Community Services Julian Venegas reported that the Recreation and Wellness Commission reorganized and changed their meeting time to 6:30 p.m. He announced the Holiday Tree Lighting Ceremony will be held December 5, and commented on the Veterans Banner program.

Deputy City Manager/Director of Community Development Hou reported the next meeting of the Planning and Preservation Commission will be December 9, and commented on his participation on a review panel to interview firms shortlisted to perform the City-wide Parking Management Master Plan.

City Manager Kimball introduced new Director of Finance Diego Ibanez and welcomed him to the City.

Director of Finance Diego Ibanez expressed his appreciation for the opportunity to serve the City and briefly addressed his experience.

Interim Director of Public Works Pastucha presented details of current public works projects and their respective statuses.

GENERAL COUNCIL COMMENTS AND LIAISON UPDATES

Councilmember Mendoza reported participating in Veterans Day events and discussed an upcoming lighted bicycle ride as part of the festivities of the Holiday Tree Lighting Ceremony.

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Vice Mayor Ballin requested a letter to the City of Santa Clarita expressing the City's condolences and appreciation to those who stepped up during the recent shooting incident as well as letters of commendations to the San Fernando Police Officers who assisted. She commented positively regarding the upcoming Parking Management Master Plan and added that the Water and Sewer Rate Ad Hoc committee will meet on Friday.

RECESS TO CLOSED SESSION (9:58 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) PUBLIC EMPLOYEE PERFORMANCE EVALUATION (INFORMAL)

G.C. §54957

Title of Employee: City Manager

C) CONFERENCE WITH LABOR NEGOTIATOR(S) – UNREPRESENTED EMPLOYEE

G.C. §54957.6

Designated City Negotiator: Mayor Joel Fajardo

Unrepresented Employee: City Manager

D) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

G.C. § 54956.9(d)(2) AND 54956.9(e)(2)

One (1) Matter

RECONVENE/REPORT OUT FROM CLOSED SESSION (10:33 P.M.)

Assistant City Attorney Padilla noted that both Councilmembers Pacheco and Gonzales were absent, and reported the following:

Item A – Update was provided by the City Manager, general direction was given by City Council, but no final action was taken.

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Items B & C – Update was provided by the City Manager, feedback was given by the City Council, and direction to come back with a proposal in January to be approved in open session.

Item D – The City Council voted 3-0 to approve the terms of the Tolling Agreement BKK Landfill pre-litigation claim issued by various defendants.

ADJOURNMENT (10:35 P.M.)

Motion by Mayor Fajardo, seconded by Councilmember Pacheco, to adjourn the meeting in memory of those who passed away in the recent tragic shooting. By consensus, the motion carried.

I do hereby certify that the foregoing is a true and correct copy of the minutes of November 18, 2019, meeting as approved by the San Fernando City Council.

Elena G. Chávez, CMC
City Clerk