

**SAN FERNANDO CITY COUNCIL  
MINUTES**

**AUGUST 6, 2018 – 6:00 P.M.  
REGULAR MEETING**

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

**CALL TO ORDER/ROLL CALL**

Mayor Sylvia Ballin called the meeting to order at 6:20 p.m.

Present:

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

Staff: City Manager Alexander P. Meyerhoff, Assistant City Attorney Richard Padilla and City Clerk Elena G. Chávez

**PLEDGE OF ALLEGIANCE**

Led by City Manager Alex Meyerhoff

**APPROVAL OF AGENDA**

Assistant City Attorney Padilla announced a walk-on item (Item No. 17) that included a resolution in support of an accurate 2020 Census to oppose the citizen question, and a resolution in support of an accurate 2020 Census pertaining to local outreach assistance. He reported that the item came to staff's attention after the agenda was posted, and there is a need for immediate action.

Motion by Vice Mayor Lopez, seconded by Councilmember Fajardo, to add the walk-on item to the agenda.

The motion carried with the following vote:

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

City Manager Meyerhoff pulled Item No. 14 from the agenda.

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Deputy City Manager/Director of Finance Nick Kimball suggested discussing Item No. 6 in combination with Item No. 11.

Councilmember Gonzales pulled Item No. 8, and Councilmember Fajardo pulled Item No. 4 for further discussion.

Motion by Councilmember Fajardo, seconded by Vice Mayor Lopez, to approve the agenda, as amended.

The motion carried with the following vote:

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

**PRESENTATIONS**

The following presentations were made:

- a) CERTIFICATE OF APPRECIATION – JOHNATHAN YBARRA, PRIVATE FIRST CLASS U.S. ARMY
- b) PRESENTATION BY TREVOR M. RICHMOND, DEPUTY CHIEF BUREAU COMMANDER, LOS ANGELES FIRE DEPARTMENT OPERATIONS VALLEY BUREAU

*Councilmember Soto requested to reschedule; Chief Richmond was unable to attend the meeting.*

- c) FOSTER CARE FUN DAY – RECOGNITION OF CONTRIBUTORS, COMMITTEE MEMBERS, PARTICIPANTS AND VOLUNTEERS

**DECORUM AND ORDER**

Assistant City Attorney Padilla provided a brief summary of the rules.

**PUBLIC STATEMENTS – WRITTEN/ORAL**

Dr. Jose Hernandez urged Council to address speeding on South Brand Blvd.

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

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Audrey Simons, Chief Executive Officer, San Fernando Community Health Center, thanked Council for its consideration of their organization becoming the master leaseholder of their current building location.

Michelle Guijarro spoke in opposition to Item No. 5.

Mary Mendoza expressed concerns about the City shutting off residents' water during the current heat wave, referenced Closed Session discussions (asserted residents have a right to know what they are about) and spoke about increased speeding in the City.

John Dimon spoke in support of Item No. 10.

Brianna Blanton spoke in support of Item No. 10.

Viviana Nunez also expressed concerns regarding speeding on Brand Blvd. and reported her neighbors have chickens and roosters, which bring vermin to the property.

Interpreter Renate Zeuch read Patty Lopez' email statement requesting information regarding the Closed Session items and transparency.

Orlando Martinez urged Council to consider special interests trying to undermine small businesses relative to Item No. 10.

Marcela Rodriguez expressed concerns with how parking lot attendants treat people who commit infractions or do not comply with the law, spoke about the speeding problem, and said she is opposed to Item No. 10.

**CITY COUNCIL - LIAISON UPDATES**

Councilmember Gonzales provided a summary of the recent Independent Cities Association conference.

Councilmember Fajardo provided an updates of the ad hoc committees regarding murals and ice cream trucks and addressed discussions during the recent COG meeting.

Councilmember Soto also provided a brief update on ad hoc committees he serves and suggested replacing Vice Chair Lopez with Councilmember Fajardo on L.A. City Fire Station Ad Hoc Committee.

Mayor Ballin announced the item would be placed on City Council's August 20, 2018 agenda.

Councilmember Gonzales requested to add a discussion on the same agenda regarding all Ad Hoc Committees and when they there were formed.

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Vice Mayor Lopez reported attending the recent Los Angeles County Library Commission meeting and commented on discussions held, and he announced the upcoming monthly Homeless and Mental Health One-Stop Shop event.

Mayor Ballin summarized the recent conference as the Vice Chair of the Ethics and Audit Committee at Metropolitan Water District.

**CONSENT CALENDAR**

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

- 1) REQUEST TO APPROVE MINUTES OF:
  - a. JUNE 18, 2018 – REGULAR MEETING
  - b. JULY 16, 2018 – SPECIAL MEETING
  - c. JULY 16, 2018 – REGULAR MEETING
- 2) CONSIDERATION TO ADOPT A RESOLUTION APPROVING THE WARRANT REGISTER
- 3) CONSIDERATION TO APPROVE AN AGREEMENT FOR SPECIAL SERVICES WITH LIEBERT CASSIDY WHITMORE FOR FISCAL YEAR 2018-2019
- 5) CONSIDERATION TO APPROVE AUTHORIZATION TO WRITE-OFF BAD DEBT FOR FISCAL YEAR 2017-2018
- 7) CONSIDERATION TO APPROVE AN INTERIM LEASE AGREEMENT WITH SAN FERNANDO COMMUNITY HOSPITAL, DBA SAN FERNANDO COMMUNITY HEALTH CENTER, FOR THE CITY-OWNED PROPERTY AT 732 MOTT STREET

By consensus, the motion carried.

Mayor Ballin announced that walk-on Item No. 17 would be heard at this time.

- 17) RESOLUTION IN SUPPORT OF AN ACCURATE 2020 CENSUS TO OPPOSE THE CITIZEN QUESTION AND A RESOLUTION IN SUPPORT OF AN ACCURATE 2020 CENSUS PERTAINING TO LOCAL OUTREACH ASSISTANCE

Councilmember Gonzales presented details of the item and discussed challenges relative to the 2020 Census; census representatives are taking public comments and the public comment period ends tomorrow.

A brief discussion ensued.

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Motion by Councilmember Gonzales, seconded by Vice Mayor Lopez, to adopt a Resolution in Support of an Accurate 2020 Census to Oppose the Citizen Question.

The motion carried with the following vote:

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

Motion by Councilmember Gonzales, seconded by Vice Mayor Lopez, to adopt a Resolution in Support of an Accurate 2020 Census Pertaining to Local Outreach, Assistance and Promotion.

The motion carried with the following vote:

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

**Items Pulled for Further Discussion**

- 4) CONSIDERATION TO APPROVE A SIDE LETTER OF AGREEMENT TO THE EXISTING MEMORANDUM OF UNDERSTANDING WITH THE SAN FERNANDO POLICE CIVILIANS' ASSOCIATION

Deputy City Manager/Director of Finance Kimball presented the staff report and replied to questions from Councilmember Fajardo.

*At this time (7:52 pm to 7:53 pm), Vice Mayor Lopez briefly stepped away.*

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

- a. Approve a side letter of agreement (Contract No. 1794(a)) to the existing Memorandum of Understanding with the San Fernando Police Civilians' Association; and
- b. Authorize the City Manager to make non-substantive corrections and execute all related documents.

The motion carried with the following vote:

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

- 8) CONSIDERATION TO APPROVE AN ARGUMENT IN FAVOR OF THE LOCAL TRANSACTION TAX MEASURE ON THE NOVEMBER 2018 GENERAL ELECTION

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Councilmember Gonzales explained why he pulled this item for separate consideration and action.

Deputy City Manager/Director of Finance Kimball presented details of the measure and replied to various questions from Councilmembers.

Motion by Councilmember Soto, seconded by Councilmember Fajardo, to change "beautification" as maintenance/development or continuance.

The motion failed with the following vote:

AYES: Soto, Fajardo – 2  
NOES: Gonzales, Lopez, Ballin – 3  
ABSENT: None

Motion by Councilmember Gonzales, seconded by Councilmember Fajardo, to approve the proposed argument in favor of the local Transaction Tax Measure (include all five Councilmembers' names) on the November 2018 General Election.

The motion carried with the following vote:

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

**ADMINISTRATIVE REPORTS**

Mayor Ballin announced Item No. 10 would be heard at this time.

**10) DISCUSSION OF RECOMMENDATIONS FROM THE CANNABIS AD HOC COMMITTEE AND DIRECTION REGARDING DEVELOPMENT OF A COMMERCIAL CANNABIS REGULATION AND PERMITTING PROGRAM**

City Manager Meyerhoff presented details of the staff report and responded to questions from Councilmembers.

Discussion followed regarding results of the online survey, having Council make decisions based on their knowledge of the community, having the ability to raise legitimate concerns, focusing on institutions inside San Fernando boundaries, considering sensitive receptors, including institutions in the area, considering the Police Department's opinion on the subject, taking small steps, adjusting as the law changes, and the permitting process.

Ensuing discussion pertained to enforcement, qualifications/restrictions for selling or buying, establishing security measures, discouraging loitering around dispensaries and the need for direction to staff to proceed with an ordinance in accordance with the Ad Hoc Committee's recommendations for review, first by the Planning Commission, and then by City Council.

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Motion by Councilmember Fajardo, seconded by Councilmember Soto, to direct staff to prepare an ordinance to allow marijuana cultivation, manufacturing, laboratory testing, distribution for both medical and recreational marijuana adult use and establishing a 450-foot radius from sensitive areas which shall include sensitive areas in the neighboring city and to provide staff general direction to bring back an anti-lobbying provision and/or information on unionization of these businesses.

The motion carried with the following vote:

AYES: Fajardo, Soto, Ballin – 3  
NOES: Lopez, Gonzales – 2  
ABSENT: None

**PUBLIC HEARING**

- 9) CONSIDERATION TO ADOPT AN URGENCY ORDINANCE AMENDING SECTION 94-103 (AMENDMENTS) OF DIVISION 3 (INDUSTRIAL FEES) OF ARTICLE II (SEWERS AND SEWAGE DISPOSAL) OF CHAPTER 94 (UTILITIES) OF THE SAN FERNANDO CODE OF ORDINANCES IN ORDER TO RECTIFY PREVIOUSLY AMENDED CODE SECTIONS

Mayor Ballin declared the Public Hearing open.

Director of Public Works/City Engineer Yazdan T. Emrani presented the staff report and replied to various questions from Councilmembers.

Discussion ensued amongst Councilmembers.

Mayor Ballin called for public testimony; there were no public comments.

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

Motion by Councilmember Fajardo, seconded by Vice Mayor Lopez, to waive full reading and adopt Urgency Ordinance No. 1679 by title, “An Urgency Ordinance of the City Council of the City of San Fernando, California, Amending Section 94-103 (Amendments) of Division 3 (Industrial Fees) of Article II (Sewers and Sewage Disposal) of Chapter 94 (Utilities) of the San Fernando Code of Ordinances in Order to Rectify Previously Amended Code Sections, and Declaring the Urgency thereof, in Accordance with Government Code Sections 36934 and 36937.”

The motion carried with the following vote:

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

**ADMINISTRATIVE REPORTS (CONTINUED)**

The following items were heard, concurrently.

- 6) UPDATE LIVING WAGE ORDINANCE
  
- 11) OVERVIEW OF LEGAL AUTHORITY AND OTHER CONSIDERATIONS RELEVANT TO THE IMPLEMENTATION OF A LOCAL MINIMUM WAGE ORDINANCE

Deputy City Manager/Director of Finance Kimball gave a brief presentation regarding both items.

Motion by Councilmember Fajardo, seconded by Councilmember Gonzales, to approve the living wage (Item No. 6) and to continue with the existing Ad Hoc to get the local minimum wage on the agenda sometime in the near future.

The motion carried with the following vote:

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

- 12) CONSIDERATION TO DETERMINE A CITY POSITION ON THE 2018 LEAGUE OF CALIFORNIA CITIES RESOLUTIONS

City Manager Meyerhoff presented a brief report.

Councilmember Gonzales requested tabling the item in order to obtain additional information on the matter.

By consensus, the item was tabled to August 20, 2018.

- 13) DISCUSSION REGARDING CITY COUNCIL RESOLUTION NO. 7346 CANCELLING CERTAIN COUNCIL MEETINGS IN DECEMBER AND JANUARY

Mayor Ballin recommended Council not go dark in December or January and instead, go dark the second meeting in July.

Discussion followed regarding Council's ability to call special and/or emergency meetings, best practices from other cities, and only going dark the second meeting in December.

*At this time (9:55 p.m.), Vice Mayor Lopez left the Chambers.*

Motion by Councilmember Fajardo, seconded by Councilmember Gonzales, for Council to go dark the second meeting in December and add a second meeting in January.



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The motion carried with the following vote:

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

- 14) DISCUSSION REGARDING THE FORMATION OF AN AD HOC COMMITTEE PERTAINING TO SOCIAL MEDIA AND A SOCIAL MEDIA POLICY

*This item was pulled from the agenda during earlier Approval of the Agenda.*

- 15) CONSIDERATION TO APPOINT A PLANNING AND PRESERVATION COMMISSIONER

Councilmember Gonzales reported his appointee to the Planning and Preservation Commission was unable to attend this meeting and discussed his education and work experience.

Motion by Councilmember Gonzales to appoint Ivan Gonzalez as his representative to the Planning and Preservation Commission. The motion was seconded by Mayor Ballin and was approved by consensus.

- 16) DISCUSSION REGARDING THE AD HOC COMMITTEE FORMED TO ASSESS A POSSIBLE LOS ANGELES CITY FIRE STATION IN SAN FERNANDO

Councilmember Soto requested tabling this item to the Council meeting of August 20, 2018.

By consensus, the item was tabled.

**DEPARTMENT HEADS - COMMISSION UPDATES**

City Clerk Chávez gave an update regarding the Education Commission's special meeting and presented details regarding the nomination period for incumbents and non-incumbents.

Police Chief Anthony Vairo invited the public to National Night Out event and discussed efforts in addressing traffic and speeding issues in the City.

Director of Recreation and Community Services Julian Venegas provided updates regarding activities in his department.

Director of Community Development Timothy Hou discussed the recent Planning and Preservation Commission meeting and addressed items considered during the meeting.

Director of Public Works/City Engineer Emrani presented updates on activities in his department including various applications for grant funding.

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City Manager Meyerhoff gave updates regarding various meetings and activities in which he and staff have participated.

**GENERAL COUNCIL COMMENTS**

Councilmember Gonzales discussed a recent program hosted by the Library, a recent NALEO policy conference, the possibility of forming an ad hoc committee to review the Education Commission and working in partnership with UCLA.

Councilmember Fajardo thanked staff and Chief Vairo for their work on the cannabis ordinance and requested an updated list of priorities.

Councilmember Soto talked about the need for a strong motorcycle police program to address speeding, and expressed concerns regarding the numerous absences of the City Attorney and potential conflicts of interest.

In response, Mayor Ballin noted Mr. Olivares' law firm was hired to represent the City, not Mr. Olivares, himself.

**STAFF COMMUNICATION**

None.

**ADJOURNMENT (10:39 P.M.)**

Motion by Councilmember Fajardo, 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 August 6, 2018, meeting as approved by the San Fernando City Council.*

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*Elena G. Chávez, CMC  
City Clerk*