

**SAN FERNANDO CITY COUNCIL  
MINUTES**

**SEPTEMBER 17, 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 6:07 p.m.

Present:

Council: Mayor Sylvia Ballin, Vice Mayor Antonio Lopez (left 8:46 p.m.), and Councilmembers Joel Fajardo, Jaime Soto (left at 8:46 p.m.) 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 Led by Bob Arvizu, Co-Lay Leader of First United Methodist Church of San Fernando

**APPROVAL OF AGENDA**

Assistant City Attorney Padilla reported that there might be a walk-on item added to the agenda and explained the requirements of adding a walk-on item.

Brief discussion followed regarding scheduling the item to a future agenda for discussion. It was noted there were not sufficient votes to add the item to the present agenda.

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

**PRESENTATIONS**

The following presentations were made:

- a) CERTIFICATES OF RECOGNITION TO THE HOMELESS CONNECT VENDORS AND VOLUNTEERS

**SAN FERNANDO CITY COUNCIL**

**MINUTES – September 17, 2018**

**Page 2**

- b) PRESENTATION BY VETERANS OF FOREIGN WARS (VFW) POST 3834
- c) TEENS FOR A BETTER COMMUNITY
- d) SAN FERNANDO LIBRARY - HOMELESS AND LOW INCOME OUTREACH EVENT

**DECORUM AND ORDER**

City Manager Meyerhoff provided a brief summary of the rules.

**PUBLIC STATEMENTS – WRITTEN/ORAL**

Veronica De Lara, Pueblo y Salud, spoke in opposition to Item No. 5, noted the City's facilities should promote wellness and safety, and encouraged Council to vote against it.

Ruben Rodriguez urged Council to vote against Item No. 5, discussed Item No. 12, and urged Council to look out for the wellbeing of the community.

Dorothy White expressed disappointment that Council is allowing cannabis to be sold in the City and suggested prohibiting the sale of cannabis within short distances of schools and residences.

City Manager Meyerhoff reported the sale of cannabis is not permitted within the City limits and there is no ordinance contemplated at this time to allow it.

Tom Ross spoke about Item No. 10 and noted support from the Chamber of Commerce. Additionally, relative to Item No 12, the Chamber is in general support of growing, manufacturing, and transporting manufactured goods through the City but, as yet, does not support adding retail uses.

Adriana Gomez, Chamber of Commerce President, discussed support of Measure A to boost economic development, spoke about the importance of ensuring transparency and fiscal responsibility, and asked Council to consider the creation of a permanent oversight committee to monitor Measure A expenditures.

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

David Bernal commented positively on the presentation by Veterans of Foreign Wars Post 3834 and encouraged Council to help veterans in every way possible.

Jaime Soto referenced Section E of the Closed Session agenda calling for termination of the contract with Olivarez Madruga, alleged the misappropriation of public funds for political activity against him, and said that Mr. Olivarez's conduct has been malicious in trying to remove him and renounce his position.

**SAN FERNANDO CITY COUNCIL**

**MINUTES – September 17, 2018**

**Page 3**

Assistant City Attorney Padilla stated that the only person interested in terminating the law firm's contract is Mr. Soto, addressed instances of involvement by the law firm in seeking an injunction against Mr. Soto, a lawsuit filed against the City by a former Planning Commissioner alleging harassing messages sent to her by Mr. Soto (handled by outside counsel) and hopes that Olivarez Madruga and can continue to serve the City.

Jesse Avila addressed Councilmember Soto's comments noting the funds expended were a result of Mr. Soto's actions. He suggested those types of expenses should come out of each Councilmember's pockets.

Michael Remenih commented on the irony of Mr. Soto blaming the City Attorney for expenditures caused by his actions. He reported Mr. Soto had a sexual harassment case filed against him that cost the City thousands of dollars and resulting in a settlement.

Motion by Councilmember Fajardo, seconded by Vice Mayor Lopez, to move up Item No. 12. By consensus, the motion carried.

**ADMINISTRATIVE REPORTS**

**12) DISCUSSION AND REVIEW OF OUTLINE FOR PROPOSED CANNABIS ORDINANCE**

Deputy City Manager/Director of Finance Nick Kimball gave a brief introduction, Deputy City Attorney Joaquin Vazquez presented the agenda report, and David Frierson provided a presentation.

Discussion ensued regarding exhibits omitted from the proposed ordinance, subsequent consideration of the detailed ordinance by the Planning Commission and Council, the importance of reviewing the buffer maps, consideration of laboratories in commercial zones, availability of grant funding for regulation of the marijuana industry under specific conditions including allowing retail and outdoor cultivation, the possibility of developing a tiered-system for fees and considering a point-system versus holding a lottery for permits.

Ensuing discussion pertained to fire site control/approvals, requirements for employee background checks, Proposition 64 regulating penalties for certain cannabis-related offenses, allowing deliveries, supporting micro-businesses, allowing employees to organize under certain thresholds, allowing medical dispensaries, the importance of getting the process started now, uncertainty in State regulations, the possibility of establishing an emergency ordinance, the importance of considering resident positions, the need for drug-enforcement-trained officers and the need for putting safety mechanisms in place.

Discussion continued regarding challenges with Law Enforcement recruitment and the need for consideration by the Planning Commission prior to Council adding items to the ordinance such as those related to micro-businesses without the retail component.

**SAN FERNANDO CITY COUNCIL**

**MINUTES – September 17, 2018**

**Page 4**

Motion by Councilmember Fajardo, seconded by Vice Mayor Lopez, to approve the Cannabis Ordinance outline as proposed by staff, to reduce the threshold for the labor piece agreement threshold to ten employees, include it in the scoring process, and ban recreational deliveries (except for medicinal deliveries), unless the State regulation is adopted.

The motion carried with the following vote:

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

**RECESS (8:46 P.M.)**

Mayor Ballin called for a recess.

*During the recess, both Councilmembers Lopez and Soto exited the Council Chambers.*

**RECONVENE (8:56 P.M.)**

Mayor Ballin announced that Item Nos. 15 and 16 would be removed from the agenda (Councilmember Soto left), and that Item No. 14 would be heard at this time.

**14) CONSIDERATION TO APPOINT CITY COUNCIL LIAISON TO THE GREATER LOS ANGELES COUNTY VECTOR CONTROL DISTRICT**

Mayor Ballin discussed appointing Jesse Avila as the City Council Liaison to the Greater Los Angeles County Vector Control District.

Jesse Avila expressed his appreciation, discussed his efforts related to vector control and noted the need to focus on education.

Motion by Mayor Ballin, seconded by Councilmember Gonzales, to appoint Jesse Avila as the City Council Liaison to the Greater Los Angeles County Vector Control District. By consensus, the motion carried.

**CONSENT CALENDAR**

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

- 1) REQUEST TO APPROVE THE MINUTES OF:
  - a) AUGUST 20, 2018 – REGULAR MEETING
  - b) SEPTEMBER 4, 2018 – SPECIAL MEETING
  - c) SEPTEMBER 4, 2018 – REGULAR MEETING

**SAN FERNANDO CITY COUNCIL**

**MINUTES – September 17, 2018**

**Page 5**

- 2) CONSIDERATION TO ADOPT A RESOLUTION APPROVING THE WARRANT REGISTER
- 3) CONSIDERATION TO ADOPT RESOLUTIONS APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE REGIONAL WATER MANAGEMENT GROUP OF GREATER LOS ANGELES COUNTY REGION AND THE 2014 UPDATED INTEGRATED REGIONAL WATER MANAGEMENT PLAN
- 4) CONSIDERATION TO ADOPT AN ORDINANCE APPROVING A REQUEST FOR THE APPROVAL OF A TENTATIVE PARCEL MAP TO SUBDIVIDE A 15,800 SQUARE FOOT PROPERTY INTO THREE LOTS – TENTATIVE PARCEL MAP 2017-01 (NO. 74153); 927 SEVENTH STREET
- 5) CONSIDERATION TO ADOPT AN ORDINANCE AND RESOLUTION AMENDING THE SAN FERNANDO MUNICIPAL CODE PERTAINING TO SERVING AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN CITY FACILITIES
- 6) CONSIDERATION TO APPROVE AN AMENDMENT TO THE ENGINEERING SOLUTIONS SERVICES CONTRACT FOR GRANT ASSISTANCE SERVICES
- 7) CONSIDERATION TO ADOPT A RESOLUTION DECLARING THE CITY’S INTENT TO REIMBURSE WATER RESERVOIR PROPERTY ACQUISITION EXPENDITURES WITH BOND PROCEEDS OR OTHER DEBT INSTRUMENT
- 8) FAIR POLITICAL PRACTICES COMMISSION – 2018 LOCAL AGENCY BIENNIAL NOTICE

By consensus, the motion carried.

**ADMINISTRATIVE REPORTS (CONTINUED)**

- 9) CONSIDERATION TO ADOPT AN ORDINANCE ADOPTING BY REFERENCE THE CURRENT 2016 EDITION CITY OF LOS ANGELES BUILDING STANDARDS CODES AND FIRE CODE

Director of Community Development Tim Hou gave a brief presentation and introduced Building Inspector Francisco Villalva who gave the staff report.

Community Development Director Hou reported that due to publishing deadline, adoption of the Ordinance would take place on October 15<sup>th</sup> and not October 1<sup>st</sup> as stated in the agenda report.

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

- a. Introduce for first reading, in title only, and waive further reading of Ordinance No. 1682, “An Ordinance of the City of San Fernando, California, Amending Article VII of Chapter 18 of the San Fernando City Code, Adopting by Reference Division II of Chapter 1 of the 2016 edition of the California Building Code, which is codified in Part

**SAN FERNANDO CITY COUNCIL**

**MINUTES – September 17, 2018**

**Page 6**

2 of Title 24 of the California Code of Regulations; the 2017 edition of the City of Los Angeles Building Code, as in Effect on December 30, 2016; the City of Los Angeles Electrical Code, as in Effect on December 30, 2016; the 2017 edition the City of Los Angeles Mechanical Code, as in Effect December 30, 2016; the 2017 edition of the City of Los Angeles Plumbing Code, as in Effect December 30, 2016; the 2017 edition of the City of Los Angeles Residential Code, as in Effect December 30, 2016; and the 2017 edition of the City of Los Angeles Green Building Code, as in Effect December 30, 2016, which are Codified in Articles 1, 1.5, 3, 4, 5 and 9 of Chapter IX of the City of Los Angeles Municipal Code, including appendices, amendments, additions and deletions thereto; and amending Article II of Chapter 38 of the San Fernando City Code, adopting by reference the City of Los Angeles Fire Code, as in Effect May 30, 2017, which is codified in Article 7 of Chapter V of the City of Los Angeles Municipal Code, including appendices, amendments, additions and deletions thereto.”; and

- b. Direct staff to provide for notice of a Public Hearing on the proposed adoption of Ordinance No. 1682 at the October 15, 2018 regular City Council meeting.

By consensus, the motion carried.

10) **CONSIDERATION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH KOSMONT & ASSOCIATES, INC., DBA KOSMONT COMPANIES, TO PROVIDE REAL ESTATE ADVISORY SERVICES**

Director of Community Development Hou presented the staff report and introduced Tom Jurasky, Kosmont Companies, who gave a brief presentation.

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

- a. Approve a Professional Services Agreement (Contact No. 1895) with Kosmont & Associates, Inc., dba Kosmont Companies in an amount not-to-exceed \$30,000 to provide real estate advisory services; and
- b. Authorize the City Manager to execute all related documents.

By consensus, the motion carried.

11) **PRESENTATION OF MEASURE “A” ANNUAL REPORT**

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

Motion by Councilmember Fajardo, seconded by Councilmember Gonzales, to receive and file the 2018 Measure “A” Annual Report. By consensus, the motion carried.

13) **CONSIDERATION TO ADOPT A RESOLUTION IN SUPPORT FOR AND DECLARATION OF CLEAN AIR DAY**

**SAN FERNANDO CITY COUNCIL**

**MINUTES – September 17, 2018**

**Page 7**

Motion by Mayor Ballin, seconded by Councilmember Fajardo, to adopt a resolution in support for and declaration of Clean Air Day. By consensus, the motion carried.

- 15) REQUEST FOR THE CITY COUNCIL TO AGENDIZE TERMINATION OF CITY ATTORNEY CONTRACT ON A FUTURE MEETING AGENDA FOLLOWING CLOSED SESSION DISCUSSION ON THE MATTER

*Item was removed as Councilmember Soto left the meeting.*

- 16) DISCUSSION REGARDING THE ROLE OF CHIEFS OF POLICE WITH RESPECT TO THE U.S. CONSTITUTION AND THE BILL OF RIGHTS

*Item was removed as Councilmember Soto left the meeting.*

**CITY COUNCIL - LIAISON UPDATES**

Councilmember Gonzales gave updates regarding the Independent Cities Association and the Ad Hoc Committees that he serves.

Councilmember Fajardo discussed the Ad Hoc Committees and the League of California Cities conference.

Mayor Ballin noted one item would be discussed in Closed Session.

**STAFF COMMUNICATION INCLUDING COMMISSION UPDATES**

Police Chief Anthony Vairo discussed upcoming Business Watch and Neighborhood Watch meetings.

City Clerk Chávez reported on the upcoming Education Commission meeting.

Director of Community Development Hou announced that October is National Community Planning Month and discussed related events.

Director of Public Works/City Engineer Emrani discussed a recent Transportation and Safety Commission meeting.

**GENERAL COUNCIL COMMENTS**

Councilmember Gonzales asked for an update on pedestrian crosswalks, discussed the possibility of inviting a representative from Metro Link to attend a Council meeting to address pedestrian/train accidents, announced an upcoming Library Commission meeting, and discussed the possibility of creating an Oversight Committee and adding the item to a future agenda.

**SAN FERNANDO CITY COUNCIL**

**MINUTES – September 17, 2018**

**Page 8**

Councilmember Fajardo announced an upcoming Council of Governments (COG) meeting.

Mayor Ballin expressed interest in inviting a representative from Metro Link to present statistics regarding pedestrian/train accidents.

**ADJOURNMENT (9:45 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 September 17, 2018, meeting as approved by the San Fernando City Council.*

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*Elena G. Chávez, CMC*  
*City Clerk*