

**SAN FERNANDO CITY COUNCIL  
MINUTES**

**AUGUST 15, 2016 – 6:00 P.M.  
REGULAR MEETING**

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

**CALL TO ORDER/ROLL CALL**

Mayor Robert C. Gonzales called the meeting to order at 6:02 p.m.

Present:

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

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

Absent: Councilmember Antonio Lopez

**PLEDGE OF ALLEGIANCE**

Led by San Fernando Police Explorer Angela Vasquez

**APPROVAL OF AGENDA**

City Manager Brian Saeki pulled Consent Calendar Item No. 3 noting it will be on Council's next meeting agenda.

Motion by Vice Mayor Fajardo, seconded by Mayor Gonzales, to approve staff's recommendation to pull the item. By consensus, the motion carried.

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

**PRESENTATIONS**

The following presentation was made:

- a. TRIBUTE TO OUR TROOPS – Recognition of Jose Gutierrez

**SAN FERNANDO CITY COUNCIL**

**MINUTES – August 15, 2016**

**Page 2**

**PUBLIC STATEMENTS – WRITTEN/ORAL**

Gabriela Buenrostro, San Fernando Library, announced an upcoming event at the Library "Your Library, Your Voice" and encouraged the public to attend.

Paul Larson asked about the calculation setting the property tax rate, said the flags on Maclay Ave. are faded or gone, commented positively regarding the street sweeping company and Republic Services, and inquired whether the new traffic signal on Brand Blvd. and DeGarmo St. is really needed.

Marisol Espinoza, Public Affairs Manager, SoCalGas, provided an update regarding the Aliso Canyon Storage Field facility.

Dee Akemon thanked the Police Department for the recent community party, referenced a disturbance caused by a Councilmember, and hoped staff is not bogged down with too many requests from one Councilmember.

Michael Remenih discussed the success of National Night Out but expressed concerns regarding Councilmember Soto handing out flyers (divisive, disruptive propaganda) during the event causing the City, harm.

Jorge Cervantes, Vice President of the SFPOA, expressed disappointment regarding Councilmember Soto's comments, communications and actions.

CJ Chiasson, SFPOA, also expressed concern regarding the comments and behavior of Councilmember Soto and asked Council to show support for their members by censuring his actions.

Jose Diaz discussed a long history of deception and corruption in the City, which he said is why the City is currently dealing with several major lawsuits. He stated that he was talking from first-hand experience (he had been falsely arrested but exonerated from all charges and was victorious in his lawsuit), and spoke in support of Councilmember Soto.

Linda Campanella Jauron referenced a flyer distributed by Councilmember Soto noting several inaccuracies and appearing to be an official City document, including the City Seal, and she spoke in support of the Police Department.

Rafael Garcia, Republic Services, provided an update of pending issues noting a meeting with staff and Councilmember Ballin, he commended the City on the success of the National Night Out event, and gave information regarding upcoming events.

Jesse Avila commented positively on the National Night Out event, expressed concern regarding the increased taxes due to the City's increasing litigation numbers, and asked the City Attorney to look into the actions of Councilmember Soto during the National Night Out event.

Rosie Lopez thanked the Police Chief for caring about issues in the City, commented positively on the recent National Night Out event, thanked Councilmember Soto for his continued

**SAN FERNANDO CITY COUNCIL**

**MINUTES – August 15, 2016**

**Page 3**

commitment to underrepresented, said that the flyer he distributed was more informative than divisive, and that the hateful verbiage and motives by the elite few appear self-serving.

Cynthia Lopez urged Council to revisit the issue of Commissioner conduct. She reported that during meetings, certain Commissioners use profanity and make aggressive commentary with no regard for other members in the audience.

Michelle Guijarro voiced support for the Police Department and Council, reported that the landscape and sidewalk at a school on Eighth Street are not properly maintained, and is in opposition to Councilmember Soto.

Mary Mendoza reminded Council that residents oppose the 101 proposed multi-family units at the former JC Penney building and the 759 multi-family units in the Transit Oriented Development, spoke against the disclosure of residents who had unpaid bills with Republic Services, and thanked Councilmember Soto for his recent townhall meeting.

In response to Councilmember Soto's concern regarding meeting disruption, City Attorney Olivarez agreed that audience members must be respectful of those speaking under public comments (whether you agree with them or not), and need to show them respect.

Ricardo Benitez, office of Assemblymember Patty Lopez, announced upcoming workshops, projects and events.

In response to Brenda Perez' question, City Attorney Olivarez replied that anyone, whether they live in the City or not, has a right to attend every City Council meeting and speak during public comments.

Brenda Perez reported the City has had multiple shootings, increased drug sales, and several lawsuits involving the San Fernando Police Department. She said those things would have been avoided if the City Manager was careful about who he put in charge, and she talked about alleged misappropriate actions relative to hosting a radio show inside the Police Department.

**CONSENT CALENDAR**

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

- 1) CONSIDERATION TO ADOPT A RESOLUTION APPROVING THE WARRANT REGISTER
  
- 2) CONSIDERATION TO ADOPT A RESOLUTION SETTING THE PROPERTY TAX RATE REQUIRED TO MEET THE CITY'S OBLIGATION TO THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM FOR FISCAL YEAR 2016-2017

**SAN FERNANDO CITY COUNCIL**

**MINUTES – August 15, 2016**

**Page 4**

- 3) CONSIDERATION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH MORRISON MANAGEMENT SPECIALISTS FOR MEAL SERVICE FOR THE ELDERLY NUTRITION PROGRAM

*This item was pulled under Approval of Agenda.*

By consensus, the motion carried.

**PUBLIC HEARING**

- 4) CONSIDERATION OF AN ORDINANCE AMENDING CITY PARKING RATIOS FOR DENTAL AND MEDICAL CLINICS CITYWIDE

Community Development Director Fred Ramirez presented the staff report and replied to questions from Councilmember Soto.

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

Mayor Gonzales called for public testimony; there was none.

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

Community Development Director Ramirez replied to questions from Vice Mayor Fajardo regarding shared parking.

Motion by Vice Mayor Fajardo, seconded by Councilmember Ballin, to introduce for first reading, in title only, and waive further reading of Ordinance No. 1656 by title, “An Ordinance of the City Council of the City of San Fernando, California Amending Section 106-822 of Division 3 (Vehicular Parking) of Article V (General Development Standards) of Chapter 106 (Zoning) of the San Fernando City Code and Amending the San Fernando Corridors Specific Plan, Both Regarding Parking Ratios for Dental and Medical Clinics.”

The motion carried with the following vote:

AYES:	Ballin, Fajardo, Gonzales – 3
NOES:	Soto – 1
ABSENT:	Lopez – 1

**ADMINISTRATIVE REPORTS**

- 5) CONSIDERATION TO DESIGNATE A VOTING DELEGATE AND ALTERNATES FOR THE 2016 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

**SAN FERNANDO CITY COUNCIL**

**MINUTES – August 15, 2016**

**Page 5**

City Manager Saeki presented the staff report and discussion ensued regarding suggested appointees.

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

- a. Designate Vice Mayor Fajardo as a voting Delegate for the League of California Cities Annual Conference;
- b. Designate both Mayor Gonzales and Councilmember Soto as Alternate Voting Delegates, one of whom may vote in the event that the designated Delegate is unable to serve in that capacity; and
- c. Authorize the City Clerk to execute and submit the 2016 Annual Conference Voting Delegate/Alternate Form.

By consensus, the motion carried.

**6) UPDATE ON BUSINESS LICENSE COSTS FOR SPECIAL EVENT ORGANIZERS AND VENDORS**

Finance Director Nick Kimball presented the agenda report and replied to various questions from Councilmembers.

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

- a. Authorize the classification of special event organizers and special event vendors as swap meet operators and swap meet exhibitors, respectively; and
- b. Authorize reducing the Business License processing fee for special events to \$11.00 plus applicable required State fee.

The motion carried with the following vote:

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

**7) SISTER CITY PROPOSAL**

City Manager Saeki gave brief background information regarding Mayor Gonzales' request to agendize this item to consider a possible sister-city relationship with Guadalajara, Mexico. He reported that if there is Council interest, staff would take approximately five to six hours to prepare an initial letter of interest.

Discussion followed regarding reaching out to them to see if they want to partner with the City and the need to be cost-conscious.

**SAN FERNANDO CITY COUNCIL**

**MINUTES – August 15, 2016**

**Page 6**

Motion by Mayor Gonzales, seconded by Vice Mayor Fajardo, to allow the City Manager to research and reach out to the Mexican Consulate via a letter.

The motion carried with the following vote:

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

**RECESS TO CLOSED SESSION (7:40 P.M.)**

By consensus, Councilmembers recessed to the following Closed Session as announced by City Attorney Olivarez:

A) CONFERENCE WITH LABOR NEGOTIATOR

G.C. §54957.6

Designated City Negotiator: City Manager Brian Saeki

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 (SEIU, Local 721)  
San Fernando Part-time Employees' Bargaining Unit (SEIU, Local 721)  
All Unrepresented Employees

B) CONFERENCE WITH LEGAL COUNSEL TO DISCUSS AND PROVIDE UPDATES  
ON MULTIPLE EXISTING LITIGATION MATTERS

G.C. §54956.9(d)(1)

Todd Orsini v. City of San Fernando, WCAB Case No. ADJ8250678  
Rosa Castro v. City of San Fernando, Federal Court Case No. 2:15-cv-09534-CAS-RAO  
Dakota Grijalva v. City of San Fernando, LASC Case No. BC547507  
Concepcion Mejia v. City of San Fernando, LASC Case No. BC591676  
Matthew Coughlin v. City of San Fernando, LASC Case No. BC589356  
Jorge Bayardo v. City of San Fernando, LASC Case No. BC626481  
Kevin Yoo v. City of San Fernando, LASC Case No. BC626482  
Young Bin Cho v. City of San Fernando, LASC Case No. BC626478  
Jeffrey Pak v. City of San Fernando, LASC Case No. BC626480  
Saul Garibay v. City of San Fernando, LASC Case No. BC626479

C) CONFERENCE WITH LEGAL COUNSEL TO DISCUSS AND PROVIDE UPDATES  
ON MULTIPLE MATTERS FOR WHICH THE CITY OF SAN FERNANDO HAS  
BEEN PRESENTED WITH A CLAIM OR SOME OTHER WRITTEN

**SAN FERNANDO CITY COUNCIL**

**MINUTES – August 15, 2016**

**Page 7**

COMMUNICATION FROM A POTENTIAL PLAINTIFF THREATENING LITIGATION

G.C. §54956.9(d)(2) AND §54956.9(e)(3)

Eleven (11) Matters

**RECONVENE/REPORT OUT FROM CLOSED SESSION (9:24 P.M.)**

City Attorney Olivarez reported Council met in closed session, with Councilmember Lopez, absent, to discuss the following:

Item A – The City Council received an update, direction was given, but no final action taken, nothing further to report.

Items A and B – The City Council received a briefing on all items, no direction was given, no final action taken, nothing further to report.

Regarding Item B: Todd Orsini v. City of San Fernando, WCAB Case No. ADJ8250678

Council gave direction (and voted to give direction) to Legal Counsel on the item (Councilmember Soto abstained).

For the record, Council appointed Chris Marcarello as Acting City Clerk, as City Clerk Chávez had to leave.

**CITY COUNCIL - LIAISON UPDATES**

Councilmember Ballin announced an upcoming Metropolitan Water District board meeting where a presentation was given regarding active shooter training and requested a similar presentation to be provided to Council.

Vice Mayor Fajardo announced an upcoming Chamber of Commerce meeting.

Mayor Gonzales stated there was no quorum at the recent Independent Cities Association so there was no report.

**DEPARTMENT HEADS - COMMISSION UPDATES**

Deputy City Manager/Public Works Director Marcarello reported that the Chief of Police met with Councilmember Ballin regarding the possibility of establishing a parking permit program and reported the item will be considered by Council at an upcoming meeting.

**SAN FERNANDO CITY COUNCIL**

**MINUTES – August 15, 2016**

**Page 8**

**GENERAL COUNCIL COMMENTS**

Councilmember Soto reported he witnessed Jesse Avila shove Brenda Perez as he made his way out the door and felt Council should take action to censure and/or not allow him to attend Council meetings for a duration of time. He noted the conduct is not acceptable and referenced comments by Michael Remenih.

Councilmember Ballin noted Mr. Remenih has First Amendment Rights and can say what he wants (he does not use profanity) and reported that Officer Rosenberg should never have been threatened to have his rights taken away (he was not "on the clock").

Vice Mayor Fajardo stated he does not know of any Commissioner using profanity and suggested the public come forward with more details, he agreed with comments and concerns regarding Councilmember Soto's actions at National Night Out event, and hopes that future meetings will be conducted with respect to all.

Mayor Gonzales agreed with comments made by Councilmembers Ballin and Fajardo, commented positive on the National Night Out event, announced an upcoming family event at the San Fernando Library, and urged Councilmembers to be respectful, positive and professional.

**STAFF COMMUNICATION**

None

**ADJOURNMENT (9:36 P.M.)**

Motion by Vice Mayor Fajardo, seconded by Mayor 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 August 15, 2016, meeting as approved by the San Fernando City Council.*

---

*Elena G. Chávez*  
*City Clerk*