



SAN FERNANDO CITY COUNCIL
REGULAR MEETING NOTICE AND AGENDA
APRIL 6, 2020 – 6:00 PM

SPECIAL NOTICE REGARDING COVID-19

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 17, 2020, Governor Newsom issued Executive Order N-29-20 (superseding the Brown Act-related provisions of Executive Order N-25-20 issued on March 12, 2020), which allows a local legislative body to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body. Pursuant to Executive Order N-29-20, please be advised that the San Fernando City Council will participate in meetings telephonically.

PUBLIC PARTICIPATION: Pursuant to Executive N-29-20 and given the current health concerns, members of the public can access meetings live on-line, with audio and video, via Facebook Live, at <https://www.facebook.com/thecityofsanfernando>. Members of the public can submit comments electronically for City Council consideration by sending them to cityclerk@sfcity.org. To ensure distribution to the City Council prior to consideration of the agenda, please submit comments prior to 4:00 p.m. the day of the meeting. Those comments will be distributed to the City Council and will be limited to three minutes and made part of the official public record of the meeting.

CALL TO ORDER/ROLL CALL

Mayor Joel Fajardo
Vice Mayor Hector A. Pacheco
Councilmember Sylvia Ballin
Councilmember Robert C. Gonzales
Councilmember Mary Mendoza

PLEDGE OF ALLEGIANCE

Led by Mayor Joel Fajardo

APPROVAL OF AGENDA

DECORUM AND ORDER

The City Council, elected by the public, must be free to discuss issues confronting the City in an orderly environment. Public members attending City Council meetings shall observe the same

SAN FERNANDO CITY COUNCIL

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rules of order and decorum applicable to the City Council ([SF Procedural Manual](#)). Any person making impertinent derogatory or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting, may be removed from the room if the Presiding Officer so directs the sergeant-at-arms and such person may be barred from further audience before the City Council.

PUBLIC STATEMENTS

Members of the public can submit comments electronically for City Council consideration by sending them to cityclerk@sfcity.org. To ensure distribution to the City Council prior to consideration of the agenda, please submit comments prior to 4:00 p.m. the day of the meeting. Those comments will be distributed to the City Council and will be limited to three minutes and made part of the official public record of the meeting.

CONSENT CALENDAR

Items on the Consent Calendar are considered routine and may be disposed of by a single motion to adopt staff recommendation. If the City Council wishes to discuss any item, it should first be removed from the Consent Calendar.

1) REQUEST TO APPROVE MEETING MINUTES OF:

a. NOVEMBER 17, 2014 – SPECIAL JOINT	m. JUNE 13, 2016 – SPECIAL
b. OCTOBER 20, 2014 – REGULAR	n. FEBRUARY 20, 2018 – REGULAR
c. JANUARY 20, 2015 – SPECIAL	o. APRIL 16, 2018 – REGULAR
d. JANUARY 20, 2015 – REGULAR	p. DECEMBER 12, 2018 – ADJOURNED REGULAR
e. FEBRUARY 17, 2015 – SPECIAL	q. DECEMBER 2, 2019 – REGULAR
f. FEBRUARY 17, 2015 – REGULAR	r. DECEMBER 12, 2019 – SPECIAL
g. MARCH 16, 2015 – SPECIAL	s. JANUARY 6, 2020 – SPECIAL
h. MARCH 16, 2015 – REGULAR	t. JANUARY 6, 2020 – REGULAR
i. MARCH 23, 2015 – SPECIAL	u. JANUARY 27, 2020 - SPECIAL
j. JULY 20, 2015 – REGULAR	v. FEBRUARY 3, 2020 – REGULAR
k. DECEMBER 7, 2015 – REGULAR	w. MARCH 16, 2020 – SPECIAL
l. MARCH 21, 2016 – REGULAR	x. MARCH 20, 2020 – SPECIAL

2) CONSIDERATION TO ADOPT A RESOLUTION APPROVING THE WARRANT REGISTER

Recommend that the City Council adopt Resolution No. 20-041 approving the Warrant Register.

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3) CONSIDERATION TO APPROVE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF WATER RESOURCES FOR THE UPPER RESERVOIR REPLACEMENT PROJECT

Recommend that the City Council:

- a. Approve Contract No. 1921 with the State of California Department of Water Resources which will allow the City to utilize funding for the Upper Reservoir No. 4 Replacement Project; and
- b. Authorize the City Manager to execute the agreement on behalf of the City.

4) CONSIDERATION TO APPROVE A SUBAWARD AGREEMENT WITH THE CITY OF LOS ANGELES FOR THE 2019 URBAN AREA SECURITY INITIATIVE GRANT PROGRAM, AND TO APPROVE AN AGREEMENT WITH EVERBRIDGE FOR AN EMERGENCY MASS NOTIFICATION SYSTEM

Recommend that the City Council:

- a. Approve the Subaward Agreement (Contract No. 1946) between the City of Los Angeles and the City of San Fernando (City) for the 2019 Urban Area Security Initiative (UASI) Grant Program;
- b. Approve the Agreement (Contract No. 1947) between Everbridge and the City for an Emergency Mass Notification System for a term of three years in the amount of \$37,474.58;
- c. Authorize the City Manager and the Chief of Police to execute the agreement; and
- d. Adopt Resolution No. 7993 amending the Fiscal Year 2019-2020 adopted budget to appropriate the grant expenditures and revenues for the UASI 19 Grant in the amount of \$38,060.

PUBLIC HEARING**5) CONSIDERATION TO ADOPT AN URGENCY ORDINANCE ENACTING A TEMPORARY MORATORIUM ON COMMERCIAL AND RESIDENTIAL EVICTIONS**

Recommend that the City Council:

- a. Conduct a Public Hearing; and

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- b. Pending public testimony, waive full reading and adopt Urgency Ordinance No. 1693 by title, “An Uncodified Urgency Ordinance of the City of San Fernando, California, enacting a temporary moratorium on evictions due to the nonpayment of rent for residential and non-essential commercial tenants where the failure to pay rent results from income loss resulting from the novel coronavirus (COVID-19).”

ADMINISTRATIVE REPORTS**6) DISCUSSION OF CITY’S ACTIONS REGARDING CORONAVIRUS**

This item was placed on the agenda by Mayor Joel Fajardo.

7) CONSIDERATION TO ADOPT A RESOLUTION DESIGNATING AGENTS TO SUBMIT ASSURANCES AND AGREEMENTS TO THE OFFICE OF EMERGENCY SERVICES FOR STATE DISASTER ASSISTANCE

Recommend that the City Council adopt Resolution No. 7996 designating the City Manager, Police Chief, and Director of Finance as Authorized Agents to submit assurances and agreements to the California Governor’s Office of Emergency Services for State Disaster Assistance.

8) ADOPTION OF RESOLUTION DECLARING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION AND CONFIRMATION/FINAL ADOPTION OF ORDINANCE 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

Recommend that the City Council approve the following by separate vote:

- a. Adopt Resolution No. 7995 declaring the results of the March 3, 2020, Special Municipal Election; and
- b. Confirm and ratify adoption of Ordinance No. 1690 (second reading), entitled: “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.”.

9) CONSIDERATION OF A LETTER IN SUPPORT REGARDING AB 1862 - PROVIDING TWO YEARS OF TUITION-FREE EDUCATION AT ANY CALIFORNIA STATE UNIVERSITY (CSU) CAMPUS

This item was placed on the agenda by Councilmember Mary Mendoza.

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STAFF COMMUNICATION INCLUDING COMMISSION UPDATES**GENERAL COUNCIL COMMENTS AND LIAISON UPDATES****ADJOURNMENT**

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the City Hall bulletin board not less than 72 hours prior to the meeting.

Cynthia Alba

Deputy City Clerk/Management Analyst

Signed and Posted: April 2, 2020 (6:30 p.m.)

Agendas and complete Agenda Packets (including staff reports and exhibits related to each item) are posted on the City's Internet website (www.sfcity.org). These are also available for public reviewing prior to a meeting in the City Clerk Department. Any public writings distributed by the City Council to at least a majority of the Councilmembers regarding any item on this regular meeting agenda will also be made available at the City Clerk Department at City Hall located at 117 Macneil Street, San Fernando, CA, 91340 during normal business hours. In addition, the City may also post such documents on the City's website at www.sfcity.org. In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification/accommodation to attend or participate in this meeting, including auxiliary aids or services please call the City Clerk Department at (818) 898-1204 at least 48 hours prior to the meeting.

Regular Meeting

San Fernando City Council

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**SUCCESSOR AGENCY TO THE
SAN FERNANDO REDEVELOPMENT AGENCY
AND THE SAN FERNANDO CITY COUNCIL
MINUTES**

**NOVEMBER 17, 2014 – 5:00 P.M.
SPECIAL JOINT MEETING**

City Hall Community Room
117 Macneil Street
San Fernando, CA 91340

CALL TO ORDER/ROLL CALL

Chair/Mayor Sylvia Ballin called the meeting to order at 5:03 p.m.

Present:

Agency/Council: Chair/Mayor Sylvia Ballin, Vice Chair/Mayor Pro Tem Robert C. Gonzales, and Members/Councilmembers Jesse H. Avila, Joel Fajardo, Antonio Lopez (arrived at 5:11 p.m.)

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

PLEDGE OF ALLEGIANCE

Led by Police Lieutenant Anthony Vairo

APPROVAL OF AGENDA

Motion by Member/Councilmember Fajardo, seconded by Member/Councilmember Avila, to approve the agenda. By consensus, the motion carried.

PUBLIC STATEMENTS – WRITTEN/ORAL

None

RECESS TO CLOSED SESSION

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

**SUCCESSOR AGENCY TO THE SAN FERNANDO REDEVELOPMENT AGENCY
AND SAN FERNANDO CITY COUNCIL
SPECIAL JOINT MEETING MINUTES – November 17, 2014
Page 2**

A) CONFERENCE WITH LABOR NEGOTIATOR

G.C. §54957.6

Designated City Negotiator: Brian Saeki, City Manager

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 – EXISTING LITIGATION

G.C. §54956.9(d)(1)

Name of Case: City of San Fernando et al. v. Wendy L. Wantanabe, in her official
capacity as the Auditor-Controller of the County of Los Angeles

LASC Case No.: 34-2013-80001550-CU-WM-GDS

RECONVENE/REPORT OUT FROM CLOSED SESSION (5:14 P.M.)

City Attorney Olivarez reported that the following:

Items A and B – The City Council received a briefing, general direction was given to staff, but no final action was taken.

ADJOURNMENT (5:15 P.M.)

Motion by Vice Chair/Mayor Pro Tem Gonzales, seconded by Member/Councilmember Gonzales, to adjourn. By consensus, the motion carried.

I do hereby certify that the foregoing is a true and correct copy of the minutes of November 17, 2014 meeting as approved by the Successor Agency to the San Fernando Redevelopment Agency and the San Fernando City Council.

*Elena G. Chávez
Secretary/City Clerk*

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**SAN FERNANDO CITY COUNCIL
MINUTES**

**OCTOBER 20, 2014 – 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 6:02 p.m.

Present:

Council: Mayor Sylvia Ballin, Mayor Pro Tem Robert C. Gonzales, and Councilmembers Jesse H. Avila, Joel Fajardo, and Antonio Lopez

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

PLEDGE OF ALLEGIANCE

Led by Police Explorer Samantha Martinez

APPROVAL OF AGENDA

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

PRESENTATION

The following presentation was made:

- a) PROCLAMATION IN HONOR AND MEMORY OF NATI CANO

PUBLIC STATEMENTS – WRITTEN/ORAL

Battalion Chief Rick Combs highlighted significant calls for service to the Fire Department and noted he looks forward to working with the City Council.

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Ava Lopez spoke in opposition to the JC Penney apartments (Item No. 7) and concerns regarding congestion and increased taxes. (Ms. Lopez requested that her comments be incorporated into the official record under Item No. 7.)

Maria Avalos, Community Relations Coordinator, Community Integration Services, spoke about her organization, thanked Councilmember Avila for the recent Health Fair, discussed services and activities for seniors, and invited the San Fernando senior community to contact them for information.

Carlos Calderon referenced construction of an apartment project across his street and asked if they will be low-income housing, such as Section 8. He was referred to staff for additional information.

Julie Cuellar spoke in opposition to Item No. 7, thanked Council for postponing the item to obtain additional information, noted residents wanted (and continue to want) a department store, and discussed other apartment projects in the City.

Louis Lopez referenced his campaign running for City Council noting he spoke with hundreds of residents and business owners who were upset that JC Penney was closing and were opposed to building affordable housing on the site. He urged Council to listen to the community and deny Item No. 7.

Vernie Watson spoke in opposition to the proposed apartment complex at the old JC Penney site and expressed concerns with the condition of her street.

Peter Cerda referenced a construction project on Harding Street, reported residents were not notified of (and were opposed to) the project, and spoke about blocked off streets, lack of parking, dirt and construction occurring on Sundays.

CONSENT CALENDAR

Mayor Ballin pulled Item No. 3 for further discussion.

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

- 1) REQUEST TO APPROVE MINUTES OF:
 - a. SEPTEMBER 2, 2014 – SPECIAL MEETING
 - b. SEPTEMBER 15, 2014 – SPECIAL MEETING
 - c. SEPTEMBER 15, 2014 – REGULAR MEETING
 - d. SEPTEMBER 29, 2014 – SPECIAL MEETING
 - e. OCTOBER 6, 2014 – SPECIAL MEETING
- 2) CONSIDERATION TO ADOPT RESOLUTION NO. 14-102 APPROVING THE WARRANT REGISTER

SAN FERNANDO CITY COUNCIL**MINUTES – October 20, 2014****Page 3**

- 4) CONSIDERATION TO ADOPT A RESOLUTION AUTHORIZING AMENDMENTS TO THE JOINT POWERS AUTHORITY AGREEMENT WITH THE SAN FERNANDO VALLEY COUNCIL OF GOVERNMENTS
- 5) CONSIDERATION TO ADOPT A RESOLUTION ENDORSING PROPOSITION P SAFE NEIGHBORHOOD PARK MEASURE
- 6) SAN FERNANDO REGIONAL POOL FACILITY LEASE UPDATE

By consensus, the motion carried.

Item Pulled for Further Discussion

- 3) ADOPTION OF ORDINANCE NO. 1638 AMENDING THE CITY'S WATER CONSERVATION AND MANAGEMENT PROGRAM – SAN FERNANDO MUNICIPAL CODE CHAPTER 94, ARTICLE III, DIVISION 4

In response to Mayor Ballin's question, Deputy City Manager/Public Works Director Chris Marcarello discussed residents washing their cars on their lawns and provisions requiring nozzles that turn the water on and off.

Motion by Mayor Ballin, seconded by Councilmember Lopez, to waive full reading of Ordinance No. 1638 and adopt by title only, "An Ordinance of the City Council of the City of San Fernando, California, Amending Chapter 94 (Utilities), Article III (Water), Division 4 (Wastage) of the San Fernando Municipal Code". By consensus, the motion carried.

PUBLIC HEARING

- 7) CONSIDERATION TO APPROVE A RESOLUTION APPROVING AN AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT RELATING TO THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY (CSCDA) AND A RESOLUTION APPROVING THE ISSUANCE OF BONDS BY THE CSCDA OF MULTIFAMILY HOUSING REVENUE BONDS FOR THE PENNEY'S APARTMENTS AT 1150 SAN FERNANDO ROAD

City Attorney Olivarez read the title of this item, suggested changes to the staff report which were accepted without objection, and noted residents may speak for, or against, the item during public comments.

Community Development Director Fred Ramirez provided details of the staff report and reported a representative from CSCDA is in attendance to respond to Councilmember's questions.

Caitlyn Longtow, CSCDA, offered to respond to questions from Councilmembers.

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In response to Councilmember Avila's question, Ms. Longtow explained the City could issue the bonds but CSCDA will do so, instead, and reported there will be no financial responsibility by the City, the bonds will be repaid by the project revenue and there will be no tax increases.

Replying to Councilmember Lopez's question, Ms. Longtow addressed other cities assisted by CSCDA.

Discussion followed regarding city and county jurisdiction and it was stressed that the City will have no financial responsibility in the process. Ensuing discussion pertained to Citibank as the source of bond funds, low-income housing exemptions, impacts to commercial property taxes, and the EIR process and categories under affordable housing projects.

Mayor Ballin declared the Public Hearing open.

Linda Campanella spoke in support of project, noted the building has been vacant for two years, addressed the vacancy rate for rentals, stressed the need for young residents who will add vibrancy to the community, stated the bond program does not place the City in any jeopardy, and discussed the project benefits to the City.

Louie Mendoza, Pacoima, spoke in opposition to the project, urged Council to listen to residents and reminded Councilmembers to consider their re-election when making decisions.

Julie Cuellar spoke in opposition to the project noting residents want retail and not apartments and expressed concerns regarding increased traffic and the cost of City services.

Mary Mendoza discussed the important decision that will change the dynamics of the City, said the project is not a way of revitalizing the City, spoke in opposition to the project, reminded Councilmembers of their responsibility to serve the public interest, and urged Council to listen to residents' requests.

Eric Tovar noted he cares about what happens in the City and spoke in opposition to the project and urged Council to deny it.

Chris Matye spoke in support of the project, noted the need to provide affordable housing for single moms, students, and those in need, and stated the City is historic and visionary.

Vanessa Ceballos, resident and business owner, spoke in support of the project as it will bring more people to the mall, discussed keeping money within the City, and suggested there is a lot of misinformation being dispersed.

Irene Tovar expressed concerns about rising costs in City services as a result of the project, disagreed with the atmosphere of the meeting and prohibiting people from displaying signs, alleged intimidation and urged Council to listen to the concerns of residents.

Louis Gallegos agreed with the previous speaker, spoke about promises made by Councilmembers that have not been kept, discussed concerns with rising crime and parking problems, opposed the project and urged the City to keep residents informed and involved.

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Pedro Santana, Jr. urged Council to pay attention to residents over businesses and spoke in opposition to the project.

Rosa Ruvalcaba spoke in support of the project, noted the need for affordable housing to attract young people into the City, discussed the quality products of the developer, and urged Council to increase options for low-income residents.

Rosemary Jenkins, Chair, Northeast Valley Green Alliance, stated she is dismayed by threats from public speakers, urged Councilmembers to vote their conscience, noted those speaking in opposition to the project do not represent the majority of residents, spoke in support of multi-use facilities, discussed resident and visitor parking, and felt people have been misled with misinformation about the project.

Miguel Montanez reported he has talked with many residents who overwhelmingly oppose the project and believe it is detrimental to the public interest, noted residents are concerned with increased traffic, parking problems, and public safety, and stated business are concerned with the negative impacts during construction and urged Council to deny the project.

Maxine Perez spoke in opposition to the project, expressed concerns that the dwellings will be for low-income residents, noted problems with traffic and parking, spoke about existing challenges to retail businesses, and urged Council to deny the project.

Tony Ruiz spoke about improvements in the City, alleged lack of transparency on this project, discussed the uniqueness of the City, and urged Council to deny the project.

Michael Duarte discussed the need for more businesses in the City, said low-income people do not spend money, and urged Council to listen to residents' concerns.

Tom Ross, President of the San Fernando Downtown Mall Association and of the San Fernando Chamber of Commerce, spoke in support of the project, reported JC Penney's was a poorly-managed organization, indicated there will be retail on the first floor with residential on the second floor, stressed the need to be a catalyst for change, and urged Council to approve the project.

Nancy Meza discussed the correlation between low-income housing and crime, spoke about transients living in the parks, stressed the need for more businesses in the City instead of housing units, expressed concerns with lack of parking, and urged Council to deny the project.

Rudy Garcia spoke positively regarding the developer, suggested the need for a crime impact statement, expressed concerns regarding increased traffic, and urged Council to listen to residents' concerns.

Louie Lopez presented a petition with 608 signatures of residents opposing the project, read a letter from Rebecca Martinez, and expressed concerns regarding decreased property values.

SAN FERNANDO CITY COUNCIL**MINUTES – October 20, 2014****Page 6**

Rudy Trujillo noted there is no correlation between poverty and crime, reported on the need to consider human dignity and the increasing need for affordable housing, urged residents to be open to progress, and spoke in support of the project.

Donna Prince stated she is grateful to live in San Fernando, noted she lives in affordable housing, patronizes local businesses, and spoke in support of the project.

Gustavo Franco spoke in opposition of the project, expressed concerns regarding increased congestion, said the Police Department and other City resources will be overwhelmed, and urged the City to bring in more businesses to the area.

City Clerk Elena Chávez read letters from Cindy Lopez, Mr. and Mrs. Travino, Kelly Dugan and Lauren Sherrie who opposed the project.

Motion by Councilmember Lopez, seconded by Councilmember Avila, to close the Public Hearing. By consensus, the motion carried.

RECESS/RECONVENE

Mayor Ballin called for a recess at 8:27 p.m. The meeting was reconvened at 8:35 p.m. with all Councilmembers, present.

City Manager Saeki reported Sev Aszkenazy, Development, Inc., is in the audience and available to respond to Council questions.

In response to an inquiry from Councilmember Avila, Mr. Aszkenazy presented details of the proposed project including background, retail and residential components; reported most retailers like to go into modern structures and addressed parking for the development.

Discussion followed demands on City resources including the Police and Fire Departments, creating a safer zone for the community, security, the possibility of providing market-rate housing in addition to low-income housing, the criteria for qualifying residents, determining residents' discretionary income, the types of businesses that will be attracted, impacts to public safety, calls for service at other low-income complexes and the need to properly staff the Police Department to handle calls for service.

Ensuing discussion pertained to capping the number of residents per unit to two, enforcement of regulations and potential economic benefits.

City Manager Saeki addressed critical mass to sustain businesses, noted the project will provide for increased foot traffic to restaurants and shops and spoke about the project's effect in promoting safety, businesses and other developments.

Discussion continued regarding renting versus homeownership, what would happen if the developer were to default, lack of parking, the possibility of building a parking structure, hiring additional Police Officers and staff, and levels of service for intersections in surrounding areas.

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Mayor Ballin expressed concerns the City will be known for low-income housing, acknowledged receipt of the petition and over 30 emails from residents opposing the project, and noted the need to consider what the community wants.

Councilmember Avila did not agree with Mayor Ballin relative to the City being known for low-income housing, noted a lack of trust and discussed wants and needs.

Councilmember Lopez spoke about the need to stimulate the economy by creating density, noted the need to bring all types of people to the City, addressed the need to bring big businesses to the City and discussed the need to embrace change.

Councilmember Fajardo discussed allowing clapping at meetings, thanked residents for attending and providing input, expressed concern with the low-income aspect of the project, said the project seems rushed and spoke about the need for more evidence in terms of projections related to discretionary income and public benefits. He hoped everyone will work together to make San Fernando a better City.

Mayor Pro Tem Gonzales acknowledged receipt of many telephone calls and emails, noted the majority of people he spoke with were in favor of the project as the mall needs revitalization, and expressed disappointment at some of the racist remarks he received.

Motion by Councilmember Lopez, Councilmember Avila, to:

- a. Adopt Resolution No. 7633 approving the CSCDA Amended and Restated Joint Exercise of Power Agreement;
- b. Adopt Resolution No. 7634 approving the proposed issuance of multifamily housing revenue obligations bonds by the CSCDA in an amount not to exceed \$12,000,000 for the benefit of Aszkenazy Development, Inc. (the Borrower); and
- c. Direct the City Manager to take all actions necessary to execute the Joint Exercise of Power Agreement and bond documents.

The motion carried with the following vote:

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

COMMITTEE/COMMISSION LIAISON UPDATES

Councilmember Avila encouraged residents to vote on November 4th.

Mayor Pro Tem Gonzales discussed a recent ICA Board meeting where the board voted to oppose Proposition 47, reported he was voted to serve as Chair of the High Speed Rail and

SAN FERNANDO CITY COUNCIL**MINUTES – October 20, 2014****Page 8**

invited the public to an upcoming meeting regarding the East San Fernando Transportation Corridor.

GENERAL COUNCIL COMMENTS

Councilmember Avila asked to adjourn the meeting in memory of Nati Cano.

Mayor Pro Tem Gonzales discussed the recent San Fernando 5K Relay and a brick sale to raise funds to refurbish the Cesar Chávez Memorial.

Mayor Ballin thanked Mayor Pro Tem Gonzales for his and his family's hard work.

STAFF COMMUNICATION

City Manager Saeki thanked Council for the spirited debate this evening and discussed the success of the recent San Fernando 5K Relay.

ADJOURNMENT (10:02 P.M.)

By consensus, the meeting was adjourned in memory of Nati Cano.

I do hereby certify that the foregoing is a true and correct copy of the minutes of October 20, 2014, meeting as approved by the San Fernando City Council.

*Elena G. Chávez
City Clerk*

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**SAN FERNANDO CITY COUNCIL
MINUTES**

**JANUARY 20, 2015 – 5:00 P.M.
SPECIAL MEETING**

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

CALL TO ORDER/ROLL CALL

Mayor Sylvia called the meeting to order at 5:09 p.m.

Present:

Council: Mayor Sylvia Ballin, Mayor Pro Tem Robert C. Gonzales, and Councilmembers Jesse H. Avila, Joel Fajardo, and Antonio Lopez

Staff: City Manager Brian Saeki, Assistant City Attorney Joaquin Vasquez, and City Clerk Elena G. Chávez

PLEDGE OF ALLEGIANCE

Led by Mayor Ballin

APPROVAL OF AGENDA

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

PUBLIC STATEMENTS – WRITTEN/ORAL

None

STUDY SESSION

1) CONSIDERATION TO AMEND THE CITY COUNCIL PROCEDURAL MANUAL

Assistant City Attorney Joaquin Vasquez presented a brief staff report addressing specific changes to the City Council Procedural Manual including note-taking during Closed Sessions.

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SPECIAL MEETING MINUTES – January 20, 2015**

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Discussion followed regarding the possibility of recording Closed Session meetings and having them kept at the City Attorney's office, establishing criteria for access to the records, the risk of leaks, and directing staff to continue to work on this item with the City Attorney's office to return to City Council with an appropriate resolution for consideration.

Ensuing discussion followed regarding time limits for public speakers, ensuring consistent rules that are followed by all, and defining "presiding officer" and his/her responsibilities.

RECESS TO CLOSED SESSION (5:47 P.M.)

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

- A) CONFERENCE WITH LEGAL COUNSEL TO DISCUSS SPECIFIC FACTS AND CIRCUMSTANCES WHICH MAY BE THE BASIS FOR CITY INITIATING LITIGATION
G.C. §54956.9(d)(4)
One (1) Matter

RECONVENE/REPORT OUT FROM CLOSED SESSION (6:02 P.M.)

Assistant City Attorney Vazquez reported the following:

Item A – Update provided by staff, but no final action was taken.

ADJOURNMENT (6:02 P.M.)

Motion by Councilmember Avila, seconded by Councilmember Fajardo, 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 January 20, 2015, meeting as approved by the San Fernando City Council.

*Elena G. Chávez
City Clerk*

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**SAN FERNANDO CITY COUNCIL
MINUTES**

**JANUARY 20, 2015 – 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 6:05 p.m.

Present:

Council: Mayor Sylvia Ballin, Mayor Pro Tem Robert C. Gonzales, and Councilmembers Jesse H. Avila, Joel Fajardo, and Antonio Lopez

Staff: City Manager Brian Saeki, Assistant City Attorney Joaquin Vasquez, and City Clerk Elena G. Chávez

PLEDGE OF ALLEGIANCE

Led by Police Explorer Alfredo Mendoza

APPROVAL OF AGENDA

Mayor Ballin requested to move Item No. 6 to the end of the agenda and City Manager Saeki reported that Item No. 2 had an incorrect attachment (Council was provided a corrected version at the dais).

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

PUBLIC STATEMENTS – WRITTEN/ORAL

Miguel Martinez, District Director for Assemblymember Patty Lopez, spoke about increasing communication with the City, offered to respond to questions, and urged the City to contact them with any concerns.

SAN FERNANDO CITY COUNCIL**MINUTES – January 20, 2015****Page 2**

Linda Campanella-Jauron spoke in opposition to the High Speed Rail Project, pointed out flaws in the underground option, and encouraged residents to lobby the High Speed Rail Authority and remind them there is a better alternative than a High Speed Rail coming through San Fernando.

Mary Mendoza expressed concerns with her inability to locate 2014 agendas, minutes and meeting audios on-line. Finance Director Nick Kimball reported the current agenda is on the City's website and noted the inclusion of a link to access archived agendas. City Manager Saeki reported staff is working to make the City website user-friendly.

CONSENT CALENDAR

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

- 1) CONSIDERATION TO ADOPT RESOLUTION NOS. 14-122, 15-011, AND 15-012 APPROVING THE WARRANT REGISTERS OF DECEMBER 15, 2014, JANUARY 5, 2015 AND JANUARY 20, 2015, RESPECTIVELY
- 2) FACILITY FEE WAIVER POLICY UPDATE
- 3) CONSIDERATION TO APPROVE A SIDE LETTER OF AGREEMENT EXTENDING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE SAN FERNANDO PUBLIC EMPLOYEES' ASSOCIATION
- 4) PROPOSED METRO CALL FOR PROJECTS GRANT APPLICATION – TRAFFIC SIGNAL IMPROVEMENTS AND SYNCHRONIZATION
- 5) CONSIDERATION TO APPROVE AMENDMENT NO. 1 TO THE MEMORANDUM OF UNDERSTANDING WITH THE UPPER LOS ANGELES RIVER AREA WATERMASTER

By consensus, the motion carried.

ADMINISTRATIVE REPORTS

- 7) CONSIDERATION TO APPROVE A CONTRACT WITH ATHENS SERVICES FOR STREET SWEEPING SERVICES

Management Analyst Kenneth Jones presented the staff report and replied to questions from Councilmembers.

Discussion followed regarding Athens Services' responsiveness to the community, staff's efforts in cutting costs, including street-sweeping services, base-service versus reduced-service levels,

SAN FERNANDO CITY COUNCIL**MINUTES – January 20, 2015****Page 3**

costs related to maintaining the present level of service, Council's option to approve the contract based on the base service level and distribution of the RFP.

Dan Edwards, Executive Vice President, Athens Services, reported Athens has been in business for over 50 years.

Motion by Councilmember Lopez, seconded by Councilmember Fajardo, to go with the base bid (staff will look into the \$14,000 during mid-year) and

- a. Approve a contract between the City and Athens Services for a fixed annual cost of \$174,591.56 (Contract No. 1776) to provide Citywide street sweeping services for a three-year term, with a City option to renew for two additional years; and
- b. Authorize the City Manager to execute the Contract.

By consensus, the motion carried.

8) **CONSIDERATION TO APPROVE AND EXECUTE CORRESPONDENCE TO THE CALIFORNIA HIGH-SPEED RAIL AUTHORITY (HSRA) AND PROVIDE DIRECTION REGARDING FUTURE OUTREACH EFFORTS**

City Manager Saeki presented the staff report and responded to questions from Councilmembers.

Councilmember Fajardo discussed a recent meeting in Shadow Hills regarding the High Speed Rail and suggested holding a forum in San Fernando or inviting the HSRA to make a presentation in the City, spoke about the need for the City to spend money on this matter to match the effort of the HSRA, suggested that staff listen to the recordings of the recent Shadow Hills meeting, and noted the need for additional information to sign the letter and fully vet the project.

City Manager Saeki reported at this point, the project is going through an environmental assessment process and discussed the intent of the proposed letter.

Councilmember Avila spoke about offering an alternative that is less-intrusive to the community and noted the more the community responds, the more the HSRA will pay attention to the community's concerns. He reported that the letter will not stop the City from being able to offer alternatives to the project.

Discussion followed regarding HSRA's willingness to work with the community, the possibility of creating a committee of stakeholders, the need for the City to do extensive community outreach, the need for consistency in the message, the feasibility of the underground option, the need for more information and acceptable alternatives and the need for increased community participation.

Mayor Ballin voiced her opposition to sending the letter as she believed it sends out the wrong message, spoke in opposition to the project, noted the need to form a coalition with other

SAN FERNANDO CITY COUNCIL**MINUTES – January 20, 2015****Page 4**

opposing cities and stated she would have preferred for staff to have brought the item before Council prior to generating the letter.

Discussion followed regarding delaying the item until the next City Council meeting to obtain additional information, avoiding giving the impression the City is favorable to the project, using strong language in the letter clarifying the damage that the project would have on the City, and getting other elected officials, representing San Fernando, to support the City's position.

By consensus, City staff was directed to return with more information including strong language in the letter, making the City's position clear, to the next City Council meeting.

Discussion followed regarding the need to give community outreach, more thought, postponing the discussion on outreach to the next City Council meeting and having one person in charge of communicating the City's message.

9) **CONSIDERATION TO AUTHORIZE NEGOTIATIONS WITH THE UNITED STATES POSTAL SERVICE FEDERAL CREDIT UNION FOR OFFICE SPACE IN CITY HALL**

City Manager Saeki presented the staff report and responded to questions from Councilmembers.

Discussion followed regarding getting input from City staff who will be impacted, security and lighting, parking availability, hours of operation, determining better uses for the space than what is being proposed and credit union membership qualifications.

Motion by Mayor Pro Tem Gonzales, seconded by Councilmember Lopez, to authorize the City Manager to negotiate a lease agreement between the City and the United States Postal Service Federal Credit Union for office space in City Hall. By consensus, the motion carried.

6) **PRESENTATION OF FISCAL YEAR 2013-2014 COMPREHENSIVE ANNUAL FINANCIAL REPORT**

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

By consensus, the Fiscal Year 2013-2014 Comprehensive Annual Financial Report was received and filed.

COMMITTEE/COMMISSION LIAISON UPDATES

Councilmember Avila noted many agencies are planning and waiting for the upcoming election.

Councilmember Lopez discussed upcoming TOD meetings and noted the importance of increased public participation and addressed a recent Metro Service Council meeting where he was appointed to be on the Blue Ribbon Committee, overseeing a three-year outlook.

SAN FERNANDO CITY COUNCIL**MINUTES – January 20, 2015****Page 5**

Councilmember Fajardo congratulated Councilmember Lopez on his appointment, discussed upcoming meetings of the Tree Commission, and spoke about discussions he will bring up at the next Chamber of Commerce meeting.

Mayor Pro Tem Gonzales discussed a recent Independent Cities Association meeting as well as an upcoming ICA conference.

Mayor Ballin congratulated Councilmember Lopez and Mayor Pro Tem Gonzales for their recent appointments, addressed the importance of representing the City and attending board meetings, and wished everyone a Happy New Year.

GENERAL COUNCIL COMMENTS

Councilmember Avila addressed the importance of TOD and encouraged residents to engage and participate.

Councilmember Fajardo discussed the need for preliminary research on costs related to raising the minimum wage and noted he looks forward to a good 2015.

STAFF COMMUNICATION

City Manager Saeki provided an update on the upcoming TOD meetings and announced Chief Parks is retiring on March 19, 2015.

Chief Parks spoke about his son's hockey team winning a recent tournament and reported his retirement party will be at the Odyssey Restaurant in Granada Hills.

Director of Recreation and Community Services Ismael Aguila discussed the Christmas Tree-Lighting ceremony, noted staff is working on the "Eggstravaganza" and addressed the start of CERT training in the City.

ADJOURNMENT (8:13 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 January 20, 2015, meeting as approved by the San Fernando City Council.

*Elena G. Chávez
City Clerk*

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**SAN FERNANDO CITY COUNCIL
MINUTES**

**FEBRUARY 17, 2015 – 4:30 P.M.
SPECIAL MEETING**

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

CALL TO ORDER/ROLL CALL

Mayor Pro Tem Robert Gonzales called the meeting to order at 4:32 p.m.

Present:

Council: Mayor Pro Tem Robert C. Gonzales, and Councilmembers Jesse H. Avila, Joel Fajardo, and Antonio Lopez

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

Absent: Mayor Sylvia Ballin

PLEDGE OF ALLEGIANCE

Led by Mayor Pro Tem Gonzales

APPROVAL OF AGENDA

City Manager Brian Saeki announced City Council will hold the Study Session prior to Closed Session.

Motion by Councilmember Avila, seconded by Councilmember Fajardo, to approve the agenda as amended. By consensus, the motion carried.

PUBLIC STATEMENTS – WRITTEN/ORAL

None

The following item was moved forward on the agenda.

**SAN FERNANDO CITY COUNCIL
SPECIAL MEETING MINUTES – February 17, 2015**

Page 2

STUDY SESSION

1) CONSIDERATION OF FISCAL YEAR 2014-2015 MID-YEAR BUDGET REVIEW

Financial Director Nick Kimball presented the staff report and responded to questions from Councilmembers.

Discussion followed regarding the need to consider upcoming Metro projects, taking into account the growing cost of pensions and details of the proposed changes.

City Manager Saeki acknowledged and thanked staff and the City Council for their hard work.

Motion by Councilmember Lopez, seconded by Councilmember Avila, to adopt Resolution No. 7665 amending the City's FY 2014-2015 budget to include the proposed changes, including an amendment to add \$10,000 to Administration for website redesign costs. The motion carried, by consensus.

RECESS TO CLOSED SESSION (5:00 P.M.)

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

A) CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(D)(2) AND 54956.9(E)(1) - CONFERENCE WITH LEGAL COUNSEL TO DISCUSS FACTS AND CIRCUMSTANCES UNKNOWN TO POTENTIAL PLAINTIFF WHICH MAY GIVE RISE TO LITIGATION OR WHICH CREATE EXPOSURE TO LITIGATION

One (1) matter

B) CONFERENCE WITH LABOR NEGOTIATOR

G.C. §54957.6

Designated City Negotiator:

Brian Saeki, City Manager

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

RECONVENE/REPORT OUT FROM CLOSED SESSION (6:03 P.M.)

City Attorney Olivarez reported the following:

Items A and B – General direction was given; but no final action was taken.

**SAN FERNANDO CITY COUNCIL
SPECIAL MEETING MINUTES – February 17, 2015
Page 3**

ADJOURNMENT (6:03 P.M.)

Motion by Councilmember Avila, seconded by Councilmember Fajardo, 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 February 17, 2015, meeting as approved by the San Fernando City Council.

*Elena G. Chávez
City Clerk*

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**SAN FERNANDO CITY COUNCIL
MINUTES**

**FEBRUARY 17, 2015 – 6:00 P.M.
REGULAR MEETING**

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

CALL TO ORDER/ROLL CALL

Mayor Pro Tem Robert Gonzales called the meeting to order at 6:05 p.m.

Present:

Council: Mayor Pro Tem Robert C. Gonzales, and Councilmembers Jesse H. Avila, Joel Fajardo, and Antonio Lopez

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

Absent: Mayor Sylvia Ballin

PLEDGE OF ALLEGIANCE

Led by Mayor Pro Tem Gonzales

APPROVAL OF AGENDA

City Manager Saeki corrected a typographical error in the staff report regarding Item No. 3 pertaining to the purchase price of the sewer jetter truck, noting it should be listed as \$240,604.35, and pulled Item No. 12 to be re-agendized for the City Council meeting in March.

Motion by Councilmember Avila, seconded by Councilmember Fajardo, to approve the agenda as amended. By consensus, the motion carried.

PRESENTATION

The following presentation was made:

- a) SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT DEVELOPMENTS

SAN FERNANDO CITY COUNCIL**MINUTES – February 17, 2015****Page 2****PUBLIC STATEMENTS – WRITTEN/ORAL**

Marisol Diaz spoke about her experience with (and support of) the 100 Citizens program which helps improve the quality of life of participants and will provide many benefits to the community.

Stephen Warren, 100 Citizens, spoke in support of the San Fernando Family Fitness facility.

Rafael Garcia, Republic Services, announced a bulky item event on Saturday, reported on a recycling education program at Gridley Elementary School for students K-5th grade, and he talked about the good partnership with the City.

Mary Mendoza asked for information regarding a possible BevMo development in the City and other possible high-scale retail projects.

CONSENT CALENDAR

Mayor Pro Tem Gonzales pulled Item No. 2, and Councilmember Lopez pulled Item No. 4 for further discussion.

Motion by Councilmember Lopez, seconded by Councilmember Avila, to approve the remaining Consent Calendar Items with amendment stated earlier regarding Item No. 3:

- 1) CONSIDERATION TO ADOPT RESOLUTION NO. 15-022 APPROVING THE WARRANT REGISTER
- 3) CONSIDERATION TO AUTHORIZE THE PURCHASE OF A SEWER JETTER TRUCK
- 5) CONSIDERATION TO APPROVE BASEBALL FIELDS AND CONCESSION STAND LICENSE AGREEMENTS FOR YOUTH BASEBALL LEAGUES
- 6) CONSIDERATION TO APPROVE AN AGREEMENT FOR ENGINEERING SERVICES RELATED TO THE CITY'S SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) RADIO COMMUNICATIONS SYSTEM FOR WATER FACILITIES
- 7) CONSIDERATION OF DISPOSITION OF SURPLUS CITY-OWNED PERSONAL PROPERTY

By consensus, the motion carried.

Items Pulled for Further Discussion:

- 4) CONSIDERATION TO APPROVE THE AGREEMENT FOR LOCAL GOVERNMENT MATCH GRANT PROGRAM WITH SOUTH COAST AIR QUALITY MANAGEMENT

SAN FERNANDO CITY COUNCIL**MINUTES – February 17, 2015****Page 3****DISTRICT FOR COMPRESSED NATURAL GAS (CNG) FUELING STATION IMPROVEMENTS**

Deputy City Manager/Public Works Director Chris Marcarello gave brief presentation and replied to questions from Councilmembers.

Motion by Councilmember Avila, seconded by Councilmember Lopez, to:

- a. Approve the Agreement for Local Government Match Grant Program with South Coast Air Quality Management District (Contract No. 1784 / SCAQMD Contract No. ML 14062) to fund improvements to the City's CNG fueling station; and
- b. Authorize the City Manager to execute the Agreement.

By consensus, the motion carried.

2) **CONSIDERATION TO APPROVE A MEMORANDUM OF UNDERSTANDING WITH ASSISTANCE LEAGUE OF LOS ANGELES FOR COURT REFERRED VOLUNTEER CENTER PROGRAM**

Mayor Pro Tem Gonzales expressed his concerns regarding the qualifications and background screening for community workers who work in City parks and suggested developing a list of activities (backgrounds) that are prohibited in City parks.

By consensus, staff will bring additional information to City Council at its next meeting.

ADMINISTRATIVE REPORTS

8) **CONSIDERATION TO APPROVE HEALTHY SAN FERNANDO! 2015 CAMPAIGN**

Director of Recreation & Community Services Ismael Aguila presented the staff report and replied to questions from Councilmembers.

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

- a. Authorize the City Manager to allocate City staff to begin plans for implementing the City of San Fernando Health! Campaign 2015 (Health Campaign); and
- b. Authorize the City Manager to Execute a Memorandum of Understanding (Contract No. 1782) with Valley Care Community Consortium to provide fiscal sponsorship for the Health Campaign.

By consensus, the motion carried.

9) **CONSIDERATION TO APPROVE THE CITY OF SAN FERNANDO FAMILY FITNESS FACILITY**

SAN FERNANDO CITY COUNCIL**MINUTES – February 17, 2015****Page 4**

Director of Recreation & Community Services Aguila displayed a short video, presented the staff report and replied to questions from Councilmembers.

Motion by Councilmember Avila, seconded by Councilmember Fajardo, to authorize the City Manager to direct City staff to designate the back patio of Recreation Park to function as the City of San Fernando Family Fitness Facility. By consensus, the motion carried.

10) **CONSIDERATION TO APPROVE A LICENSE AGREEMENT BETWEEN THE CITY OF SAN FERNANDO AND THE UNITED STATES POSTAL SERVICE FEDERAL CREDIT UNION FOR THE USE OF CITY HALL OFFICE SPACE**

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

Motion by Councilmember Lopez, seconded by Councilmember Avila, to authorize the City Manager to sign the License Agreement (Contract No. 1779) between the City of San Fernando and the United States Postal Service Federal Credit Union for the Use of City Hall Office Space, subject to the term and license fee noted therein. By consensus, the motion carried.

11) **CONSIDERATION TO APPROVE CITYWIDE ENGINEERING AND TRAFFIC SURVEY TO ALLOW FOR SPEED RADAR ENFORCEMENT ON CITY STREETS**

Deputy City Manager/Public Works Director Chris Marcarello introduced the City's Consultant Traffic Engineer Tom Brohard who presented the staff report and responded to questions from Councilmembers.

Discussion followed regarding using speed traps to control traffic, measuring speeds under normal traffic conditions rather than during peak hours, concerns regarding increasing the speed limit in the mall area (San Fernando Road), results of the collision study and the possibility of the matter being brought back to Council for additional studies/consideration.

City Manager Saeki spoke about the importance of maintaining flexibility

City Attorney Olivarez recommended that Council approve Item No. 11, as presented by staff, and give staff direction to return with information regarding increasing the speed limit on San Fernando Road, in six months or one year.

Motion by Councilmember Lopez, seconded by Councilmember Avila, to:

- a. Approve the Transportation and Safety Commission's recommendation to approve the Citywide Engineering and Traffic Survey establishing speed limit zones in the City;
- b. Introduce for first reading, by title only, and waive further reading of Ordinance No. 1639 "An Ordinance of the City of San Fernando Amending Sections 90-941 and 90-942 of Chapter 90 of the City of San Fernando City Code Relating to Speed Limits"; and

SAN FERNANDO CITY COUNCIL**MINUTES – February 17, 2015****Page 5**

- c. Staff to return with information (within a year) regarding increasing the speed limit on San Fernando Road.

By consensus, the motion carried.

12) CONSIDERATION TO ADOPT RESOLUTION NO. 7664 AMENDING THE CITY COUNCIL PROCEDURAL MANUAL BY REVISING VARIOUS SECTIONS INCLUDING CHANGING THE TITLE OF MAYOR PRO TEM TO VICE MAYOR

This item was pulled under "Approval of Agenda" and continued to March 2, 2015.

COMMITTEE/COMMISSION LIAISON UPDATES

Councilmember Avila gave an update on the SFVCOG, noting it is on hold until mid-March.

Councilmember Lopez reported on discussions at a recent Metro Service Council meeting and upcoming projects and commented on San Fernando becoming a "walkable city".

Councilmember Fajardo presented updates and findings discussed at a recent Tree Commission meeting and reported on upcoming Education Committee meetings.

Mayor Pro Tem Gonzales stated he will be in Sacramento next week advocating for the City including the need for more money for streets and for the Police Department to help with AB 109 and Proposition 47, and reported he was recently elected to the Los Angeles County Library Commission where he will attend the first meeting, tomorrow.

GENERAL COUNCIL COMMENTS

Councilmember Avila reported San Fernando is the hub, going into Santa Clarita (addressed traffic impacts that will affect both cities) and talked about items to be considered at an upcoming meeting (including High-speed Rail and the Metro Rail System) and he urged the public to contact him with ideas.

Councilmember Lopez commented positively on the Tree Commission and the Library Commission and commended Mayor Pro Tem Gonzales on his election to the latter.

Councilmember Fajardo addressed the one-year anniversary of Republic Services providing waste-collection services (reiterated a request for a one-year performance review), and reported the Procedure Manual will be reviewed at the next meeting and noted items he will discuss with the City Attorney include an ordinance to change the title of Mayor Pro Tem to Vice Mayor.

Mayor Pro Tem Gonzales addressed the positive outlook for the City and announced an upcoming fundraising event hosted by the Cesar Chávez Committee on Saturday, February 21, 2015.

SAN FERNANDO CITY COUNCIL**MINUTES – February 17, 2015****Page 6****STAFF COMMUNICATION**

Recreation and Community Services Operations Manager Aguila announced the City will be hosting a Park Summit on February 26, 2015.

ADJOURNMENT (7:47 P.M.)

Motion by Councilmember Avila, seconded by Councilmember Fajardo, 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 February 17, 2015, meeting as approved by the San Fernando City Council.

Elena G. Chávez
City Clerk

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**SAN FERNANDO CITY COUNCIL
MINUTES**

**MARCH 16, 2015 – 5:00 P.M.
SPECIAL MEETING**

City Hall Community Room
117 Macneil Street
San Fernando, CA 91340

CALL TO ORDER/ROLL CALL

Mayor Sylvia Ballin called the meeting to order at 5:01 p.m.

Present:

Council: Mayor Sylvia Ballin, Mayor Pro Tem Robert C. Gonzales, and Councilmembers Jesse H. Avila, Joel Fajardo, Antonio Lopez

Staff: City Manager Brian Saeki, Assistant City Attorney Richard Padilla, and City Clerk Elena G. Chávez

PLEDGE OF ALLEGIANCE

Led by Mayor Ballin

APPROVAL OF AGENDA

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

PUBLIC STATEMENTS – WRITTEN/ORAL

None

RECESS TO CLOSED SESSION (5:02 P.M.)

By consensus, Councilmembers recessed to the following Closed Session:

- A) CONFERENCE WITH LABOR NEGOTIATOR
G.C. §54957.6
Designated City Negotiator: City Manager Brian Saeki

**SAN FERNANDO CITY COUNCIL
SPECIAL MEETING MINUTES – March 16, 2015**

Page 2

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

RECONVENE/REPORT OUT FROM CLOSED SESSION (6:04 P.M.)

Assistant City Attorney Padilla reported the following:

Item A – The City Council received a briefing; but no action was taken.

ADJOURNMENT (6:04 P.M.)

Motion by Councilmember Lopez, seconded by Councilmember Avila, to adjourn. By consensus, the motion carried.

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

*Elena G. Chávez
City Clerk*

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**SAN FERNANDO CITY COUNCIL
MINUTES**

**MARCH 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 Sylvia Ballin called the meeting to order at 6:05 P.M.

Present:

Council: Mayor Sylvia Ballin, Mayor Pro Tem Robert C. Gonzales, and Councilmembers Jesse H. Avila, Joel Fajardo, and Antonio Lopez

Staff: City Manager Brian Saeki, Assistant City Attorney Richard Padilla, and City Clerk Elena G. Chávez

PLEDGE OF ALLEGIANCE

San Fernando Police Reserve Officer Fernando Miranda

PRESENTATION

City Manager Saeki announced Police Lt. Anthony Vairo will succeed Police Chief Robert Parks effective March 20th, and congratulated Chief Parks on his retirement and welcomed Lt. Vairo.

APPROVAL OF AGENDA

Councilmember Fajardo requested to remove Item Nos. 8 and 9 to be considered for another meeting.

Motion by Councilmember Fajardo, seconded by Councilmember Lopez, to approve the agenda as amended. By consensus, the motion carried.

PUBLIC STATEMENTS – WRITTEN/ORAL

John Arroyo spoke in support of removing locks from tennis courts for use by skaters/skateboarders to remove kids from the streets and offered to manage it.

SAN FERNANDO CITY COUNCIL**MINUTES – March 16, 2015****Page 2**

John Blue spoke to raise the awareness about West Nile Virus, shared his experience contacting the illness, and noted the need for increased education and distribution of information about it.

CONSENT CALENDAR

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

- 1) CONSIDERATION TO ADOPT RESOLUTION NOS. 15-031, AND 15-032 APPROVING THE WARRANT REGISTERS OF MARCH 2, 2015, AND MARCH 16, 2015, RESPECTIVELY
- 2) ADOPTION OF ORDINANCE NO. 1639 AMENDING SECTIONS 90-941 AND 90-942 OF CHAPTER 90 OF THE CITY OF SAN FERNANDO CITY CODE RELATING TO SPEED LIMITS
- 3) CONSIDERATION TO APPROVE FISCAL YEAR (FY) 2015-2016 LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT RESOLUTION INITIATING PROCEEDINGS AND ORDERING THE ENGINEER'S REPORT
- 4) CONSIDERATION TO APPROVE A MEMORANDUM OF UNDERSTANDING (MOU) WITH ASSISTANCE LEAGUE OF LOS ANGELES FOR THE COURT REFERRED VOLUNTEER CENTER PROGRAM
- 5) CONSIDERATION TO APPROVE AN AGREEMENT FOR ENGINEERING SERVICES RELATED TO THE CITY'S SAFE ROUTES TO SCHOOL CYCLE 7 GRANT PROJECT
- 6) CONSIDERATION TO ADOPT A RESOLUTION AMENDING THE CITY'S GRANT MANAGEMENT POLICY
- 7) CONSIDERATION TO APPROVE A SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND THE CITY OF SAN FERNANDO FOR THE 2014 URBAN AREA SECURITY INITIATIVE GRANT PROGRAM

By consensus, the motion carried.

ADMINISTRATIVE REPORTS

- 8) CONSIDERATION TO ADOPT RESOLUTION NO. 7664 AMENDING THE CITY COUNCIL PROCEDURAL MANUAL BY REVISING VARIOUS SECTIONS INCLUDING CHANGING THE TITLE OF MAYOR PRO TEM TO VICE MAYOR

Item removed under Approval of Agenda.

SAN FERNANDO CITY COUNCIL**MINUTES – March 16, 2015****Page 3****9) CONSIDERATION TO ADOPT AN ORDINANCE REGARDING THE REGULATION OF BEHESTED PAYMENTS**

Item removed under Approval of Agenda.

10) CALIFORNIA HIGH-SPEED RAIL (HSR) PROJECT UPDATE

City Manager Saeki presented the staff report and replied to questions from Councilmembers.

Discussion followed regarding sources of the information provided, edits to the letter to the HSR Board, recommendations regarding public outreach efforts using City staff, and providing clarification relative to the Ad Hoc Committee's roles and responsibilities after Council's reorganization.

City Manager Saeki noted the need to have Council representation at upcoming HSR meetings and Councilmember Fajardo suggested discussing it at the April 6th City Council meeting.

Discussion ensued regarding the City's position in opposing the HSR specific route alignment (not the HSR project, itself), the need to consider making the Ad Hoc Committee a standing committee, the need to be consistent in Council's representations and messaging and making sure the public understands the City's stance, and that individual Councilmember's positions are particular to the individual.

Ensuing discussion pertained to the possibility of assigning a spokesman for the City (i.e. City Manager) and having HSR develop solutions for everyone.

City Manager Saeki confirmed the letter clearly indicates the City's position in not wanting HSR through San Fernando, at all.

Assistant City Attorney Padilla redirected discussion to the letter, noting commonalities in core issues, stated no Councilmember forfeits his/her right to have and express opinions that are contrary to Council colleagues, and suggested redrafting the letter for increased clarity that the City is not opposed to the HSR project, itself, just not in the City of San Fernando and indicating the need to study impacts, further.

No formal action was taken on this item.

11) CONSIDERATION TO ADOPT AN ORDINANCE MODIFYING THE TITLE OF MAYOR PRO TEMPORE TO VICE MAYOR AND MAKING CONFORMING MODIFICATIONS TO THE SAN FERNANDO CITY CODE AND OTHER DOCUMENTS

Councilmember Fajardo discussed the need for proposed ordinance to eliminate confusion regarding the use of Mayor Pro Tem versus Vice Mayor.

Motion by Councilmember Fajardo, seconded by Mayor Pro Tem Gonzales, to introduce for first reading, in title only, and waive further reading of Ordinance No. 1641, entitled, "An Ordinance

SAN FERNANDO CITY COUNCIL**MINUTES – March 16, 2015****Page 4**

of the City Council of the City of San Fernando Modifying the Title of Mayor Pro Tempore to Vice Mayor and Making Conforming Modifications to the San Fernando City Code and Other San Fernando Documents.” By consensus, the motion carried.

COMMITTEE/COMMISSION LIAISON UPDATES

Councilmember Avila announced an upcoming SFVCOG conference.

Councilmember Lopez reported attending a Blue Ribbon Committee meeting hosted by Metro, a Transportation Summit, and discussed upcoming meetings and subjects to be addressed.

Mayor Pro Tem Gonzales discussed recent ICA meetings and events and addressed lobbying efforts in Sacramento.

GENERAL COUNCIL COMMENTS

Councilmember Fajardo reminded City Manager Saeki to bring to Council recommended changes to ad hoc and standing committees, congratulated Chief Parks on his retirement, and thanked City Clerk Chávez for her exemplary work.

Councilmember Avila congratulated Chief Parks on his retirement and Lt. Vairo on his new position as Chief.

Mayor Pro Tem Gonzales congratulated Chief Parks on his retirement and Lt. Vairo on his new position as Chief and commended Council colleagues and staff.

Mayor Ballin thanked the election team, welcomed Lt. Vairo as the new Chief, and commended Councilmember Avila.

STAFF COMMUNICATION

City Clerk Chávez announced City Council will need to hold a special meeting, scheduled by March 27, to certify the election results and to administer the oath of office to new Councilmembers.

Mayor Ballin asked to schedule the special meeting on Monday, March 23rd at 6:00 p.m.

City Manager Saeki congratulated Council for its work, Councilmember Avila for his service and Lt. Vairo on his new position as Chief.

Recreation and Community Services Operations Manager Aguila announced the Lopez Adobe grand reopening.

SAN FERNANDO CITY COUNCIL**MINUTES – March 16, 2015****Page 5****ADJOURNMENT (7:12 P.M.)**

Motion by Councilmember Avila, seconded by Councilmember Fajardo, to adjourn the meeting. By consensus, the meeting was adjourned.

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

Elena G. Chávez
City Clerk

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**SAN FERNANDO CITY COUNCIL
MINUTES**

**MARCH 23, 2015 – 6:00 P.M.
SPECIAL MEETING**

City Hall Community Room
117 Macneil Street
San Fernando, CA 91340

CALL TO ORDER/ROLL CALL

Mayor Sylvia Ballin called the meeting to order at 6:05 p.m.

Present:

Council: Mayor Sylvia Ballin, Mayor Pro Tem Robert C. Gonzales, and Councilmembers Jesse H. Avila, Joel Fajardo, Antonio Lopez

Staff: City Manager Brian Saeki, Assistant City Attorney Richard Padilla, and City Clerk Elena G. Chávez

PLEDGE OF ALLEGIANCE

Led by Councilmember Avila

APPROVAL OF AGENDA

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

PRESENTATION BY COUNCILMEMBER JESSE H. AVILA

Councilmember Avila reported that his allocation of the Community Investment/Recycling Revenue Sharing Fund would be distributed to the following organizations and community programs: HELP – Portrait (\$1,000); Kiwanis Club of San Fernando – Shoe Give Away (\$1,000); San Fernando Police Department – Kids Swag (\$1,000); Golden Dreams – Senior Choir Group (\$500) and to Gridley Elementary – Special Needs Gardening Program (\$500).

PUBLIC STATEMENTS – WRITTEN/ORAL

Renato Lira thanked Councilmember Avila for all of the hard work he has done for the City and requested that Sylvia Ballin continue to as Mayor.

**SAN FERNANDO CITY COUNCIL
SPECIAL MEETING MINUTES – March 23, 2015**

Page 2

John Arroyo commended City Council candidates, reported he will miss Councilmember Avila, and sang America the Beautiful.

Henry Romero expressed concerns regarding service issues related to Consolidated Disposal Service and urged the City to address them.

Theale Haupt commended Councilmember Avila his work in improving the City and spoke in support of Councilmember Gonzales as Mayor and Councilmember Fajardo as Mayor Pro Tem.

Michael Remenih commended Councilmember Avila for his work in improving the City and voiced support for rotating mayors so that every Councilmember has the opportunity to serve as Mayor.

Richard Arroyo thanked Councilmember Avila for his service, thanked those who helped with the reopening of the Lopez Adobe, and spoke in support of a Historical Commission to work closely with the Cultural Arts Commission.

Robert Ortega commended Councilmember Avila for his service and discussed the importance of working as a team.

Tom Ross, President of the Downtown Association and Chamber of Commerce, congratulated Councilmember Avila for his service and announced upcoming events in the City.

ELECTION 2015

1) CONSIDERATION TO ADOPT A RESOLUTION DECLARING THE RESULTS OF THE MARCH 3, 2015, GENERAL MUNICIPAL ELECTION

City Clerk Chávez presented the staff report.

Motion by Councilmember Fajardo, seconded by Councilmember Gonzales, to adopt Resolution No. 7668 declaring the results of the March 3, 2015 General Municipal Election. By consensus, the motion carried.

2) OATH OF OFFICE TO NEWLY ELECTED COUNCILMEMBERS

City Clerk Chavez administered the Oath of Office and delivered a Certificate of Election to newly elected Councilmembers Sylvia Ballin, Antonio Lopez, and Jaime Soto.

3) REORGANIZATION OF THE CITY COUNCIL – SELECTION OF MAYOR AND MAYOR PRO TEMPORE

City Clerk Chávez opened nominations for Mayor.

Councilmember Lopez nominated Mayor Pro Tem Gonzales for Mayor.

Mayor Ballin nominated Councilmember Fajardo for Mayor, seconded by Councilmember Soto.

**SAN FERNANDO CITY COUNCIL
SPECIAL MEETING MINUTES – March 23, 2015**

Page 3

There being no other nominations for Mayor, City Clerk Chávez closed nominations and conducted a roll call vote.

For Mayor Pro Tem Gonzales as Mayor, the motion failed with the following vote:

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

For Councilmember Fajardo as Mayor, the motion carried with the following vote:

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

City Clerk Chávez announced that Mayor for 2015-2016 is Joel Fajardo.

City Clerk Chávez opened nominations for Mayor Pro Tem.

Mayor Fajardo nominated Councilmember Ballin for Mayor Pro Tem.

Councilmember Lopez nominated Councilmember Gonzales for Mayor Pro Tem.

There being no other nominations for Mayor Pro Tem, City Clerk Chávez closed nominations and conducted a roll call vote.

For Councilmember Ballin as Mayor Pro Tem, the motion carried with the following vote:

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

City Clerk Chávez announced that Mayor Pro Tem for 2015-2016 is Sylvia Ballin.

ADJOURNMENT (6:56 P.M.)

Motion by Mayor Pro Tem Ballin, seconded by Councilmember Gonzales, to adjourn. By consensus, the motion carried.

I do hereby certify that the foregoing is a true and correct copy of the minutes of March 23, 2015 meeting as approved by the San Fernando City Council.

*Elena G. Chávez
City Clerk*

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**SAN FERNANDO CITY COUNCIL
MINUTES**

**JULY 20, 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 6:09 p.m.

Present:

Council: Mayor Joel Fajardo, and Vice Mayor Sylvia Ballin, Councilmembers Antonio Lopez, and Jaime Soto

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

Absent: Councilmember Robert C. Gonzales

PLEDGE OF ALLEGIANCE

Led by Police Explorer Fernando Rojas

APPROVAL OF AGENDA

City Manager Saeki requested to pull Item No. 9 from the agenda.

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

PRESENTATIONS

The following presentations were made:

- a) INTERNATIONAL INSTITUTE OF MUNICIPAL CLERKS' DESIGNATION OF CERTIFIED MUNICIPAL CLERK TO CITY CLERK ELENA G. CHÁVEZ
- b) CÉSAR CHÁVEZ LEARNING ACADEMIES GIRLS' SOFTBALL CIF L.A. SECTION 2015 DIVISION 2 CHAMPIONSHIP

SAN FERNANDO CITY COUNCIL**MINUTES – July 20, 2015****Page 2**

- c) PARKS & RECREATION MONTH – JULY
- d) RECOGNITION OF SFPD TEAM – BAKER TO VEGAS RUN

PUBLIC STATEMENTS – WRITTEN/ORAL

Eugene Hernández discussed a meeting with San Fernando Police Chief Vairo to file a complaint against a person pretending to be a Police Officer, expressed concerns the meeting was not held confidentially nor was it taken seriously, and spoke in support of a police review board.

Assemblymember Patty Lopez asked the City's support in her opposition to the High Speed Rail project and looked forward to meeting with Councilmembers to discuss the issue.

John Blue discussed the Burbank Airport changing its name, spoke against the High Speed Rail project, and noted that was created politically in Sacramento.

Dennis Jin, Y Green Energy Fund, commented on the benefits of the program, noted there are no costs, and that the program will lower bills through open-market competition.

Dee Akemon discussed the red curbing along Eighth St. used as a drop-off point for students from LAUSD, and suggested installing a gate at the back of the school for pedestrians and emergencies, and said LAUSD cannot take the City's property.

Michelle Guijarro expressed concerns regarding the use of illegal fireworks in the City and urged the City to address the problem.

Charles Leone, SEIU Local 721, discussed the work and efforts that SFPEA members have offered through the years and the concessions they have made, and asked that the City do its part.

Frank Villalpando, SFPEA President, spoke in support of Public Works employees and of their efforts in the City, and stated they should be respected with a cost-of-living increase.

John Arroyo expressed concerns with the conditions of the street at Seventh St. and Maclay Ave. and with “graffiti bandits” on skateboards.

Laura Mayo gave an update regarding the 2015 Special Olympics World Games Special Olympics Torch Run.

Nadia Abrica discussed Senate Bills 32 and 350 and provided informational handouts to staff.

Mary Mendoza asked for a status update on the City's sewer system, reported the Relay for Life Event was very successful and thanked everyone who participated.

Gilbert Berriozabal, Transportation and Safety Commissioner, discussed Item No. 10 and spoke about what transpired during a recent Commission meeting regarding the matter with LAUSD.

SAN FERNANDO CITY COUNCIL**MINUTES – July 20, 2015****Page 3**

Ronnie Velez, District Coordinator for Assemblywoman Patty Lopez, gave an update regarding a recent High-Speed Rail forum held at the Boys and Girls Club and he provided informational packets regarding six bills working their way through the Senate.

Julie Cuellar, San Fernando Relay for Life Chair, thanked event co-sponsors, staff, the community, and residents for their hard work and support.

CONSENT CALENDAR

Vice Mayor Ballin pulled Item No. 3 for further discussion.

Motion by Councilmember Lopez, seconded by Councilmember Soto, to approve the remaining Consent Calendar Items:

- 1) REQUEST TO APPROVE MINUTES OF:
 - a. JUNE 1, 2015 – REGULAR MEETING
 - b. JUNE 15, 2015 – SPECIAL MEETING
 - c. JUNE 15, 2015 – REGULAR MEETING
- 2) CONSIDERATION TO ADOPT RESOLUTION NO.S 15-071 AND 15-072 APPROVING THE WARRANT REGISTERS OF JULY 6, 2015 AND JULY 20, 2015
- 4) CONSIDERATION TO APPROVE A PURCHASE ORDER WITH SIDEPATH FOR THE PURCHASE AND INSTALLATION OF NETWORK SERVERS AND RELATED EQUIPMENT
- 5) CONSIDERATION TO APPROVE A PURCHASE ORDER WITH MCPEEK DODGE OF ANAHEIM FOR THE PURCHASE OF TWO REPLACEMENT DETECTIVE VEHICLES
- 6) CONSIDERATION TO ADOPT A RESOLUTION APPROVING THE CITY OF SAN FERNANDO MULTI-HAZARD MITIGATION PLAN UPDATE
- 7) CONSIDERATION TO ADOPT A RESOLUTION FOR COST-SHARING OF EMPLOYER PAID MEMBER CONTRIBUTIONS WITH THE SAN FERNANDO POLICE OFFICERS' ASSOCIATION
- 8) CONSIDERATION TO ADOPT RESOLUTION NO. 7691 RESCINDING RESOLUTION NO. 7677 AND DECLARING THE CITY COUNCIL'S INTENTION TO ORDER THE ANNUAL ASSESSMENTS FOR FISCAL YEAR (FY) 2015-2016 LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT (LLAD) AND SETTING THE DATE FOR A NEW PUBLIC HEARING
- 9) CONSIDERATION TO APPROVE A FOUR-YEAR MEMORANDUM OF UNDERSTANDING WITH THE SAN FERNANDO MANAGEMENT GROUP AND

SAN FERNANDO CITY COUNCIL**MINUTES – July 20, 2015****Page 4****ADOPTION OF RESOLUTIONS ESTABLISHING SALARY AND BENEFITS FOR DEPARTMENT HEADS AND IMPLEMENTING THE EMPLOYER PAID MEMBER CONTRIBUTION PROVISIONS OF THE PROPOSED MOU**

Item No. 9 was pulled under “Approval of Agenda”.

By consensus, the motion carried.

Item Pulled For Further Discussion**3) CONSIDERATION TO APPROVE AN AGREEMENT FOR SPECIAL SERVICES WITH LIEBERT CASSIDY WHITMORE**

City Manager Saeki and City Attorney Olivarez replied to questions from Vice Mayor Ballin.

Vice Mayor Ballin suggested renewing the portion of the contract with Liebert Cassidy Whitmore (LCW) for only attorney services related to police services, and having the City Attorney provide training called for in the agreement to minimize the use of LCW.

City Manager Saeki discussed the cost-effectiveness of the training they offer because of economies-of-scale and suggested that Council renew the contract in its entirety.

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

- a. Approve a renewal Agreement (Contract No. 1748(a)) for Special Services with Liebert Cassidy Whitmore;
- b. Authorize the City Manager to execute the Agreement; and
- c. Authorize staff to utilize the services of Olivarez Madruga, P.C. for additional representational, litigation, and other employment relations services.

By consensus, the motion carried.

ADMINISTRATIVE REPORTS**10) CONSIDERATION OF A REQUEST BY THE LOS ANGELES UNIFIED SCHOOL DISTRICT TO REVIEW TRAFFIC CONDITIONS ADJACENT TO VISTA DEL VALLE DUAL LANGUAGE ACADEMY**

Deputy City Manager/Public Works Director Chris Marcarello presented the staff report and responded to questions from Councilmembers.

SAN FERNANDO CITY COUNCIL**MINUTES – July 20, 2015****Page 5**

Tim Popejoy, LAUSD, referenced documents attached to the staff report, provided information about the school, noted challenges with student drop-off and pick-up, including public safety and addressed the recommendations of the Transportation and Safety Commission.

Principal Mary Mendoza, Vista del Valle Dual Language Academy, provided information about the school, discussed her efforts to work with the City to increase student safety related to student drop-off and pick-up and urged the City to approve the red curb along Eighth St.

Monica Ratcliff, Los Angeles Unified School Board Member, expressed appreciation for how seriously the City is considering this issue and urged Council to vote in favor of a 120-day pilot program.

Discussion followed regarding the effects of population growth, monitoring capacity at the school, whether the location will be a structured drop-off, the original intension of the red curb, access by emergency vehicles, offering limited parking in the area, difficulties in ending a pilot program once it is underway, lack of ADA access and negative impacts to residents on Eighth St.

Ms. Ratcliff agreed to support accommodating the special needs community and offered to bring back a resolution addressing Council's concerns.

Mr. Popejoy spoke about ADA access issues and offered to work with their Maintenance and Operations staff to address Council concerns.

Ensuing discussion pertained to the possibility of LAUSD providing a crossing guard, working with LAUSD to consider allowing limited parking in the area, and installing appropriate signs for residents.

Motion by Mayor Fajardo, seconded by Councilmember Lopez, to implement a pilot program for creation of a pick-up/drop-off zone on Eighth St. (from Macneil St. to Brand Blvd.) for a period of 120 days, starting in the Fall 2015-2016 school year, with the final times to be determined by staff, adding the requirement to work on the ADA issues with LAUSD and consider allowing temporary parking during non-school hours and return to Council with a report, after the end of the pilot program.

The motion carried with the following vote:

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

11) **CONSIDERATION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH HDL SOFTWARE, LLC TO PROVIDE FULL SERVICE ADMINISTRATION OF THE BUSINESS LICENSE PROGRAM**

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

SAN FERNANDO CITY COUNCIL**MINUTES – July 20, 2015****Page 6**

Discussion followed regarding the benefits of freeing up staff time and resources, allowing staff to focus on more-substantive tasks, while saving costs, upgrading the City's website including providing information in multiple languages, simplifying processes, determining the true cost savings, positions that were eliminated, issuance of an RFP and evaluation of responses.

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

- a. Approve a professional services agreement (Contract No. 1792) with HdL Software, LLC to provide full service administration of the business license program for a term of five years with two optional one-year extensions; and
- b. Authorize the City Manager to prepare and execute the contract.

The motion carried with the following vote:

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

12) CONSIDERATION TO DESIGNATE A VOTING DELEGATE AND ALTERNATES FOR THE 2015 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

City Manager Sacki gave the staff report.

A brief discussion ensued amongst Councilmembers.

Motion by Mayor Fajardo, seconded by Councilmember Lopez, to designate Vice Mayor Ballin as voting Delegate for the League of California Cities Annual Conference and authorize the City Clerk to execute and submit the 2015 Annual Conference Voting Delegate/Alternate Form. By consensus, the motion carried.

Councilmembers stated that Alternate Voting Delegates (one of whom may vote in the event that the designated Delegate is unable to serve in that capacity) may be appointed at a later time.

13) CONSIDERATION TO ADOPT AN ORDINANCE RELATING TO NON-DISCRIMINATION IN CITY CONTRACTS AND A REQUEST TO DIRECT STAFF TO TAKE CERTAIN ACTIONS PERTAINING TO LESBIAN, GAY, BISEXUAL, TRANSGENDER (LGBT) ISSUES REGARDING THIS ITEM

Mayor Fajardo gave a brief presentation.

Police Chief Anthony Vairo discussed training available through other police agencies regarding LGBT issues.

A male speaker spoke in support of the ordinance, discussed collaborating with other agencies that may not be as supportive of the LGBT community, and noted discrimination continues.

SAN FERNANDO CITY COUNCIL**MINUTES – July 20, 2015****Page 7**

Discussion followed regarding Council liaisons, codifying the City's values, the importance of being inclusive and educating the community, continued violence and discrimination against the LGBT community, the importance of the 14th Amendment, the correlation between the LGBT and special needs community in terms of stigma and the strides made by the City, so far.

Motion by Mayor Fajardo, seconded by Councilmember Lopez, to direct staff to appoint a Lesbian, Gay, Bisexual, Transgender (LGBT) liaison in the Police Department and to the City Council and/or City Manager, and offer LGBT diversity training to employees. By consensus, the motion carried.

Motion by Mayor Fajardo, seconded by Vice Mayor Ballin, to introduce, for first reading, in title only, and waive further reading of Ordinance No. 1643, "An Ordinance of the City Council of the City of San Fernando, California, amending Division 5 of Article III of Chapter Two relating to discrimination in the classified service, and adding a new section to Division 6 of Article VI of Chapter Two relating to non-discrimination in City contracts". By consensus, the motion carried.

COMMITTEE/COMMISSION LIAISON UPDATES

Councilmember Lopez presented updates on recent SCAG meetings as well as an ICA seminar and where Councilmember Gonzales was elected Secretary/Treasurer.

Councilmember Soto presented updates on a recent TOD Overlay meeting.

Vice Mayor Ballin reviewed items discussed at recent MWD meetings.

Mayor Fajardo reported COG sent a letter to Metro regarding priorities relative to transportation.

GENERAL COUNCIL COMMENTS

Councilmembers Lopez and Soto asked to adjourn tonight's meeting in memory of Councilmember Gonzales' father.

Councilmember Soto discussed existing City monuments honoring heroes of human and civil rights, and spoke in support (and thanked) City workers in helping to make San Fernando a better City.

Vice Mayor Ballin discussed the hard work of every City employee, requested future consideration of prohibiting illegal fireworks in the City and the street conditions at Seventh St. and Maclay Ave.

Mayor Fajardo thanked all City employees, those participating in the Relay for Life, and Vice Mayor Ballin in her efforts on LGBT issues.

SAN FERNANDO CITY COUNCIL**MINUTES – July 20, 2015****Page 8****STAFF COMMUNICATIONS**

City Manager Saeki announced an upcoming tour of the MWD EOC and a Special Olympics Torch Run.

City Attorney Olivarez announced his office developed an ordinance addressing fireworks for another City and will bring back a report at City Council's next meeting.

Police Chief Vairo addressed Eugene Hernández's earlier comments and reported he has launched an immediate investigation into the matter.

ADJOURNMENT (9:28 P.M.)

City Manager Saeki provided an obituary of Councilmember Gonzales' father, David C. Gonzales, who passed away, recently.

Mayor Fajardo led a moment of silence.

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

I do hereby certify that the foregoing is a true and correct copy of the minutes of July 20, 2015 meeting as approved by the San Fernando City Council.

Elena G. Chávez
City Clerk

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**SAN FERNANDO CITY COUNCIL
MINUTES**

**DECEMBER 7, 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 6:02 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, Deputy City Attorney Richard Padilla, and City Clerk Elena G. Chávez

PLEDGE OF ALLEGIANCE

Led by Police Explorer Alfredo Mendoza

APPROVAL OF AGENDA

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

PRESENTATION

The following presentations were made:

- a) PRESENTATION BY CITY OF VERNON MAYOR W. MICHAEL MCCORMICK REGARDING DONATED VEHICLES
- b) PROGRESS UPDATE ON NEW CITY WEBSITE

PUBLIC STATEMENTS – WRITTEN/ORAL

John Blue discussed growing concerns regarding the West Nile Virus, stated that employers must show a good-faith effort in clearing outdoor areas and spoke about the availability of vector control mobile lab to instruct the public on West Nile Virus.

SAN FERNANDO CITY COUNCIL**MINUTES – December 7, 2015****Page 2**

Mary Mendoza spoke in support of the moratorium on multi-family housing in the City, referenced an appeal submitted to the City and a resident petition, said public comments and suggestions were not given the due diligence they deserve, and urged the City Council to consider their appeal to the Planning and Preservation Commission.

Ana Lopez agreed with Ms. Mendoza's comments and added reasons for submitting the appeal including that the City Attorney was not present in the hearings to provide fair and balanced guidance, that there was an insufficient review period for the specific plan, and said there was failure to comply with the public hearing notice of the agenda item.

Anatolia B. opposed building multi-family apartments in the mall and instead, supported stores, a theater, and restaurants, she noted challenges with parking in the City, and urged the City to provide information through bulletins and notices regarding projected developments.

Yolanda Haro thanked Councilmember Soto for attending the recent Telethon 2015, noted the budget is important, but so are residents and urged the City to provide interpreters and head sets at meetings to accommodate and serve Spanish-speaking residents.

Pilar Enriquez agreed with Ms. Haro's comments regarding providing translation services for the Spanish-speaking community, spoke in opposition of building more multi-family dwellings, discussed updating the City website, commented on the need for financial transparency, and asked about the City trees that were removed.

CONSENT CALENDAR

Mayor Fajardo pulled Item No. 4, and Councilmember Soto pulled Item No. 5 for further discussion.

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

- 1) CONSIDERATION TO ADOPT RESOLUTION NO. 15-121 APPROVING THE WARRANT REGISTER
- 2) CONSIDERATION TO APPROVE CALENDAR YEAR 2016 BUSINESS LICENSE PERMITS FOR CERTAIN BUSINESS TYPES AS REQUIRED BY THE CITY CODE
- 3) CONSIDERATION TO ADOPT A RESOLUTION APPROVING DESIGNATED LEVEL I RESERVE POLICE OFFICERS
- 6) RATIFICATION AND RE-APPROVAL OF CITY CLERK EMPLOYMENT AGREEMENT ORIGINALLY APPROVED ON NOVEMBER 16, 2015 SUBJECT TO CERTAIN CLARIFYING AMENDMENTS AND MODIFICATIONS TO MORE PRECISELY EFFECTUATE THE INTENT OF THE PARTIES

SAN FERNANDO CITY COUNCIL**MINUTES – December 7, 2015****Page 3**

- 7) PREPAREDNESS ACTIVITIES FOR PREDICTED EL NIÑO WINTER STORM EVENTS
- 8) CONSIDERATION TO REPLACE HEATING, VENTILATION AND COOLING SYSTEM (HVAC) EQUIPMENT AT CITY FACILITIES
- 9) CONSIDERATION TO ADOPT RESOLUTIONS PERTAINING TO THE ADDITION OF PROPERTY ASSESSED CLEAN ENERGY (PACE) FINANCING PROGRAM PROVIDER TO CITY PACE PROGRAM
- 10) CONSIDERATION TO APPROVE CONSULTANT AGREEMENT AND MEMORANDUM OF UNDERSTANDING RELATED TO STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) COMMUNITY SUSTAINABLE TRANSPORTATION PLANNING GRANT

By consensus, the motion carried.

Items Removed for Further Discussion

- 4) CONSIDERATION TO ADOPT RESOLUTIONS AMENDING THE SALARY SCHEDULE AND THE TABLE OF ORGANIZATION FOR FISCAL YEAR (FY) 2015-2016

Mayor Fajardo stated his opposition to Item 4.b relative to the Wellness Benefit.

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

- a. Adopt Resolution No. 7716 amending the Salary Schedule for FY 2015-2016; and
- b. Adopt Resolution No. 7717 approving the Table of Organization for FY 2015-2016.

The motion carried with the following vote:

AYES: Lopez, Gonzales, Ballin – 3

NOES: Soto, Fajardo – 2

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

Councilmember Soto noted he does not agree with the consortium, believes that it is politically-motivated and targets specific commissioners.

Deputy City Attorney Padilla explained what is before Council is the second reading of the ordinance that was approved during the last City Council meeting.

SAN FERNANDO CITY COUNCIL**MINUTES – December 7, 2015****Page 4**

Motion by Councilmember Lopez, seconded by Vice Mayor Ballin, to waive full reading of Ordinance No. 1648 and adopt by title only, “An Ordinance of the City Council of the City of San Fernando Amending Division I (Generally) of Article V (Boards, 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: Lopez, Gonzales, Ballin, Fajardo – 4

NOES: Soto – 1

PUBLIC HEARING

11) CONSIDERATION TO ADOPT AN URGENCY INSTITUTING AN INTERIM MORATORIUM ON THE APPLICATION FILING, PROCESSING, APPROVAL AND ISSUANCE OF PERMITS FOR MULTIPLE-FAMILY DWELLING PROJECTS

Community Development Director Fred Ramirez presented the staff report and responded to questions from Councilmembers.

Discussion followed regarding challenges in the City in terms of sewer and water, details of the proposed moratorium, the EIR review process, caps and limits to developer fees, and clarifying the impacts to infrastructure.

Ensuing discussion pertained to staff's intention to return to Council with a report towards the end of the moratorium, the possibility of extending the moratorium, the need for staff to continue working on development fees, the City's current water and sewer capacity, the need to take inventory of present multi-unit dwellings and garage conversions, the need to collect appropriate information so that Council can make informed decisions, and the possibility of supporting AB 1866, allowing homeowners to convert their garages into living spaces.

Mayor Fajardo noted the moratorium is temporary, limited in nature, and will allow the City to study all aspects of the item (including sewers), to meet everyone's interests, and return to Council with a report.

City Clerk Chávez read title to the proposed urgency ordinance: “An Urgency Ordinance of the City Council of the City of San Fernando Instituting an Interim Moratorium on the Application Filing, Processing, Approval and Issuance of Permits for Multiple-Family Dwelling Projects.” This Ordinance is introduced pursuant to Government Code Section 36937(b) and requires a four-fifths (4/5ths) vote for adoption.

Mayor Fajardo opened the public hearing and invited comments from the public.

John Blue discussed equality and asked whether the moratorium would allow developers to shape laws to benefit themselves and whether there are safeguards against it.

SAN FERNANDO CITY COUNCIL**MINUTES – December 7, 2015****Page 5**

Louie Mendoza discussed multi-family housing impacting schools in the area noting schools are presently overwhelmed, asked whether that has been taken into consideration, reported that crime will increase as well as demand for Police services, sewer, water and parking.

Yolanda Haro felt the moratorium should last longer than 45 days and suggested placing consideration of converted garages on Council's next agenda.

There being no further comments, Mayor Fajardo closed the public hearing.

Community Development Director Ramirez reported the State is looking at ways of addressing the housing shortage, explained no applications for new developments will be accepted during the moratorium, stated extending the moratorium would need to be part of another public hearing for Council to consider, and addressed garage conversions through Code Enforcement.

Motion by Vice Mayor Ballin, seconded by Mayor Fajardo, to waive full reading and adopt Urgency Ordinance No. U-1649 by title only, "An Urgency Ordinance of the City Council of the City of San Fernando Instituting an Interim Moratorium on the Application Filing, Processing, Approval and Issuance of Permits for Multiple-Family Dwelling Projects."

The motion failed with the following vote:

AYES: Ballin, Fajardo, Gonzales – 3

NOES: Soto, Lopez – 2

This Ordinance was introduced pursuant to Government Code Section 36937(b) and requires a four-fifths (4/5ths) vote for adoption.

ADMINISTRATIVE REPORTS**12) REVIEW OF TRANSIT SERVICES FOR DEVELOPMENT OF TRANSIT SERVICE PROVIDER REQUEST FOR PROPOSALS (RFP)**

Management Analyst Kenneth Jones gave the agenda report. He and Deputy City Manager/Public Works Director Chris Marcarello replied to various questions from Councilmembers.

Discussion followed regarding the maximum capacity of the trolley versus the bus, maintenance challenges and costs with the trolley and busses, the possibility of purchasing another bus to decrease waiting times, dial-a-ride service, adding drop-off locations within a five-mile radius of the point of origin, the possibility of expanding the program for residents, increasing early-hour service for the trolley, exploring ways to improve the service, the possibility of adding drop-off locations at Mission College and Holy Cross Hospital, establishing partnerships with Metro, and understanding the long-term costs of the project.

Mayor Fajardo directed staff to move forward with Councilmembers' feedback and there was no formal motion taken.

SAN FERNANDO CITY COUNCIL**MINUTES – December 7, 2015****Page 6****13) CONSIDERATION TO SUBMIT AN APPLICATION FOR THE FOOD INSECURITY NUTRITION INCENTIVE GRANT PROGRAM AND POTENTIAL IMPLEMENTATION OF A FARMER'S MARKET**

Mayor Joel Fajardo announced there is a new vendor, Evans, Brooks and Associates, who has offered to submit a grant application for the City.

14) DISCUSSION OF PIONEER PARK - PLAY EQUIPMENT UPGRADES AND FENCING

Councilmember Soto asked about the status of Pioneer Park upgrades and Recreation and Community Services Director Ismael Aguila addressed an upcoming item related to developing a 10-15 year agreement with the Little League and the need for funding.

Discussion followed regarding costs for replacing playground equipment and rubber matting at Pioneer Park, the possibility of grant funding opportunities, and development of a parks master plan.

15) DISCUSSION OF AN APPEAL OF THE PLANNING AND PRESERVATION COMMISSION'S ACTION ON OCTOBER 6, 2015 RELATED TO THE TRANSIT ORIENTED DEVELOPMENT OVERLAY PROJECT

Councilmember Soto referenced the October 16th Planning and Preservation Commission meeting, discussed transparency, due process, an insufficient review period, and lacking an appeal process related to an EIR. He expressed concerns that the City Attorney was not present to provide legal advice and direction, noted the public feels the City does not listen to their concerns, and asked for Council's support in hearing the appeal.

Deputy City Attorney Padilla reported direction given on October 6th was memorialized in the form of a resolution, noted a determination on the matter was not appealable, had nothing to do with the public not being able to participate, stated the process is just beginning, and there will be other opportunities for discussion and public comment.

It was noted that the Planning and Preservation Commission does not decide, but rather makes recommendations to Council which will be considered at a public hearing where the public will have the opportunity to provide input.

No formal action was taken on this item.

COMMITTEE/COMMISSION LIAISON UPDATES

Councilmember Gonzales discussed an upcoming Independent Cities winter seminar including topics for discussion and a wine-tasting event in Santa Barbara.

Mayor Fajardo discussed a meeting regarding High Speed Rail in Shadow Hills and discussions regarding emergency preparedness related to earthquake safety.

SAN FERNANDO CITY COUNCIL**MINUTES – December 7, 2015****Page 7****GENERAL COUNCIL COMMENTS**

Councilmember Soto discussed meeting preparedness, noting it takes a lot of work, indicated it is the City's responsibility to be truthful with residents, alleged there is constant maneuvering and wished everyone Happy Holidays.

Councilmember Gonzales agreed it takes a lot of work to prepare for Council meetings, thanked City staff for their work, and commented positively on the recent Christmas Tree Lighting celebration.

Vice Mayor Ballin noted she has a busy schedule but reads agenda packets and asks questions of staff, discussed the recent shooting in San Bernardino and, noted Police presence is critical.

Mayor Fajardo thanked everyone who participated in the Christmas Tree Lighting celebration, discussed the recent tragedy in San Bernardino, hoped the Federal government can develop solutions to stop mass shootings, and said that the City and Council is working to make sure everyone's needs are met.

STAFF COMMUNICATION

City Manager Saeki discussed the recent tragedy in San Bernardino and the possibility of offering training to City staff and wished everyone Happy Holidays.

Community Development Director Ramirez announced an upcoming Planning and Preservation Commission meeting.

ADJOURNMENT (9:33 P.M.)

Mayor Fajardo called for a moment of silence for the victims of the recent shooting in the City of San Bernardino.

Motion by Councilmember Gonzales, seconded by Councilmember Lopez, 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 December 7, 2015, meeting as approved by the San Fernando City Council.

Elena G. Chávez
City Clerk

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**SAN FERNANDO CITY COUNCIL
MINUTES**

**MARCH 21, 2016 – 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 and City Clerk Elena G. Chávez

PLEDGE OF ALLEGIANCE

Led San Fernando Police Explorer Angela Vasquez

APPROVAL OF AGENDA

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

PRESENTATION

The following presentation was made:

- a) INTRODUCTION OF NEW RECREATION AND COMMUNITY SERVICES
SUPERVISOR – MARIBEL PEREZ

PUBLIC STATEMENTS – WRITTEN/ORAL

Dee Akemon asked that the City Council support Fire Station No. 91 and talked about the need to keep the red curbing at the charter school (the removal has caused much negative traffic impact).

SAN FERNANDO CITY COUNCIL**MINUTES – March 21, 2016****Page 2**

Michelle Guijarro pleaded to keep the red curbing at the Vista Del Valle Charter School in her neighborhood and she reminded everyone that the July 4th holiday is coming up and the need to enforce the noise ordinance.

Julieta Garcia talked about her proposal to offer various programs at the Las Palmas Park community center.

Jim Leahy, representative with Assemblywoman Patty Lopez, read from a press release regarding the Assemblywoman's opposition to the California High Speed Rail Project.

Irwin Rosenberg, Police Officers Association Secretary, talked about their opposition regarding a proposed appointment by Councilmember Soto to the Planning and Preservation Commission. He also commended City Manager Saeki and staff for moving the City forward.

Georgina Carranza, Pacoima, said she is opposed to the High Speed Rail Project.

City Clerk Chávez read a letter submitted by resident Pilar Enriquez regarding her opposition to the California High Speed Rail (HSR) Project and Mrs. Enriquez thanked Residents for a Better San Fernando for collecting nearly 1,000 signatures against HSR State Route 14.

CONSENT CALENDAR

Vice Chair Ballin pulled Item Nos. 3 and 4 for further discussion.

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

- 1) REQUEST TO APPROVE MINUTES OF MARCH 7, 2016 – SPECIAL MEETING
- 2) CONSIDERATION TO ADOPT A RESOLUTION APPROVING THE WARRANT REGISTER

By consensus, the motion carried.

ADMINISTRATIVE REPORTS

Mayor Fajardo announced that the following two items were moved up on the agenda.

- 5) APPOINTMENT TO THE PLANNING AND PRESERVATION COMMISSION

Councilmember Soto gave brief background information regarding Anna Michelle Lopez.

Since Ms. Lopez was not present, Councilmembers agreed to postpone the item until she arrives.

SAN FERNANDO CITY COUNCIL**MINUTES – March 21, 2016****Page 3**

6) PRESENTATION REGARDING THE CALIFORNIA UNIVERSITY IMPACTION PLAN AND ITS EFFECTS ON OUR CITY'S RESIDENTS AND OTHER DIVERSE COMMUNITIES

Irene Tovar, Chairperson for the Coalition Against CSU Impaction and CEO of the Latin American Civic Association, made a presentation requesting that the City Council write to Governor Jerry Brown regarding increased funding for the California State University System.

Each Councilmember provided their comments in support of this item.

Motion by Vice Mayor Ballin, seconded by Councilmember Lopez, that the City Manager work with Ms. Tovar regarding a letter of support (as mentioned above). By consensus, the motion carried.

7) UPDATE FROM LOS ANGELES COUNTY REGARDING THE PROPOSED USE OF THE BUILDING AT 901 FIRST STREET

Maria Chong-Castillo and other representatives from L.A. County Board Supervisor Sheila Kuehl's office, made a presentation regarding the proposed use (i.e., mental health facility) of the County-owned building at 901 First Street.

Discussion ensued amongst Councilmembers and County representatives regarding the property's proposed use and the outpatient program, and the letter from Senator Robert Hertzberg to L.A. County Board Supervisor Sheila Kuehl.

County representatives were thanked by Councilmembers for coming; no formal action was taken.

10) REQUEST FOR AN UPDATE REGARDING THE POTENTIAL ENFORCEMENT OF TOXIC EMISSIONS OF ICE CREAM TRUCKS AND RELATED VENDORS

Deputy City Attorney Richard Padilla presented the staff report and replied to questions from Councilmembers.

Discussion ensued amongst Councilmembers regarding emissions from other vehicles, barbeques, CNG vehicles, truck deliveries to businesses, and concerns regarding hours of operation and how to regulate them.

Councilmembers concurred this item could be discussed during the upcoming discussion of City Council priorities. No formal action was taken.

5) APPOINTMENT TO THE PLANNING AND PRESERVATION COMMISSION

Motion by Councilmember Soto, seconded by Vice Mayor Ballin, to appoint Anna Michelle Lopez to the Planning and Preservation Commission as his representative. By consensus, the motion carried.

SAN FERNANDO CITY COUNCIL**MINUTES – March 21, 2016****Page 4****CONSENT CALENDAR (CONTINUED)****Items Pulled for Further Discussion:**

- 3) CONSIDERATION TO ADOPT AN ORDINANCE AMENDING IN ITS ENTIRETY DIVISION 6 (PURCHASING) OF ARTICLE IV (FINANCE) OF CHAPTER 2 (ADMINISTRATION) OF THE SAN FERNANDO CITY CODE RELATING TO THE PROCEDURES FOR PURCHASING AND CONTRACTING

Finance Director Nick Kimball addressed the current purchasing ordinance and replied to questions from Councilmembers.

Discussion followed regarding the need for Council to review the proposed process, revisiting contracts every five years to reevaluate them, authorizing change orders, streamlining the process, contingencies, expecting high levels of service, purchase of resources by employees, and the possibility of tabling this item until those issues are addressed.

Motion by Vice Mayor Ballin, seconded by Mayor Fajardo, to table the item to a future meeting. By consensus, the motion carried.

- 4) CONSIDERATION TO AWARD A CONSTRUCTION CONTRACT FOR SAFE ROUTES TO SCHOOL STATE PROJECT NO. SR2SL-5202(015), JOB NO. 7580, PLAN NO. P-715

Vice Mayor Ballin asked about the 15% contingency versus a 10% contingency and Finance Director Kimball noted 15% is standard a practice. Vice Mayor Ballin reported she did not have the time to review all of the materials and suggested tabling the item to a later meeting.

Finance Director Kimball reported the item is time-sensitive, noted the plans are available online, and encouraged City Council to move forward as quickly as possible on this item.

Brief discussion followed regarding needing to meet urgent deadlines.

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

- a. Approve plans and specifications for the Safe Routes to School Project No SR2SL-50202(015), Job No. 7580, Plan No. P-715;
- b. Accept the lowest responsive bid from FS Contractors, Inc., for construction of these improvements;
- c. Authorize the City Manager to execute a Construction Contract with FS Contractors, Inc., (Contract No. 1820) for construction of these improvements in an amount not to exceed \$593,995; and

SAN FERNANDO CITY COUNCIL**MINUTES – March 21, 2016****Page 5**

- d. Establish an amount of 15% of the contract amount (\$90,000), as a contingency, to cover the cost of unforeseen construction expenses.

By consensus, the motion carried.

ADMINISTRATIVE REPORTS (CONTINUED)

8) BUDGET PLANNING FOR FISCAL YEAR 2016-2017 REGARDING ELECTRICAL UPGRADES ON SAN FERNANDO MISSION BOULEVARD AND MACLAY AVENUE FOR HOLIDAY EVENTS

Councilmember Soto explained he has been working with Public Works in planning for electrical upgrades to prepare for the holidays along Mission Boulevard, reported it would be a permanent upgrade and stated it could be for multiple uses (i.e., parade) if the City upgrades the circuits.

Discussion ensued amongst Councilmembers and staff regarding about possibly bringing this item back during the discussion of City Council priorities.

Mayor Fajardo announced the item will be reconsidered during discussions of City Council priorities, without objection.

9) REQUEST TO DISSOLVE THE BUDGET, PERSONNEL, AND FINANCE STANDING COMMITTEE AND CONVENE FULL CITY COUNCIL MEETING BUDGET WORKSHOPS

Vice Mayor Ballin referenced comments regarding extending Measure A and believed discussions should occur during full City Council meetings, going forward.

Motion by Vice Mayor Ballin, seconded by Mayor Fajardo, to dissolve the Budget, Personnel, and Finance Standing Committee and that the City Council hold regular budget meetings (open to the public).

The motion carried with the following vote:

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

11) UPDATE REGARDING THE CALIFORNIA HIGH-SPEED RAIL PROJECT

Mayor Fajardo provided information regarding an upcoming California High-Speed Rail Authority Board Meeting at the Anaheim Convention Center on April 12.

Discussion ensued regarding the need to promote the event and provide transportation for anyone interested in attending (i.e., employees, business owners, and residents) the meeting, and the need to be active and vigilant regarding this event.

SAN FERNANDO CITY COUNCIL**MINUTES – March 21, 2016****Page 6**

Motion by Mayor Fajardo, seconded by Councilmember Soto, to authorize the City Manager to take all steps necessary to promote the event and to get as many residents to the meeting as possible. By consensus, the motion carried.

12) REORGANIZATION OF THE CITY COUNCIL – SELECTION OF MAYOR AND VICE MAYOR

City Clerk Chávez presented the staff report and opened the nominations for Mayor.

Mayor Fajardo nominated Robert C. Gonzales for Mayor; the motion was seconded by Vice Mayor Ballin.

Councilmember Soto nominated Councilmember Lopez for Mayor. There being no second, the motion died.

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

For Robert C. Gonzales as Mayor, the motion carried with the following vote:

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

City Clerk Chávez opened nominations for Vice Mayor.

Vice Mayor Ballin nominated Joel Fajardo for Vice Mayor; the motion was seconded by Councilmember Fajardo.

There were no other nominations.

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

For Joel Fajardo as Vice Mayor, the motion carried with the following vote:

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

COMMITTEE/COMMISSION LIAISON UPDATES

Councilmember Ballin reported on the MWD meeting and reported the ICFA is considering a lease-to-purchase program.

Vice Mayor Fajardo presented an update on the Chamber of Commerce's efforts to invite more businesses into the City.

SAN FERNANDO CITY COUNCIL**MINUTES – March 21, 2016****Page 7**

Mayor Gonzales reported staff will provide a presentation at an upcoming Library Commission meeting regarding services offered by the Los Angeles County Library, announced an upcoming ICA quarterly luncheon and summer seminar, and noted that in two weeks, the City will be visiting Sacramento to lobby.

GENERAL COUNCIL COMMENTS

Councilmember Ballin congratulated Mayor Gonzales on his appointment as Mayor.

Councilmember Lopez congratulated Mayor Gonzales, welcomed everyone back, and reported he is excited for the coming year.

Councilmember Soto congratulated Mayor Gonzales, thanked new Commissioner Anna Michelle Lopez for accepting her appointment, commented on the recent Cesar Chávez March, and thanked residents participating in High-Speed Rail actions, the POA for their recent luncheon, and City staff for their work.

Mayor Gonzales discussed the recent Cesar Chávez March, thanked the committee who organized the event, and commented on the importance of voting.

STAFF COMMUNICATION

City Manager Saeki congratulated Mayor Gonzales and Vice Mayor Fajardo and commented on the service of former Vice Mayor Ballin.

Finance Director Kimball congratulated Mayor Gonzales and Vice Mayor Fajardo on their elections and provided an update on Measure R financing.

Police Chief Vairo also congratulated Mayor Gonzales and Vice Mayor Fajardo, and thanked Councilmembers and staff who attended the POA luncheon.

ADJOURNMENT (8:45 P.M.)

Motion by Councilmember Lopez, seconded by Councilmember Ballin, 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 March 21, 2016, meeting as approved by the San Fernando City Council.

Elena G. Chávez
City Clerk

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**SAN FERNANDO CITY COUNCIL
MINUTES**

**JUNE 13, 2016 – 4:30 P.M.
SPECIAL MEETING**

City Hall Community Room
117 Macneil Street
San Fernando, CA 91340

CALL TO ORDER/ROLL CALL

Vice Mayor Joel Fajardo called the meeting to order at 4:31 p.m.

Present:

Council: Vice Mayor Joel Fajardo (left at 5:35 p.m.), and Councilmembers Antonio Lopez, Jaime Soto (arrived at 4:35 p.m.), and Sylvia Ballin

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

Absent: Mayor Robert C. Gonzales

PLEDGE OF ALLEGIANCE

Led by Vice Mayor Fajardo

APPROVAL OF AGENDA

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

PUBLIC STATEMENTS – WRITTEN/ORAL

None

At this time (4:35 p.m.) Councilmember Soto arrived.

STUDY SESSION

1) FISCAL YEAR 2016-2017 BUDGET STUDY SESSION NO. 2

**SAN FERNANDO CITY COUNCIL
SPECIAL MEETING MINUTES – June 13, 2016**

Page 2

Finance Director Nick Kimball presented the staff report and provided budget information regarding Council priorities, consideration of impacts of rent control at an upcoming meeting, creating and implementing a Motorcycle Police Officer program while working with current staffing levels, the Police testing, training and recruiting processes and the possibility of offering sign-on bonuses.

Discussion followed regarding the need to not rush through the process.

Finance Director Kimball discussed specific changes and adjustments to the proposed budget and the City's CIP program and subsequent refinement.

Discussion ensued regarding allocations for the sewer fund, animal control and increased administration costs and the possibility of having a Police Captain position.

City Manager Saeki reported there are no staffing changes in the Police Department for Fiscal Year 2016-2017.

Ensuing discussion pertained to "in-house" being promotional opportunities within the department and consideration of a part-time Deputy City Clerk position.

City Clerk Chávez provided a brief report regarding the need for increasing the hours for a part-time position in the City Clerk's office to bring transcription of City Council minutes up to date and referenced an auditor's report indicating the current City Clerk Office staffing levels are inadequate to keep up with its increasing responsibilities.

Discussion followed regarding regulations dealing with prompt accessibility of minutes to the public, yearly medical costs, proposed staffing for the Personnel Office, the importance of proper staffing in Administrative Offices and using in-house staff to work on the website to save costs.

Vice Mayor Fajardo noted Council consensus for direction to incorporate the City Clerk's office proposal for staffing into the budget. He noted questions still to be asked, reported he will provide those to City Manager Saeki, and suggested continuing discussions at upcoming meetings with the understanding that it may be extended to July.

City Manager Saeki suggested adopting the budget at the first meeting in July.

Discussion followed regarding the importance of having all questions from Councilmembers, answered, to make informed decisions and directing Councilmembers to submit their written questions to the City Manager who could provide responses in writing for review by other Councilmembers.

Brief discussion followed regarding Police overtime hours being factored into the budget.

Motion by Councilmember Ballin, seconded by Councilmember Soto, to have Councilmember Lopez take over leadership of the meeting, as the presiding officer as Vice Mayor Fajardo needs to leave. By consensus, the motion carried.

**SAN FERNANDO CITY COUNCIL
SPECIAL MEETING MINUTES – June 13, 2016**

Page 3

At this time (5:25 p.m.) Vice Mayor Fajardo left the meeting.

Discussion continued regarding the proposed Police Department budget, overtime hours offset by additional revenues in relation to events, City-wide strategic goals, assigning emails to City employees including Public Works employees, revisiting policies and procedures, generating a "wish list" of priority staff positions, project status summaries, the status of Parking Lot 5 improvements, availability of grant funding, electrical updates on Mission Blvd., doing more with less, General Plan amendments, relocating the Lopez-Villegas House, a development agreement with the Robertson's property and developing economic development strategies.

Ensuing discussion followed regarding Parks and Recreation programs and budget, raising funds for lighting at the skate park, necessary improvements for concession stands, in-kind costs for special events, the Cultural Arts and Special Events budget, and developing a list of the City's inventory of vehicles, including emergency vehicles.

Discussion item only; no formal action was taken.

ADJOURNMENT (6:41 P.M.)

Motion by Councilmember Soto, seconded by Councilmember Ballin, 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 June 13, 2016 meeting as approved by the San Fernando City Council.

Elena G. Chávez
City Clerk

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**SAN FERNANDO CITY COUNCIL
MINUTES**

**FEBRUARY 20, 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 6:08 p.m.

Present:

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

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

Absent: Councilmember Jaime Soto

PLEDGE OF ALLEGIANCE

Led by Community Development Director Timothy Hou

APPROVAL OF AGENDA

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

DECORUM AND ORDER

City Attorney Olivarez provided a brief summary of the rules.

PUBLIC STATEMENTS – WRITTEN/ORAL

Karen Swift, Community Relations Manager, Metro, discussed Item No. 6 including receiving public comments from those who could be impacted, a meeting to discuss issues of concerns including potential property acquisitions and a status update.

SAN FERNANDO CITY COUNCIL**MINUTES – February 20, 2018****Page 2**

Lupita (did not provide last name) discussed increases in crime in the City and a personal experience of reporting an assault that was discounted by the police, she spoke of discrimination and requested increased police presence.

Cathleen Calderon announced the upcoming San Fernando Street Festival and a Bicycle Repair Workshop.

Charles Leone, SFPEA, spoke in support of the City's Public Works employees, addressed the benefits of the services they provide, and urged the City to thank them by approving an equitable contract.

Christina Cardenas discussed the upcoming San Fernando Street Festival, including street closures and activities, and invited the public to attend.

Michael O'Leary, Candidate for the State Board of Equalization, introduced himself and offered his availability to meet with Councilmembers and interested members of the public.

CITY COUNCIL - LIAISON UPDATES

Councilmember Gonzales gave an update regarding Independent Cities Association and San Fernando Metro Service Council activities.

Vice Mayor Lopez provided updates on Swap Meet, Measure A, and Cannabis Ad Hoc Committee meetings.

Mayor Ballin provided an update on recent MWD meetings.

CONSENT CALENDAR

Councilmember Fajardo pulled Item No. 6 for further discussion.

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

- 1) REQUEST TO APPROVE THE MINUTES OF:
 - a) FEBRUARY 5, 2018 – SPECIAL MEETING
 - b) JULY 17, 2017 – REGULAR MEETING
- 2) CONSIDERATION TO ADOPT A RESOLUTION APPROVING THE WARRANT REGISTER
- 3) CONSIDERATION TO ADOPT AN ORDINANCE AMENDING THE CITY CODE REGARDING THE REGULATION OF SMOKING IN OUTDOOR PLACES TO ADD VAPING AND OTHER NON-TRADITIONAL FORMS OF SMOKING

SAN FERNANDO CITY COUNCIL**MINUTES – February 20, 2018****Page 3**

- 4) CONSIDERATION TO EXTEND PROJECT LIMITS TO INCLUDE ADDITIONAL STREETS FOR RESIDENTIAL STREET RESURFACING PROJECT, PROJECT NO. 7600, PLAN NO. P-725
- 5) CONSIDERATION TO APPROVE PARTICIPATION IN MOBILE SOURCE AIR POLLUTION REDUCTION REVIEW COMMITTEE'S LOCAL GOVERNMENT PARTNERSHIP PROGRAM

By consensus, the motion carried.

Item Pulled for Further Discussion

- 6) DISCUSSION AND CONSIDERATION TO APPROVE A REVISED LETTER OF SUPPORT FOR THE METRO EAST SAN FERNANDO VALLEY TRANSIT CORRIDOR PROJECT

Councilmember Fajardo noted revisions to the letter, discussed relocation of the bike path with City Manager Meyerhoff, and offered additional amendments to the letter.

Motion by Councilmember Fajardo, seconded by Councilmember Gonzales, to approve the revised letter of support for the Metro East San Fernando Valley Transit Corridor Project, as amended, and authorize the Mayor to execute the letter for immediate distribution. By consensus, the motion carried.

DEPARTMENT HEADS - COMMISSION UPDATES

None

GENERAL COUNCIL COMMENTS

Councilmember Fajardo discussed meetings regarding issuing an RFP for companies to offer the City its services in terms of energy, cost-savings, and other analyses.

Mayor Ballin asked to adjourn the meeting in memory of the victims of the recent shooting in Parkland, Florida.

STAFF COMMUNICATION

None

SAN FERNANDO CITY COUNCIL**MINUTES – February 20, 2018****Page 4****ADJOURNMENT (6:44 P.M.)**

Motion by Vice Mayor Lopez, seconded by Mayor Ballin, to adjourn the meeting in memory of the victims of the recent shooting in Parkland, Florida. By consensus, the motion carried.

I do hereby certify that the foregoing is a true and correct copy of the minutes of February 20, 2018, meeting as approved by the San Fernando City Council.

Elena G. Chávez, CMC
City Clerk

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**SAN FERNANDO CITY COUNCIL
MINUTES**

**APRIL 16, 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 6:14 p.m.

Present:

Council: Mayor Sylvia Ballin, Vice Mayor Antonio Lopez, and Councilmembers Jaime Soto (left at 8:49 p.m.), Joel Fajardo (via teleconference) 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 Clerk Chávez

APPROVAL OF AGENDA

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

PRESENTATIONS

The following presentations were made:

- a) RECOGNITION OF SFPD TEAM – BAKER TO VEGAS RUN
- b) ARBOR DAY PROCLAMATION – APRIL 28
- c) SEXUAL ASSAULT AWARENESS MONTH & DENIM DAY – APRIL 25

DECORUM AND ORDER

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

SAN FERNANDO CITY COUNCIL**MINUTES – April 16, 2018****Page 2****PUBLIC STATEMENTS – WRITTEN/ORAL**

Maria Calleros, City employee, said they value the City, enjoy serving the community, and she said they're asking for a fair contract.

Charles Leone, SEIU Local 721, talked about the work that the members do, they have not asked for a lot and just want a fair contract, and all are stronger when we work together.

Ruben Quintana, SFPEA President, said it's been almost a year and we're getting closer to a good contract deal.

Frank Villalpando also talked about their membership, what they've done, and the need to make sure all are on board to protect the City.

Julie Cuellar spoke in favor of the union members, talked about a girl that was recently killed crossing the street, and the need to educate people about traffic safety issues.

CITY COUNCIL - LIAISON UPDATES

Councilmember Gonzales reported the Independent Cities Association did not have a quorum but reminded his colleagues to sign up for the summer seminar.

Mayor Ballin said it was an exciting moment last week when her son-in-law was appointed to the Greater Los Angeles County Vector Control District and discussed the California Water Fix project, approved by the MWD.

CONSENT CALENDAR

Motion by Councilmember Gonzales, seconded by Vice Mayor Lopez, to approve the Consent Calendar Items:

- 1) REQUEST TO APPROVE THE MINUTES OF APRIL 2, 2018 – SPECIAL MEETING
- 2) CONSIDERATION TO ADOPT A RESOLUTION APPROVING THE WARRANT REGISTER
- 3) CONSIDERATION TO AWARD CONTRACT TO CWE FOR DESIGN SERVICES FOR THE SAN FERNANDO REGIONAL PARK INFILTRATION PROJECT
- 4) CONSIDERATION TO APPROVE THE PURCHASE OF A 2019 FORD SUPER DUTY F350 GASOLINE POWERED UTILITY TRUCK UNDER THE NATIONAL JOINT POWER ALLIANCE (NJPA) CONTRACT PURCHASING COOPERATIVE

SAN FERNANDO CITY COUNCIL**MINUTES – April 16, 2018****Page 3**

- 5) CONSIDERATION TO APPROVE THE PURCHASE OF A 2019 FORD F350 SRW GASOLINE POWERED UTILITY TRUCK UNDER THE NATIONAL JOINT POWER ALLIANCE (NJPA) CONTRACT PURCHASING COOPERATIVE
- 6) CONSIDERATION TO APPROVE THE PURCHASE OF A 2018 FORD FOCUS (P3R) ELECTRIC HATCH UNDER THE NATIONAL JOINT POWER ALLIANCE (NJPA) CONTRACT PURCHASING COOPERATIVE
- 7) CONSIDERATION TO ADOPT PROJECT LIST TO RECEIVE SENATE BILL 1: ROAD MAINTENANCE AND REHABILITATION FUNDS
- 8) ADOPT A RESOLUTION ELECTING TO RECEIVE STATUTORY PASS THROUGH PAYMENTS IN CONNECTION WITH REDEVELOPMENT PROJECT AREA NO. 1A ('89 ANNEX), PROJECT AREA NO. 3 (CIVIC CENTER), AND PROJECT AREA NO. 3A (CIVIC CENTER 1984 ANNEX)

By consensus, the motion carried.

By consensus, the following item was moved up on the agenda.

ADMINISTRATIVE REPORTS

- 10) CONSIDERATION TO APPROVE A PARTNERSHIP WITH THE WILD HORSE FOUNDATION RELATED TO PROGRAM ENHANCEMENTS AND CAPITAL IMPROVEMENTS AT PIONEER PARK

City Manager Meyerhoff gave a brief presentation and Councilmember Gonzales gave background information regarding this item.

Wild Horse Children's Foundation Executive Director Lisette Carnet also made a presentation and replied to questions from Councilmembers.

Discussion followed regarding the person in charge of allocating the funds, seeking grant funding opportunities, renovations and refurbishing fields at Pioneer Park, future plans for the house, snack shacks, and other City parks, prioritizing projects, next steps for approval of an MOU, benefits of establishing a partnership with Wild Horse Foundation and increasing programming at Pioneer Park.

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

- a. Authorize the City Manager to enter into a partnership with the Wild Horse Foundation related to program enhancements and capital improvements at Pioneer Park; and
- b. Approve the use of the City Seal, logo, and social media on digital and print material related to program enhancements and capital improvements resulting from the partnership with Wild Horse Foundation, pursuant to City Council Resolution No. 6904.

SAN FERNANDO CITY COUNCIL**MINUTES – April 16, 2018****Page 4**

The motion carried with the following vote:

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

PUBLIC HEARING

- 9) CONSIDERATION TO ADOPT A ZONE TEXT AMENDMENT AMENDING SECTION 106-6 (DEFINITIONS) OF ARTICLE I (IN GENERAL) OF CHAPTER 106 (ZONING) OF THE SAN FERNANDO MUNICIPAL CODE TO PROVIDE ADDED CLARIFICATION REGARDING THE METHODOLOGY FOR CALCULATING LOT AREA WITHIN R-1 RESIDENTIAL ZONES

Mayor Ballin declared the Public Hearing open.

Community Development Director Tim T. Hou presented the staff report and replied to various questions from Councilmembers.

Mayor Ballin called for public testimony.

Humberto Quintana referenced a letter he sent to the City with concerns regarding the proposed ordinance, reported he met with the Community Development Director, noted changes were made to the ordinance, and thanked Council for recognizing the need to modify the original ordinance and City staff for their time and consideration.

Motion by Councilmember Gonzales, seconded by Councilmember Fajardo, to close the Public Hearing.

The motion carried with the following vote:

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

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

- a. Introduce for first reading, in title only, and waive further reading of Ordinance No. 1675 entitled, “An Ordinance of the City Council of the City of San Fernando, California Amending Section 106-6 (Definitions) of Article I (In General) of Chapter 106 (Zoning) of the San Fernando Municipal Code to provide added clarification regarding the methodology for calculating lot area within R-1 Residential Zones”; and
- b. Affirm the City’s determination that the proposed Ordinance is not subject to CEQA pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code

SAN FERNANDO CITY COUNCIL**MINUTES – April 16, 2018****Page 5**

of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly, and therefore no further environmental review is required.

The motion carried with the following vote:

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

By consensus, the following item was moved up on the agenda.

ADMINISTRATIVE REPORTS (CONTINUED)**12) MEASURE A AD HOC COMMITTEE UPDATE**

Councilmember Gonzales gave an update on the Measure A Ad Hoc Committee and reported information will be provided indicating specific allocations of the funds.

Vice Mayor Lopez discussed the Ad Hoc Committee noting efforts were focused on how the funds were allocated, reported on the amount of information available, addressed the importance of working together with the community, and spoke about directing staff to move forward on a measure.

Discussion followed regarding City staff's involvement, the need for direction from Council to agendize an ordinance for inclusion in the November ballot and protecting City employees and the City's infrastructure. Ensuing discussion pertained to projects and programs that will suffer, in the absence of Measure A.

Assistant City Attorney Padilla reported that anything the City publishes, will need to be neutral.

Direction was given to staff for the Ad Hoc Committee to draft sample language for an ordinance and return to Council to consider placing Measure A on the November ballot, without objection.

11) REVIEW OF CITY COUNCIL PRIORITIES FOR FISCAL YEAR 2018-2019

Deputy City Manager/Director of Finance Nick Kimball present the staff report.

Discussion ensued regarding Council priorities. It was noted that each City Department will give an overview of their recommended budget, during the budget process, and will provide a discussion of the work plan.

Discussion ensued regarding continuing to work towards reaching priorities and adding items to the list; placing emergency services and public safety as high-priority items; needing to consider the present City staffing shortage; the possibility of reviewing priorities on a quarterly basis; making sure that priorities are realistic and next steps.

SAN FERNANDO CITY COUNCIL**MINUTES – April 16, 2018****Page 6**

At this time (8:49 p.m.), Councilmember Soto left the Council Chambers.

DEPARTMENT HEADS - COMMISSION UPDATES

Community Development Director Hou provided an update on a recent Planning and Preservation Commission meeting.

Police Chief Anthony Vairo gave an update regarding the recent auto/pedestrian fatality in the City and Neighborhood Watch meeting.

Deputy City Manager/Director of Finance Kimball discussed upcoming budget study sessions.

Director of Recreation and Community Services Julian J. Venegas gave an update on the Santa Rosa Youth Baseball League and the Las Palmas Senior program.

GENERAL COUNCIL COMMENTS

Councilmember Gonzales discussed the Santa Rosa Youth Baseball League and the upcoming Special Olympics noting the need for volunteers and thanked staff and Council for supporting the partnership with the Wild Horse Foundation.

Vice Mayor Lopez spoke about Council's need to rely on staff to make the right decisions and noted everyone in the City is dedicated to improving it.

Mayor Ballin expressed appreciation to everyone's commitment and dedication.

STAFF COMMUNICATION

City Manager Meyerhoff provided an update on a recent MWD tour and gave updates regarding various meetings and activities in which he participated with staff.

ADJOURNMENT (9:13 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 April 16, 2018, meeting as approved by the San Fernando City Council.

*Elena G. Chávez, CMC
City Clerk*

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**SAN FERNANDO CITY COUNCIL
MINUTES**

**DECEMBER 12, 2018 – 4:00 P.M.
ADJOURNED 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 4:04 p.m.

Present:

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

Staff: City Manager Alexander P. Meyerhoff, City Attorney Rick Olivarez and City Clerk Elena G. Chávez

Absent: Councilmember Jaime Soto

PLEDGE OF ALLEGIANCE

Led by Councilmember-elect Hector A. Pacheco

APPROVAL OF AGENDA

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

PUBLIC STATEMENTS – WRITTEN/ORAL

Marisol Espinoza, Southern California Gas, spoke about a push in the State to mandate electrification of home and buildings to eliminate natural gas and discussed the importance of customers having a choice to do so; addressed differences in costs between natural gas and electricity and presented alternative options including a balanced-energy approach.

City Clerk Chávez announced receiving an email from Councilmember Jaime Soto and read it into the record.

**SAN FERNANDO CITY COUNCIL
ADJOURNED REGULAR MINUTES – December 12, 2018
Page 2**

CONSENT CALENDAR

Motion by Vice Mayor Lopez, seconded by Councilmember Fajardo, to approve the Consent Calendar Item:

- 1) CONSIDERATION TO AUTHORIZE A NOTICE OF COMPLETION FOR THE COMPRESSED NATURAL GAS FUELING STATION UPGRADES PROJECT, PROJECT NO. 7586

By consensus, the motion carried.

ADMINISTRATIVE REPORTS

- 2) ADOPTION OF RESOLUTION DECLARING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION AND CONFIRMATION/FINAL ADOPTION OF ORDINANCE EXTENDING INDEFINITELY THE GENERAL PURPOSE TRANSACTIONS AND USE TAX ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION AND CODIFIED UNDER ARTICLE V (TRANSACTIONS AND USE TAX) OF CHAPTER 82 (TAXATION) OF THE SAN FERNANDO MUNICIPAL CODE PURSUANT TO REVENUE AND TAXATION CODE SECTIONS 7251 ET SEQ.

City Clerk Chávez presented the staff report.

Mayor Ballin discussed Council's responsibility voted on by residents, relative to Measure A, and committed to be a great steward of those funds.

Motion by Councilmember Fajardo, seconded by Councilmember Gonzales, to adopt Resolution No. 7898 declaring the results of the November 6, 2018 General Municipal Election. By consensus, the motion carried.

Motion by Councilmember Fajardo, seconded by Councilmember Gonzales, to confirm and ratify adoption of Ordinance No. 1678 (second reading), entitled: "An Ordinance of the City Council of the City of San Fernando, California, extending indefinitely, subject to voter approval, the General Purpose Transactions and Use Tax administered by the California Department of Tax and Fee Administration and codified under Article V (Transactions and Use Tax) of Chapter 82 (Taxation) of the San Fernando Municipal Code pursuant to Revenue and Taxation Code Sections 7251 et seq.". By consensus, the motion carried.

- 3) PRESENTATION OF CERTIFICATES OF ELECTION AND ADMINISTRATION OF THE OATH OF OFFICE TO NEWLY ELECTED OFFICIALS

The City Clerk Chávez delivered Certificates of Election and administered the Oath of Office to newly elected officials Sylvia Ballin, Antonio G. Lopez, and Hector A. Pacheco.

SAN FERNANDO CITY COUNCIL
ADJOURNED REGULAR MINUTES – December 12, 2018
Page 3

4) REORGANIZATION OF THE CITY COUNCIL – SELECTION OF MAYOR AND VICE MAYOR

City Clerk Chávez presented the staff report and opened nominations for Mayor.

Mayor Ballin nominated Joel Fajardo for Mayor and the motion was seconded by Councilmember Fajardo.

*Councilmember Gonzales nominated Antonio Lopez for Mayor and the motion was seconded by Vice Mayor Lopez.

There were no other nominations for Mayor.

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

For Joel Fajardo as Mayor, the motion carried with the following vote:

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

**No vote taken.*

City Clerk Chávez opened nominations for Vice Mayor.

Mayor Fajardo nominated Sylvia Ballin for Vice Mayor and the motion was seconded by Councilmember Ballin.

*Councilmember Gonzales nominated Councilmember Lopez for Vice Mayor and the motion was seconded by Councilmember Lopez.

There were no other nominations for Vice Mayor.

For Sylvia Ballin as Vice Mayor, the motion carried with the following vote:

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

**No vote taken.*

STAFF COMMUNICATION

City Manager Meyerhoff congratulated newly elected Mayor Fajardo, Vice Mayor Ballin, and Councilmember Pacheco.

SAN FERNANDO CITY COUNCIL
ADJOURNED REGULAR MINUTES – December 12, 2018
Page 4

GENERAL COUNCIL COMMENTS

Councilmember Lopez congratulated newly-elected Councilmember Pacheco and Vice Mayor Ballin and promised to continue to work hard for the community.

Councilmember Gonzales congratulated newly-elected Councilmember Pacheco and discussed the honor in serving the residents of San Fernando.

Councilmember Pacheco expressed his appreciation to his family, friends, residents and the City and noted he is ready to work to make a positive impact on the residents of San Fernando.

Vice Mayor Ballin thanked voters for reelecting her, thanked her team and her family as well as her Council colleagues and staff.

Mayor Fajardo thanked everyone for attending, congratulated the Pacheco family and spoke about his family for being his inspiration. He commended Councilmember Pacheco on his campaign and wisdom and looked forward to going forward. Additionally, Mayor Fajardo discussed the proliferation of marijuana in the City and noted the need to ensure that regulations are done, right. He thanked residents for their support of Measure A and wished everyone a Happy Holiday Season.

ADJOURNMENT (4:37 P.M.)

Motion by Vice Mayor Ballin, seconded by Councilmember Lopez, to adjourn. By consensus, the motion carried.

I do hereby certify that the foregoing is a true and correct copy of the minutes of December 12, 2018, meeting as approved by the San Fernando City Council.

Elena G. Chávez, CMC
City Clerk

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**SAN FERNANDO CITY COUNCIL
MINUTES**

**DECEMBER 2, 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 6:05 p.m.

Present:

Council: Mayor Joel Fajardo and Councilmembers Robert C. Gonzales, Mary Mendoza, and Hector A. Pacheco

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

Absent: Vice Mayor Sylvia Ballin

PLEDGE OF ALLEGIANCE

Led by Cub Scout Pack 911

APPROVAL OF AGENDA

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

PRESENTATIONS

The following presentation was made:

a) RECOGNITION OF DIA DE LOS MUERTOS 5K WINNERS

PUBLIC STATEMENTS – WRITTEN/ORAL

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

SAN FERNANDO CITY COUNCIL**MINUTES – December 2, 2019****Page 2**

Leticia Bianchi, San Fernando Loan, reported joining the Downtown Mall Association, urged the City to work with the Association to revitalize the mall.

Marco Solis, Jim's Western Wear, spoke in support of revitalizing the downtown mall.

Michelle Vergara, field representative for Congressman Tony Cardenas, provided district information and updates on their activities.

Christina Bernal, Throwback Junction, President of the Downtown Mall Association, spoke in support of revitalizing downtown.

Tom Ross, on behalf of the Downtown Mall Association, spoke in support of the City working closely with the Association to revitalize downtown.

Jessie Elias, Mid Valley Towing, discussed his company's bid for City towing services, said they were never inspected and stated they have remodeled since their last inspection five years ago (this was not noted on the City's evaluation matrix). He believes the contract was predetermined before they submitted their bid and urged Council to reconsider his application.

Priscilla Estrada, Crossfit 90, spoke in support of the Downtown Mall Association and looked forward to working closely with the City to revitalize downtown.

Adriana Gomez, Vice President of the Downtown Mall Association, read a statement from member Sarah Ro, on behalf of Mob HQ, encouraging the City to work with the Association to revitalize downtown and upgrade the MOU.

David Bernal spoke regarding a mural by the 218 Freeway exit on San Fernando Rd., discussed the need for cleaning up the area around the MetroLink route, and urged the City to consider doing something to beautify the area.

Mike Sinanyan, Mid Valley Towing, referenced the company's bid for a towing contract with the City and noted their application stated they would give 10% to the City from storage charged.

CONSENT CALENDAR

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

- 1) CONSIDERATION TO ADOPT A RESOLUTION APPROVING THE WARRANT REGISTER
- 2) CONSIDERATION TO APPROVE CO-SPONSORSHIP OF THE EARTH DAY NETWORK GREEN CITY PROGRAM FOR THE 50TH ANNIVERSARY OF EARTH DAY AND THE USE OF THE CITY SEAL

SAN FERNANDO CITY COUNCIL**MINUTES – December 2, 2019****Page 3****3) CONSIDERATION TO APPROVE CALENDAR YEAR 2020 BUSINESS PERMITS FOR CERTAIN BUSINESS ACTIVITIES AS REQUIRED BY THE CITY CODE**

By consensus, the motion carried.

ADMINISTRATIVE REPORTS**4) CONSIDERATION TO APPROVE A FRANCHISE AGREEMENT WITH BLACK & WHITE TOWING, INC. FOR TOWING AND STORAGE SERVICES**

Police Chief Anthony Vairo announced that Lieutenants Chris Colleli and Nichole Hanchet would present the staff report.

Discussion followed regarding storage of impound records and verification of insurance.

Councilmember Pacheco suggested the agenda and presentation does not suggest impartiality and recommended using language that is not as persuasive as Council is supposed to evaluate the item, critically and factually.

In response to Councilmember Pacheco's inquiry regarding Mid Valley Towing, it was noted that staff did not do an on-site inspection but submitted photos of their evidence storage and they and they did not meet the qualifications for the RFQ based on their proximity from the Police Station.

Discussion ensued regarding developing the minimum qualifications established in the RFQ including the number of vehicles (capacity) to be stored, response times offered by each bidder, distance from the Police Station, distinctions between RFQs and RFPs, and the process involved in becoming an official police garage and the benefits.

Mayor Fajardo reported after reviewing the RFQ, he believed Black and White Towing Inc. is the best-qualified company to provide towing services for the City, agreed with Councilmember Pacheco's comments about staff being impartial in presentations, and discussed capacity and the convenience of choosing a provider that is close by.

In response to Councilmember's questions, Assistant City Attorney Padilla reported that the agreement is being presented by way of a resolution and would require three affirmative votes to pass, but could be reconsidered at an upcoming meeting without a resolution.

Mayor Fajardo invited public comments.

Jessie Elias, Mid Valley Towing, discussed challenges with being an official police garage and requirements, addressed oversight by the Police Commission, response times and insurance, and indicated his priority would be strictly to the City of San Fernando.

Robert Ordelhiede, President and CEO, Black and White Towing, reported providing all of the information required in the RFQ, noted treating every police call with top priority, addressed

SAN FERNANDO CITY COUNCIL**MINUTES – December 2, 2019****Page 4**

Police Commission oversight, added they maintain records up to 15 years and financial documents were not required in the RFQ.

Brief discussion followed regarding franchise fees.

Mayor Fajardo closed public comments and discussion briefly ensued.

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

- a. Adopt Resolution No. 7970 approving a Franchise Agreement for Vehicle Towing and Storage Services between the City and Black & White Towing, Inc. (Contract No. 1937) for a term of five years; and
- b. Authorize the City Manager, or designee, to execute all related documents.

The motion failed with the following vote:

AYES: Gonzales, Fajardo – 2
ABSTAIN: Pacheco, Mendoza – 2
ABSENT: Ballin – 1

Mayor Fajardo directed staff to bring the item back to City Council in a format requiring two affirmative votes and extend the current agreement until the end of February in case there are challenges in getting a quorum in December.

Direction was given to staff without objection.

Mayor Fajardo commended Lieutenant Chris Colleli for his service and congratulated him on his upcoming retirement.

5) UPDATE REGARDING EFFORTS TO WORK WITH THE MALL ASSESSMENT DISTRICT, INC. TO DRAFT A SUCCESSOR MEMORANDUM OF UNDERSTANDING TO SUPPORT AND FACILITATE AN EFFECTIVE DOWNTOWN MALL ASSOCIATION

City Manager Kimball presented the staff report and replied to questions from Councilmembers.

Discussion ensued pertaining to getting additional information regarding the necessary trash infrastructure, increasing the effectiveness of cleaning efforts in parking lots, quantifying staff hours on the matter going forward, considering potential changes in parking and parking fees, making sure the Association is given the tools to succeed, providing clarity about the assessment through the MOU, reaching out to the Spanish-speaking merchants, the importance of transparency, monthly board meetings and membership, board eligibility requirements, requiring diversity in the board and that the City be represented at board meetings, and formally updating the Council liaison to the Association.

Mayor Fajardo invited a representative of the Downtown Mall Association to the podium.

SAN FERNANDO CITY COUNCIL**MINUTES – December 2, 2019****Page 5**

Adriana Gomez, Vice President of the Downtown Mall Association, reported all Board Members speak Spanish, noted they distribute communications in both English and Spanish, and discussed diversity in the board and mall ambassadors.

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

- a. Draft a successor Memorandum of Understanding (MOU) to support and facilitate an effective Downtown Mall Association.
- b. Authorize the City Manager to approve reimbursement requests from the Mall Association for actual expenses, up to \$25,000, related to operating, marketing, event planning, and professional consultation services; and with a friendly amendment to continue the item through June 30th.
- c. To continue efforts in this direction come back around budget time with an MOU.

The motion carried with the following vote:

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

6) VETERANS BANNER PROGRAM UPDATE

Director of Recreation and Community Services Julian Venegas presented the staff report and replied to questions from Councilmembers.

Discussion followed regarding accommodating special requests, considering running the program through other months of the year (including Memorial Day, in May and July 4th), expanding the program to honor those currently serving or establishing a different program with specified parameters, considering installing the banners in June and leaving them up through November, having someone sing the National Anthem during the ceremony, adding chairs and mentioning the names of those honored and the possibility of offering hardship waivers.

Motion by Mayor Fajardo, seconded by Councilmember Mendoza, to approve Item No. 6 per staff recommendations and for the Ad Hoc Committee to continue looking for ways of potentially expanding the program.

By consensus, the motion carried.

**7) CONSIDERATION TO SUBMIT A BALLOT ARGUMENT RELATED TO THE
BALLOT MEASURE TO BAN MARIJUANA BUSINESS ACTIVITY IN THE CITY
AND PROVIDE RELATED IMPARTIAL INFORMATION TO THE COMMUNITY**

City Manager Kimball presented the staff report and replied to questions from Councilmembers.

SAN FERNANDO CITY COUNCIL**MINUTES – December 2, 2019****Page 6**

Discussion followed regarding the importance of taking time to develop arguments for (and against) the measure, having the Ad Hoc Committee develop the argument for the measure since Council placed it on the ballot, having Councilmembers sign who are for the measure to show consensus on the argument, the deadline for submitting the documents, and the direction sought from Council.

In response to questions from Councilmembers, Assistant City Attorney Padilla noted that State law prohibits the City from engaging in any sort of advocacy for measures that it placed on the ballot and may provide neutral, impartial information.

Discussion followed regarding the types of information that could be dispersed.

Mayor Fajardo noted the direction would be to direct Assistant City Attorney Padilla to return to an upcoming Council meeting with a list of the types of information that could be disseminated and the possibility of including information in the water bill. He stressed the importance of being clear that a "no" vote means the matter stays at the discretion of the City Council and a "yes" vote takes it away from Council's discretion and places the matter back in the hands of the voters.

Motion by Mayor Fajardo, seconded by Councilmember Mendoza, to approve Item No. 7 with the understanding that the Ad Hoc Committee shall create the ballot argument in favor of the ballot measure (allowing any Councilmember to sign on if they choose), the Ad Hoc Committee to work with the City Attorney to provide impartial information, and at the City Attorney's discretion, to provide in a water bill.

The motion carried with the following vote:

AYES:	Pacheco, Mendoza, Fajardo – 3
NOES:	Gonzales - 1
ABSENT:	Ballin – 1

8) UPDATE FROM SAN FERNANDO FLAVORED TOBACCO WORKING GROUP

Mayor Fajardo and City Manager Kimball presented the report.

Discussion ensued regarding considering best practices in other cities, directing staff to return to City Council (at the second meeting in January) with an ordinance for consideration of a ban, including funding for Code Enforcement, and provide outreach to and education for the community and retailers.

Direction was given without objection and no motion was taken.

**9) CONSIDERATION TO DISCUSS THE UNITED STATES SUPREME COURT CASE:
DEPARTMENT OF HOMELAND SECURITY V. REGENTS OF THE UNIVERSITY OF
CALIFORNIA REGARDING THE DEPARTMENT OF HOMELAND SECURITY'S
DECISION TO END THE DEFERRED ACTION FOR CHILDHOOD ARRIVALS
(DACA) POLICY**

SAN FERNANDO CITY COUNCIL**MINUTES – December 2, 2019****Page 7**

Councilmember Mendoza asked City Council to support a letter against the Department of Homeland Security's decision to end the DACA policy.

Councilmembers expressed their wholehearted support of the DACA policy and Dreamers and thanked Councilmember Mendoza for bringing the item forward.

Motion by Councilmember Mendoza, seconded by Councilmember to approve Item No. 9 per staff recommendations to direct staff to draft a letter and allowing each Councilmember to sign onto the letter, as desired.

By consensus, the motion carried.

10) REORGANIZATION OF THE CITY COUNCIL – SELECTION OF MAYOR AND VICE MAYOR

A brief discussion ensued regarding a recommendation by Councilmember Mendoza to postpone the item until all five Councilmembers were present.

City Clerk Chávez presented a brief agenda report and opened nominations for Mayor.

Councilmember Mendoza nominated Joel Fajardo for Mayor and the motion was seconded by Councilmember Pacheco.

There were no other nominations for Mayor.

Motion by Councilmember Mendoza, seconded by Councilmember Pacheco, to close nominations. By consensus, the motion carried.

The motion to select Joel Fajardo as Mayor carried with the following vote:

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

City Clerk Chávez opened nominations for Vice Mayor.

Mayor Fajardo nominated Hector A. Pacheco for Vice Mayor and the motion was seconded by Councilmember Pacheco.

Councilmember Mendoza nominated Sylvia Ballin for Vice Mayor.

A brief discussion ensued regarding the absence of Vice Mayor Ballin, whether she needs to be present to accept the nomination, and Roberts Rules of Order.

Mayor Fajardo yielded back to City Clerk Chávez who called for a second to Councilmember Mendoza's motion. There being no second, the motion died.

SAN FERNANDO CITY COUNCIL**MINUTES – December 2, 2019****Page 8**

There were no other nominations for Vice Mayor.

Motion by Mayor Fajardo, seconded by Councilmember Pacheco, to close nominations. By consensus, the motion carried.

The motion to select Hector A. Pacheco as Vice Mayor carried with the following vote:

AYES: Gonzales, Pacheco, Fajardo – 3

NOES: Mendoza – 1

ABSENT: Ballin – 1

STAFF COMMUNICATION INCLUDING COMMISSION UPDATES

City Clerk Chávez reported that the LA County Registrar-Recorder/County Clerk has established numerous voting demo center sites, noted the operating hours, and added the San Fernando Library will host a demo center starting today through December 23rd.

Director of Recreation and Community Services Julian Venegas gave updates regarding the upcoming Parks, Wellness, and Recreation Commission meeting, and provided a recap regarding the Dia de Los Muertos and Christmas Tree Lighting Celebration events.

Deputy City Manager/Director of Community Development Hou gave an update regarding the Planning and Preservation Commission meeting.

City Manager Kimball congratulated the Mayor and Vice Mayor on their nominations and elections.

GENERAL COUNCIL COMMENTS AND LIAISON UPDATES

Councilmember Mendoza congratulated Mayor Fajardo and Vice Mayor Pacheco on their appointment.

Councilmember Gonzales congratulated Mayor Fajardo and Vice Mayor Pacheco on their appointment, thanked staff and wished everyone Happy Holidays.

Councilmember Pacheco discussed a meeting of the Tree Ad Hoc Committee, spoke about considering having a voting holiday for City staff, and reported on an upcoming SCAG meeting.

Mayor Fajardo thanked everyone for the opportunity to serve as Mayor, commended Councilmember Pacheco for assuming the role of Vice Mayor, and suggested notification of water rate increases include information regarding qualifying and applying for discounts.

SAN FERNANDO CITY COUNCIL**MINUTES – December 2, 2019****Page 9****RECESS TO CLOSED SESSION (9:48 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) CONFERENCE WITH REAL PROPERTY NEGOTIATOR

G.C. §54956.8

Property: 13441 Foothill Blvd., Sylmar, City of Los Angeles

Agency Negotiator: City Manager Nick Kimball, Lead Negotiator

City Attorney Rick Olivarez

Assistant City Attorney Richard Padilla

Negotiating Parties: Brian Board and Christina Garay of Rodeo Realty on behalf of Richard C. Patterson, as to an undivided 50% interest in the subject property and David M. Kull and Ronna Kull, Trustees of the David and Ronna Kull Trust dated March 30, 2007, as to an undivided 50% interest in the subject property

Under Discussion: Price and Terms of Payment as relates to Option to Purchase Agreement

RECONVENE/REPORT OUT FROM CLOSED SESSION (10:37 P.M.)

Assistant City Attorney Padilla reported the following:

Item A – The City Manager provided an update, feedback was given by City Council, but no final action was taken.

Item B – The City Council received an update, there were no substantial comments or feedback from Council, and no final action was taken.

SAN FERNANDO CITY COUNCIL**MINUTES – December 2, 2019****Page 10****ADJOURNMENT (10:38 P.M.)**

Motion by Mayor Fajardo, seconded by Councilmember Mendoza, to adjourn the meeting in memory of Olaf Garcia. By consensus, the motion carried.

I do hereby certify that the foregoing is a true and correct copy of the minutes of December 2, 2019, meeting as approved by the San Fernando City Council.

Elena G. Chávez, CMC
City Clerk

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**SAN FERNANDO CITY COUNCIL
MINUTES**

**DECEMBER 12, 2019 – 5:00 P.M.
SPECIAL 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 5:00 p.m.

Present:

Council: Mayor Joel Fajardo, and Councilmembers Sylvia Ballin, Robert C. Gonzales and Mary Mendoza

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

Absent: Vice Mayor Hector A. Pacheco

PLEDGE OF ALLEGIANCE

Led by Mayor Fajardo

APPROVAL OF AGENDA

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

PUBLIC STATEMENTS – WRITTEN/ORAL

None

CONSENT CALENDAR

Motion by Councilmember Ballin, seconded by Councilmember Mendoza, to approve the Consent Calendar Item:

**SAN FERNANDO CITY COUNCIL
SPECIAL MEETING MINUTES – December 12, 2019**

Page 2

1) CONSIDERATION TO ADOPT A RESOLUTION APPROVING THE WARRANT REGISTER

By consensus, the motion carried.

RECESS TO CLOSED SESSION (5:01 P.M.)

RECONVENE (5:17 P.M.)

Mayor Fajardo announced Council may enter into closed session again and the City Attorney will read out from Closed Session when all Closed Session items are complete.

ADMINISTRATIVE REPORTS

2) CONSIDERATION TO APPROVE A FRANCHISE AGREEMENT FOR TOWING AND STORAGE SERVICES

City Manager Kimball and Lieutenants Chris Colleli and Nichole Hanchet presented the staff report and responded to questions from Councilmembers.

Discussion followed regarding the benefits of being able to see the pictures from the inspections, ownership and entrance of the Onyx Collision Center in relation to Mid Valley Towing, offering the most convenience to residents and differences between the service providers.

Assistant City Attorney Richard Padilla reported there was no requirement to be a Certified Police Garage in the RFQ, but it would not be inappropriate to take that into consideration and could be done for future RFQs.

Councilmember Ballin reported she reviewed all records relative to this matter.

Mayor Fajardo felt the additional information did not change his support of staff's recommendations and agreed Black and White Towing would be the best service provider for the community in terms of proximity and fees, adding that he would rather have lower fees for the consumer rather than higher revenues for the City. He commented on the merits of the other providers but noted the benefits of the security offered by Black and White Towing.

Motion by Councilmember Ballin, seconded by Councilmember Gonzales, to approve the following:

- a. Approve a Franchise Agreement for Vehicle Towing and Storage Services between the City and Black & White Towing, Inc. (Contract No. 1937) for a term of five years; and
- b. Authorize the City Manager, or designee, to make non-substantive changes and execute all related documents.

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Subject to the following additional conditions:

1. That the City issue another RFQ/RFP in four years (January 21, 2024) for a contract to be awarded no later than the first City Council meeting of October 2024 and effective starting January 1, 2025;
2. That an Ad Hoc Committee be formed no later than the first City Council meeting of January 2024 and to be part of the review and preparation to guide the development of the RFQ/RFP;
3. To have the RFQ/RFP issued no later than February 2024;
4. That the radius restrictions under the subsequent RFQ/RFP be expanded to ten miles as opposed to the current five miles; and
5. That staff inform City Council of any raises in fees.

The motion carried with the following vote:

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

**3) CONSIDERATION TO SUBMIT A BALLOT ARGUMENT RELATED TO THE
BALLOT MEASURE TO BAN MARIJUANA BUSINESS ACTIVITY IN THE CITY
AND PROVIDE RELATED BALLOT INFORMATION TO THE COMMUNITY**

Mayor Fajardo announced the agenda includes staff's version of a proposed argument in favor of Measure MJ and the Ad Hoc Committee also formulated a version which was emailed and blind-copied to Councilmembers. He indicated the version formulated by the Ad Hoc Committee is clearer and more concise than the version included in the agenda. Councilmembers requested hard copies of both versions and a recess was called to allow Councilmembers a chance to review them.

RECESS (6:05 P.M.)

RECONVENE (6:14 P.M.)

Discussion followed regarding comparisons of the two versions, and Councilmembers recommended edits.

Councilmember Gonzales referenced a statement that marijuana increases crime and noted a recent study showing that crime does not increase, and burglaries decreased after it became legal.

San Fernando Police Chief Vairo discussed incidents in the City of Los Angeles relative to crimes occurring in cannabis retail locations, agreed with Councilmember Gonzales in terms of the recently-released study but noted the need for more information and studies.

**SAN FERNANDO CITY COUNCIL
SPECIAL MEETING MINUTES – December 12, 2019**

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Councilmember Gonzales noted there is potential for illegal activities with almost any business and felt the statement should not be included in the argument.

Assistant City Attorney Padilla discussed what can and cannot be in a ballot argument under the California Elections Code and did not feel including the language would create any sort of legal exposure to the City.

City Council continued to suggest edits to the ballot argument document.

Motion by Mayor Fajardo, seconded by Councilmember Mendoza, to approve the Ballot Argument with the proposed edits and allow any Councilmember to sign onto it, as desired.

The motion carried with the following vote:

AYES:	Mendoza, Ballin, Fajardo – 3
NOES:	None
ABSTAIN:	Gonzales - 1
ABSENT:	Pacheco – 1

Mayor Fajardo reported the Ad Hoc Committee worked on a notice to be distributed to residents in the water bill, in coordination with the City Attorney and Assistant City Attorney Padilla provided his input regarding the communication adding it would not be inappropriate for the City Council to send out neutral information about what the ballot measure does and does not do, provided it is done so through an existing distribution means. He commented positively regarding the specific document and noted it will be supplemented by an impartial analysis.

Councilmembers offered changes to the document in cooperation with the City Attorney.

Mayor Fajardo announced Council will consider Item No. 4 at this time; reported that subsequently, Council will take a brief recess and will return to continue discussion on the document to be distributed to residents in their water bills regarding Measure MJ.

4) DISCUSSION REGARDING START TIME FOR CLOSED SESSION ITEMS

Councilmember Ballin discussed challenges with Councilmembers attending Closed Sessions and asked for Council's support in having those scheduled at 5:00 p.m., prior to Council meetings.

Discussion followed regarding the benefits of having Closed Sessions early.

Mayor Fajardo spoke about giving Vice Mayor Pacheco weigh in on the subject, as he may have conflicts with work and would be potentially blocked from attending. He proposed Council discuss the item again, no later than Council's second meeting in January 2020.

Motion by Councilmember Ballin, seconded by Councilmember Gonzales, to begin Closed Sessions at 5:00 p.m.

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SPECIAL MEETING MINUTES – December 12, 2019
Page 5**

The motion carried with the following vote:

AYES: Gonzales, Mendoza, Ballin – 3
NOES: Fajardo - 1
ABSENT: Pacheco – 1

RECESS TO CLOSED SESSION (7:02 P.M.)

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

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) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

G.C. §54956.9(d)(2) AND 54956.9(e)(1)

One (1) Matter

RECONVENE/REPORT OUT FROM CLOSED SESSION (7:26 P.M.)

Assistant City Attorney Padilla reported the following:

Items A & B – Updates were provided by staff, general direction was given, and no Council action was taken.

Mayor Fajardo announced discussion will continue regarding Item No. 3.

ADMINISTRATIVE REPORTS

- 3) CONSIDERATION TO SUBMIT A BALLOT ARGUMENT RELATED TO THE BALLOT MEASURE TO BAN MARIJUANA BUSINESS ACTIVITY IN THE CITY

**SAN FERNANDO CITY COUNCIL
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**AND PROVIDE RELATED BALLOT INFORMATION TO THE COMMUNITY
(CONTINUED)**

Mayor Fajardo noted Councilmember Ballin's recommendation to redelegate the item to the Ad Hoc Committee and presented a motion for consideration.

Motion by Mayor Fajardo, seconded by Councilmember Ballin, to direct staff to use the general template for the related ballot information to be distributed to the community in the water bill, as edited by City Council and give the Ad Hoc Committee the power to make changes, in connection with working with staff and the City Attorney to ensure that it is impartial, and to allow the line that reads, "Consideration to ban all marijuana/cannabis business activities", to potentially be the second line, to give staff authority to create a Spanish version and to edit any formatting.

The motion carried with the following vote:

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

ADJOURNMENT (7:31 P.M.)

Motion by Councilmember Ballin, 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 December 12, 2019, meeting as approved by the San Fernando City Council.

*Elena G. Chávez, CMC
City Clerk*

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**SAN FERNANDO CITY COUNCIL
MINUTES**

**JANUARY 6, 2020 – 5:00 P.M.
SPECIAL MEETING**

City Hall Community Room
117 Macneil Street
San Fernando, CA 91340

CALL TO ORDER/ROLL CALL

Mayor Joel Fajardo called the meeting to order at 5:00 p.m.

Present:

Council: Mayor Joel Fajardo, Vice Mayor Hector A. Pacheco, and Councilmembers Robert C. Gonzales (arrived at 5:02 p.m.), and Mary Mendoza

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

Absent: Councilmembers Sylvia Ballin

APPROVAL OF AGENDA

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

PUBLIC STATEMENTS – WRITTEN/ORAL

None

RECESS TO CLOSED SESSION (5:01 P.M.)

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

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

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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) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

G.C. §54956.9(d)(1)

Name of Case: City of San Fernando v. Gregory Mayne

LASC Case No.: 19CHCV00891

C) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

G.C. §54956.9(d)(2) and 54956.9(e)(3)

One (1) Matter

D) CONFERENCE WITH REAL PROPERTY NEGOTIATOR

G.C. §54956.8

Property: 13441 Foothill Blvd., Sylmar, City of Los Angeles

Agency Negotiator: City Manager Nick Kimball, Lead Negotiator

City Attorney Rick Olivarez

Assistant City Attorney Richard Padilla

Negotiating Parties: Brian Board and Christina Garay of Rodeo Realty on behalf of
Richard C. Patterson, as to an undivided 50% interest in the subject
property and David M. Kull and Ronna Kull, Trustees of the David and
Ronna Kull Trust dated March 30, 2007, as to an undivided 50% interest
in the subject property

Under Discussion: Price and Terms of Payment as relates to Option to Purchase
Agreement

RECONVENE/REPORT OUT FROM CLOSED SESSION (5:56 P.M.)

Assistant City Attorney Padilla reported the following:

Item A – General update was given by the City Manager, feedback was given by the City Council, but no final action was taken.

Items B & C – Updates provided by Legal Counsel, direction was given by City Council, but no final action was taken.

Item D – Update was provided by Deputy City Manager/Director of Community Development Tim Hou, no action requested by the City Council, but no final action was taken.

**SAN FERNANDO CITY COUNCIL
SPECIAL MEETING MINUTES – January 6, 2020
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ADJOURNMENT (5:57 P.M.)

Motion by Councilmember Gonzales, seconded by Councilmember Mendoza, 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 January 6, 2020, meeting as approved by the San Fernando City Council.

Elena G. Chávez
City Clerk

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**SAN FERNANDO CITY COUNCIL
MINUTES**

**JANUARY 6, 2020 – 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 6:08 p.m.

Present:

Council: Mayor Joel Fajardo, Vice Mayor Hector A. Pacheco, and Councilmembers Robert C. Gonzales, and Mary Mendoza

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

Absent: Councilmember Sylvia Ballin

PLEDGE OF ALLEGIANCE

Led by Director of Finance J. Diego Ibañez

APPROVAL OF AGENDA

Mayor Fajardo inquired about a possible “walk-on” item pertaining to creating an Ad Hoc to address the retirement of City Clerk Chávez. City Attorney Padilla reported that it did not quite meet the urgency requirement and suggested agendaizing for the next meeting.

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

PRESENTATIONS

The following presentations were made:

- a) RECOGNITION OF POLICE OFFICERS DEPLOYED AT THE SAUGUS HIGH SCHOOL SHOOTING INCIDENT ON NOVEMBER 14, 2019

SAN FERNANDO CITY COUNCIL**MINUTES – January 6, 2020****Page 2**

- b) CERTIFICATE OF APPRECIATION FOR POLICE OFFICERS THAT ASSISTED WITH THE EMERGENCY DELIVERY OF A NEWBORN CHILD

PUBLIC STATEMENTS – WRITTEN/ORAL

Dee Akemon said she was concerned about how Black & White Towing was treated at last month's meeting, and said she's been "hearing rumors" about the Police Department and Police Chief and wants the City Council show support.

Mark Villasenor spoke in favor of Item No. 5 regarding the City Council letter in support of the Fernandeño Tataviam Band of Mission Indians' application for Federal Acknowledgement.

Nelson Miyer talked about an issue they came across when remodeling their house; they removed a 5' fence and when attempting to replace it, were told that the City only allows a 3' fence.

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

Michael Remenih said that it was brought to his attention that, at the next meeting, Councilmembers want to bring up who has authority over the Police Department and Police Chief, talked about a recall, and said that a lot of people "will not take this sitting down."

CONSENT CALENDAR

Councilmember Gonzales pulled Item No. 3 for further discussion.

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

- 1) CONSIDERATION TO ADOPT A RESOLUTION APPROVING THE WARRANT REGISTER
- 2) CONSIDERATION TO APPROVE THE PURCHASE OF A 2020 FORD ESCAPE S FWD UTILITY VEHICLE

By consensus, the motion carried.

Item Pulled for Further Discussion

- 3) CONSIDERATION TO ADOPT RESOLUTIONS REGULATING THE PARKING OF VEHICLES ON CITY-OWNED AND CITY-OPERATE OFF-STREET PARKING FACILITIES

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Interim Director of Public Works Martin Pastucha presented the staff report. He, City Manager Kimball, and Police Chief Anthony Vairo replied to questions from Councilmembers.

- a. Adopt Resolution No. 7970 regulating the parking of vehicles and uses of City-owned and City-operated off-street parking facilities;
- b. Adopt Resolution No. 7971 amending the Fiscal Year 2019-2020 Adopted Budget; and
- c. Staff to work with the business community and formulate an overnight parking permit program.

The motion carried with the following vote:

AYES: Gonzales, Mendoza, Fajardo – 3
NOES: Pacheco – 1
ABSENT: Ballin 1

ADMINISTRATIVE REPORTS

The following items were moved out of order.

- 5) CONSIDERATION OF A REQUEST FROM THE FERNANDEÑO TATAVIAM BAND OF MISSION INDIANS TO PROVIDE A LETTER IN SUPPORT OF AN APPLICATION FOR FEDERAL ACKNOWLEDGMENT

City Manager Kimball presented the staff report and replied to questions from Councilmembers.

Motion by Mayor Fajardo, seconded by Councilmember Gonzales, to approve the draft letter in support of the Fernandeno Tataviam Band of Mission Indians' application for Federal Acknowledgement and to allow any Councilmember, who so chooses, to sign on to the letter. By consensus, the motion carried.

- 4) CONSIDERATION AND APPROVAL FOR FIRST READING OF ORDINANCE NO. 1691 AMENDING CHAPTER 2 (ADMINISTRATION) OF THE SAN FERNANDO MUNICIPAL CODE BY THE ADDITION OF A NEW ARTICLE VIII (ELECTRONIC RECORDS AND SIGNATURES) ESTABLISHING A POLICY FOR THE USE OF ELECTRONIC/DIGITAL SIGNATURES

Assistant City Attorney Padilla presented the staff report and replied to questions from Councilmembers.

Motion by Mayor Fajardo, seconded by Councilmember Gonzales, to introduce for first reading, in title only, and waive full reading of Ordinance No. 1691 "An Ordinance of the City Council of the City of San Fernando, California, Amending Chapter 2 (Administration) of the San Fernando

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Municipal Code by the Addition of a New Article VIII (Electronic Records and Signatures) Establishing a Policy for the Use of Electronic/Digital Signatures.”

The motion carried with the following vote:

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

STAFF COMMUNICATION INCLUDING COMMISSION UPDATES

Director of Recreation and Community Services Julian Venegas wished everyone a Happy New Year and reported that the Parks, Wellness, and Recreation Commission would be meeting on January 14.

Deputy City Manager/Director of Community Development Hou reported that the Planning and Preservation Commission would be meeting on January 13, and said that staff released a request for developer qualifications regarding Parking Lot No. 3.

Interim Director of Public Works Martin Pastucha gave updates regarding the 2018-19 Street Resurfacing Project, the Glenoaks Blvd. Project, said two new part-time maintenance workers started today, and the Transportation and Safety Commission will be meeting on January 8.

City Manager Kimball said he looks forward to working with City Council in 2020, reported the first quarter will include: long-standing labor issues that will come to a conclusion, Measure A Town Hall meeting, Special Election regarding Measure MJ, and staff will be getting started on the budget process soon.

GENERAL COUNCIL COMMENTS AND LIAISON UPDATES

Councilmember Mendoza hopes everyone had a joyous and peaceful New Year.

Councilmember Gonzales gave updates regarding the Census Ad Hoc Committee, Independent Cities Association annual conference, the San Fernando Metro Valley Service Council, and said he's working with staff to have Metro make a presentation at an upcoming meeting.

Councilmember Pacheco thanked his colleagues and staff, said great progress and achievements were made in 2019 and hopes the same for 2020, is grateful for the service from Black & White Towing (noted it is Council's obligation to scrutinize any and all contracts that the City enters into), encouraged voters to thoroughly learn about issues, and talked about the vacation of Celis St. and the development of Parking Lot No. 3.

Mayor Fajardo said 2019 was great and expects 2020 will be better, echoed Vice Mayor Pacheco's comments regarding Black and White Towing, thanked City Clerk Chávez for her

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years of service, will bring an item back to create an ad hoc pertaining to City Clerk recruitment, and talked about comments made pertaining to the Police Chief reporting to City Council.

In response, City Manager Kimball reported there was miscommunication regarding the Police Chief item and will provide Council with information as to what other cities do and best practices.

ADJOURNMENT (7:24 P.M.)

Motion by Councilmember Gonzales, seconded by Councilmember Mendoza, 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 January 6, 2020, meeting as approved by the San Fernando City Council.

Elena G. Chávez, CMC
City Clerk

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**SAN FERNANDO CITY COUNCIL
MINUTES**

**JANUARY 27, 2020 – 5:00 P.M.
SPECIAL MEETING**

City Hall Community Room
117 Macneil Street
San Fernando, CA 91340

CALL TO ORDER/ROLL CALL

Mayor Joel Fajardo called the meeting to order at 5:01 p.m.

Present:

Council: Mayor Joel Fajardo, Vice Mayor Hector A. Pacheco, and Councilmembers Robert C. Gonzales (arrived at 5:16 p.m.), Sylvia Ballin (arrived at 5:03 p.m.), and Mary Mendoza

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

APPROVAL OF AGENDA

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

PUBLIC STATEMENTS – WRITTEN/ORAL

None.

RECESS/RECONVENE (5:04 to 5:05 P.M.)

Mayor Fajardo announced that City Council would recess to Closed Session. Councilmembers momentarily stepped away and returned for the following Presentation.

PRESENTATION

- B) RECOGNITION OF ITZPAPALOTL MESOAMERICAN HIP-BALL TEAM: AJUPEME
USA CALIFORNIA DELEGATION

**SAN FERNANDO CITY COUNCIL
SPECIAL MEETING MINUTES – January 27, 2020
Page 2**

RECESS TO CLOSED SESSION (5:12 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) CONFERENCE WITH LABOR NEGOTIATOR – UNREPRESENTED EMPLOYEE

G.C. §54957.6

Designated City Negotiators: Mayor Joel Fajardo

Unrepresented Employee: City Clerk

C) PUBLIC EMPLOYEE EMPLOYMENT/PERFORMANCE EVALUATION

G.C. §54957

Title of Employee: City Clerk

RECONVENE/REPORT OUT FROM CLOSED SESSION (6:09 P.M.)

Assistant City Attorney Padilla reported the following:

Item A – General update was given by the City Manager, feedback was given by the City Council, but no final action was taken.

Items B & C – Discussion was had by City Council, City Manager, and retiring City Clerk regarding recruitment issues. Direction was given by City Council, but no final action was taken.

PLEDGE OF ALLEGIANCE

Led by Students of the Month

PRESENTATIONS (CONTINUED)

A) CERTIFICATES OF RECOGNITION – STUDENTS OF THE MONTH

- Jocelyn Barreras – Assurance Learning Academy
- Angelina Duran – Academy of Scientific Exploration

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- C) PROCLAMATION SAN FERNANDO SCHOOL CHOICE WEEK – JANUARY 26 - FEBRUARY 1
- D) RECOGNITION OF THE SAN FERNANDO HIGH SCHOOL GIRLS' TENNIS TEAM CHAMPIONSHIP

PUBLIC STATEMENTS – WRITTEN/ORAL

Maritza Duarte, Las Palmas Club's Chair, expressed appreciation to Council for funding provided to the club for their events and transportation buses.

Michael Remenih complimented the Police Department, the Neighborhood Watch Program, and talked about a situation where a derelict car had been parking on his street and the department's quick handling of the situation.

CONSENT CALENDAR

Mayor Fajardo pulled Item Nos. 2 and 3, and Councilmember Mendoza requested to pull Item No. 1 for further discussion.

Motion by Mayor Fajardo, seconded by Councilmember Mendoza, to pull all three items from the Consent Calendar. By consensus, the motion carried.

Item Pulled for Further Discussion

- 1) REQUEST TO APPROVE MINUTES OF:
 - a. FEBRUARY 4, 2019 – REGULAR MEETING
 - b. APRIL 2, 2019 – REGULAR MEETING
 - c. APRIL 15, 2019 – REGULAR MEETING
 - d. AUGUST 5, 2019 – REGULAR MEETING
 - e. SEPTEMBER 3, 2019 – REGULAR MEETING

Councilmember Mendoza reported that she was not present for the minutes a-e and asked for a separate vote on that item.

Motion by Mayor Fajardo, seconded by Councilmember Ballin, to approve Item No. 1a-e.

The motion carried with the following vote:

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

- 1) REQUEST TO APPROVE MINUTES OF:
 - f. NOVEMBER 18, 2019 – REGULAR MEETING

**SAN FERNANDO CITY COUNCIL
SPECIAL MEETING MINUTES – January 27, 2020**

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Motion by Mayor Fajardo, seconded by Councilmember Ballin, to approve Item No. 1f. By consensus, the motion carried.

2) CONSIDERATION TO ADOPT A RESOLUTION SETTING THE STATUTORY MAXIMUM FOR CITY COUNCILSMEMBERS' SALARY

City Manager Kimball presented the staff report. Both he and Assistant City Attorney Padilla replied to questions from Councilmembers.

Discussion ensued amongst Councilmembers and each provided input and comments.

Motion by Councilmember Ballin, seconded by Councilmember Gonzales, to table Item No. 2.

The motion carried with the following vote:

AYES:	Ballin, Gonzales, Mendoza, Pacheco, Fajardo – 5
NOES:	None
ABSENT:	None

3) CONSIDERATION TO ADOPT A RESOLUTION ESTABLISHING AN EXECUTIVE COMPENSATION PLAN FOR DEPARTMENT HEAD CLASSIFICATIONS APPOINTED BY THE CITY MANAGER AND RESCINDING RESOLUTION NOS. 7692 AND 7807

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

- a. Adopt Resolution No. 7973 establishing the salary and benefits for Department Head classifications (Executive Compensation Plan) that are appointed by the City Manager;
- b. Rescind Resolution Nos. 7692 and 7807 that set forth the prior Department Head compensation plan; and
- c. Authorize the City Manager to make non-substantive corrections and execute all related documents.

The motion carried with the following vote:

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

ADMINISTRATIVE REPORTS

4) CONSIDERATION TO APPROVE A PURCHASE AND SALE AGREEMENT AND JOINT ESCROW INSTRUCTIONS FOR THE PROPERTY AT 13441 FOOTHILL BOULEVARD IN LOS ANGELES, CALIFORNIA

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Deputy City Manager/Director of Community Development Timothy Hou presented the staff report.

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

- a. Approve the Purchase and Sale Agreement and Joint Escrow Instructions by and between the City of San Fernando and Richard C. Patterson, a married man, as his sole and separate property, as to an undivided 50% interest; and David M. Kull and Ronna Kull, Trustees of the David and Ronna Kull Trust dated March 30, 2007, as to an undivided 50% interest collectively as Seller (Contract No. 1938);
- b. Adopt Resolution No. 7974 to amend the Water Fund budget for Fiscal Year 2019-2020 to appropriate \$1,250,000 in revenues and expenditures; and
- c. Authorize the City Manager to make non-substantive changes and execute all related documents.

By consensus, the motion carried.

5) FARMERS MARKET UPDATE

Director of Recreation and Community Services Julian Venegas presented the staff report. He and City Manager Kimball replied to various questions from Councilmembers.

Discussion ensued regarding costs pertaining to a city-operated Farmers Market, applying for both grants, staff to look into a possible kick-off during the Open Streets event (with assistance from an experience Farmers Market manager), begin narrowing down options regarding how to move forward and who to partner with (i.e. Mall Association, Republic Services), the proposed budget to include enhancements with a couple of different options (mall and parking lot), and staff to look into a procedure process (i.e., will vendor need to purchase a business license and insurance).

No formal action was taken.

6) DISCUSSION OF ELECTION AND BALLOT RELATED INFORMATION

Assistant City Attorney Padilla presented the staff report and replied to questions from Councilmembers.

Mr. Padilla talked about guidelines for providing ballot and election related information to the community and possible liability issues, noted that City resources/funds cannot be used for campaign expenditures, although individual Councilmembers may use their own money, resources, and personal time to promote whatever they would like.

Motion by Mayor Fajardo, seconded by Councilmember Ballin, that additional information be included in the City Manager's newsletter (language to be provided by the Ad Hoc, City Manager, and City Attorney). By consensus, the motion carried.

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**7) CONSIDERATION TO ALLOCATE INDEPENDENT CITIES FINANCE
AUTHORITY’S (ICFA) COMMUNITY OUTREACH PROGRAM FUNDS**

Councilmember Ballin gave a brief report regarding ICFA Community Outreach Program Funds and recommended disbursements to the Veteran’s Pole Banner Recognition Program (\$1,500), San Fernando Open Streets event (\$3,500), and the Las Palmas Senior Club to support programs and dances (\$2,500).

Motion by Councilmember Ballin, seconded by Vice Mayor Pacheco, to adopt Resolution No. 7975 appropriating the funds in the Fiscal Year 2019-2020 Adopted Budget. By consensus, the motion carried.

**8) UPDATE ON STATEWIDE TENANT PROTECTION ACT OF 2019 AB 1482 (RENT
CONTROL)**

Deputy City Manager/Director of Community Development Hou presented the staff report and replied to questions from Mayor Fajardo.

A brief discussion ensued but no formal action was taken.

**9) CONSIDERATION TO APPOINT A CITY COUNCIL AD HOC COMMITTEE
REGARDING THE RECRUITMENT PROCESS FOR A CITY CLERK AND OTHER
MATTERS PERTAINING TO THE CITY CLERK DEPARTMENT**

Mayor Fajardo and City Clerk Chávez gave a brief staff report.

A brief discussion ensued amongst Councilmembers and staff.

Motion by Mayor Fajardo, seconded by Councilmember Ballin, to create an ad hoc (Fajardo and Ballin) to work with staff to get the job posted (if there are no changes to be made) otherwise bring back by next City Council meeting. By consensus, the motion carried.

STAFF COMMUNICATION INCLUDING COMMISSION UPDATES

City Clerk Chávez reminded all to file their annual FPPC Campaign Disclosure Statements and reported that the City will have six Vote Centers (additional election information can be located on the City’s website).

Director of Finance Diego Ibanez reported that staff began publicizing and organizing the upcoming Measure A Town Hall meeting on February 18, reported that staff is also working on the CAFR, and on the Fiscal Year 2020-21 budget process.

Deputy City Manager/Director of Community Development Timothy Hou gave a brief update regarding the Planning and Preservation Commission meeting and upcoming action items for Council on a zone change general plan amendment, and reported that staff is working on the groundbreaking ceremony for the American Foods and Flavors and Monster Beverage Corp.

**SAN FERNANDO CITY COUNCIL
SPECIAL MEETING MINUTES – January 27, 2020
Page 7**

City Manager Kimball thanked Council for getting through a number of tough items this evening, said we have a busy spring season (City election, Measure A Town Hall, staff recruitments, and budget process kick-off) and reported that a presentation is scheduled for the next meeting pertaining to the Ad Hoc on the Pension and Retiree Health Program Review.

GENERAL COUNCIL COMMENTS

None

ADJOURNMENT (8:32 P.M.)

Motion by Mayor Fajardo, seconded by Councilmember Ballin, to adjourn the meeting in memory of the father of Ken Phillips, Ruth Summer, and Kobe Bryant (and others who perished in the recent helicopter crash). By consensus, the motion carried.

I do hereby certify that the foregoing is a true and correct copy of the minutes of January 27, 2020, meeting as approved by the San Fernando City Council.

*Elena G. Chávez
City Clerk*

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**SAN FERNANDO CITY COUNCIL
MINUTES**

**FEBRUARY 3, 2020 – 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 (left at 7:28 p.m.), Vice Mayor Hector A. Pacheco,
and Councilmembers Robert C. Gonzales, Mary Mendoza, and Sylvia Ballin

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

PLEDGE OF ALLEGIANCE

Led by Director of Recreation and Community Services Julian J. Venegas

APPROVAL OF AGENDA

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

PUBLIC STATEMENTS – WRITTEN/ORAL

Dee Akemon spoke regarding discussions at a previous Council meeting regarding pensions and asked that the information be simplified for increased understanding.

Liana Stepanyan, San Fernando Library, provided updates on upcoming Library programs and services.

Cesar Perez and Daniella, Teens for a Better Community, announced a fundraiser on Saturday, February 8, at Chipotle and invited the public to attend.

Michelle Vergara, Field Representative for Congressman Tony Cardenas, provided district information and updates on their activities and provided an overview of their services.

SAN FERNANDO CITY COUNCIL**MINUTES – February 3, 2020****Page 2****CONSENT CALENDAR**

City Manager Kimball announced that Item Nos. 3 and 4 would be tabled to a future meeting.

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

- 1) CONSIDERATION TO ADOPT RESOLUTION NOS. 20-012 AND 20-021 APPROVING THE WARRANT REGISTERS OF JANUARY 21, 2020 AND FEBRUARY 3, 2020 RESPECTIVELY
- 2) CONSIDERATION TO ADOPT AN ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION) OF THE SAN FERNANDO MUNICIPAL CODE BY THE ADDITION OF A NEW ARTICLE VIII (ELECTRONIC RECORDS AND SIGNATURES) ESTABLISHING A POLICY FOR THE USE OF ELECTRONIC/DIGITAL SIGNATURES
- 5) CONSIDERATION TO APPROVE A MEMORANDUM OF UNDERSTANDING WITH THE SAN FERNANDO POLICE OFFICERS' ASSOCIATION POLICE MANAGEMENT UNIT

By consensus, the motion carried.

Items tabled to a future meeting:

- 3) CONSIDERATION TO APPROVE A SIDE LETTER OF AGREEMENT TO THE EXISTING MEMORANDUM OF UNDERSTANDING WITH THE SAN FERNANDO PUBLIC EMPLOYEES' ASSOCIATION ESTABLISHING A DEFERRED COMPENSATION PROGRAM
- 4) CONSIDERATION TO APPROVE A SIDE LETTER OF AGREEMENT TO THE EXISTING MEMORANDUM OF UNDERSTANDING WITH THE SAN FERNANDO PUBLIC EMPLOYEES' ASSOCIATION MAKING CHANGES TO THE CAFETERIA MEDICAL PLAN

ADMINISTRATIVE REPORTS

Mayor Fajardo announced that he would be leaving early and reported that Item Nos. 8 and 9 would be moved up on the agenda.

- 8) CONSIDERATION TO ADOPT A RESOLUTION SETTING THE STATUTORY MAXIMUM FOR CITY COUNCILMEMBERS' SALARY

City Manager Kimball presented the staff report and replied to questions from Councilmembers.

SAN FERNANDO CITY COUNCIL**MINUTES – February 3, 2020****Page 3**

Discussion ensued amongst Councilmembers and each provided input and comments.

Vice Mayor Pacheco noted the City Council salary has not been raised in 20 years noting it is not so much about the money, but rather about the message it sends.

Councilmembers Mendoza and Ballin stated they would prefer to table the item to another City Council meeting.

Vice Mayor Pacheco suggested that the specific aspect (\$50 contribution) be voted on, separately.

Mayor Fajardo asked for clarification whether he meant reduced from the cafeteria plan or reduced from the insurance.

City Manager Kimball explained the motion on the table (“a” and “b” below) and addressed deferred compensation. He added the proposals relate to current Councilmembers.

Motion by Mayor Fajardo, seconded by Vice Mayor Pacheco, to approve a salary increase to \$730 per month, effective December 1, 2020, per staff recommendation.

The motion failed with the following vote:

AYES:	Fajardo, Pacheco – 2
NOES:	Ballin, Gonzales, Mendoza – 3
ABSENT:	None

Motion by Mayor Fajardo, seconded by Vice Mayor Pacheco, that:

- a) Classic PERS members (on the City Council) increase PERS contribution, effective December 1, 2020, at the same level as the Department Head Group. (i.e. 2% upon adoption, additional 1% on July 1, 2021 and an additional 1% on July 1, 2022); and
- b) For Councilmembers that participate in the City’s health care program, the program will be similar to the Police Officers Association, which will pay up to the third highest health plan. Councilmembers enrolling in a more expensive plan will pay the difference. Councilmembers enrolling in a less expensive plan will not receive any surplus funds back.

The motion carried with the following vote:

AYES:	Mendoza, Pacheco, Fajardo – 3
NOES:	Ballin, Gonzales – 2
ABSENT:	None

SAN FERNANDO CITY COUNCIL**MINUTES – February 3, 2020****Page 4**

Motion by Mayor Fajardo, seconded by Councilmember Ballin, to create an Ad Hoc Committee (Fajardo and Ballin) on the pay increase for Councilmembers and bring back at a future meeting. By consensus, the motion carried.

9) REVIEW AND DISCUSS THE CITY'S UNFUNDED PENSION AND RETIREE HEALTH BENEFIT LIABILITIES AND RELATED AD HOC RECOMMENDATIONS

City Manager Kimball introduced Julio Morales, consultant with Urban Futures Inc., who presented the staff report.

At this time (7:28 p.m.), Mayor Fajardo left the City Council meeting and Vice Mayor Pacheco took over as the presiding officer.

Discussion followed regarding impacts of increased healthcare costs, Measure A as a potential funding source, the importance of transparency, the need for further financial analysis, reducing property tax rates, moving forward on the pension obligation funds, impacts of issuing bonds to the City's credit-worthiness, directing staff to continue working on the item and return with a report to Council at a future meeting.

Motion by Councilmember Gonzales, seconded by Councilmember Mendoza, to direct staff to move forward on the pension obligation bond process. By consensus, the motion carried.

6) CONSIDERATION TO APPROVE AN AMENDMENT TO THE CITY MANAGER EMPLOYMENT AGREEMENT

Vice Mayor Pacheco read the title of the item.

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

- a. Approve an Amendment to the City Manager Employment Agreement (Contract No. 1906(a)); and
- b. Authorize the Mayor to execute the Agreement.

By consensus, the motion carried.

7) CONSIDERATION TO APPROVE A FOURTH AMENDMENT TO THE CITY CLERK EMPLOYMENT AGREEMENT

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

- a. Approve the Fourth Amendment (Contract No. 1804(d)) to the City Clerk Employment Agreement; and
- b. Authorize the Mayor to execute the Amendment.

By consensus, the motion carried.

SAN FERNANDO CITY COUNCIL**MINUTES – February 3, 2020****Page 5**

10) **CONSIDERATION TO ADOPT A RESOLUTION AMENDING THE FISCAL YEAR 2019-2020 SALARY PLAN TO IMPLEMENT CHANGES IN THE EXECUTIVE MANAGEMENT COMPENSATION PLAN AND CHANGES IN MINIMUM WAGE FOR CERTAIN PART-TIME EMPLOYEES**

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

- a. Adopt Resolution No. 7980 amending the Fiscal Year 2019-2020 Salary Plan to implement changes in the approved Executive Management Compensation Plan and changes in minimum wage for certain part-time employees; and
- b. Authorize the City Manager to make non-substantive corrections and execute all related documents.

By consensus, the motion carried.

11) **DISCUSSION OF PROVIDING LETTERS TO LEGISLATORS REGARDING EXISTING AND PENDING HOUSING LAWS**

Discussion followed regarding needing Council general direction in terms of staff's ability to quickly submit letters, both in opposition or in support of legislation, relative to housing policies and maintaining local control.

Councilmember Gonzales noted the importance of staff having the flexibility of writing on behalf of Council, the need to discuss Council's position on upcoming housing and other issues that take away local control, suggested that staff research best-practices in other cities and return to Council with a report.

Vice Mayor Pacheco commented on the need to closely monitor relevant issues, suggested the report include an analysis of laws that have been recently enacted, including the spirit and intent behind the laws, and why they would, and would not, work in the City.

Councilmember Gonzales discussed the importance identifying who the letter(s) will be sent to.

City Manager Kimball reported staff will return with consideration of ADUs as well as establishing policies, going forward, to help guide staff.

No formal action was taken.

STAFF COMMUNICATION INCLUDING COMMISSION UPDATES

Police Chief Anthony Vairo discussed the recent Homeless Connection event at Las Palmas Park and reported the department applied for an Office of Traffic and Safety grant.

SAN FERNANDO CITY COUNCIL**MINUTES – February 3, 2020****Page 6**

Director of Recreation and Community Services Venegas reported that the Parks, Wellness, and Recreation Commission will meet on February 11 and will discuss the possibility of establishing a community theater. He addressed upcoming events at Las Palmas Park.

Deputy City Manager/Director of Community Development Timothy Hou provided an update of the City's application for an SB 2 planning grant and responses received to the City's RFQ for Parking Lot 3 as a mixed/blended use development opportunity site.

Interim Director of Public Works Martin Pastucha presented updates on several Public Works projects, and reported on an upcoming Transportation and Safety Commission meeting.

Director of Finance Diego Ibanez discussed preparation of the townhall presentation regarding Measure A and the 2019-20 CAFR.

City Manager Kimball thanked Council for addressing important long-term issues, announced an upcoming Explorer Recognition Dinner, and reported he will be attending the upcoming League of California Cities City Manager Conference.

GENERAL COUNCIL COMMENTS AND LIAISON UPDATES

Councilmember Mendoza reported that she and Councilmember Ballin attended the League of California Cities Academy for Mayors and Councilmembers, commented positively on the event, and thanked the City Manager and staff for their help in guiding her as a new Councilmember.

Councilmember Ballin discussed recent and upcoming MWD meetings, addressed concerns by veterans that the banners were removed, urged staff to include the information on the City's website, and commented on the possibility of podcasting City Council meetings.

Vice Mayor Pacheco spoke about an upcoming Southern California Association of Governments meeting, addressed Parking Lot No. 3, and noted February is Black History Month.

Councilmember Gonzales provided updates regarding meetings he recently attended held by the East San Fernando Transportation Corridor, Independent Cities Association, and the Metro Board, and he reported speaking with the St. Ferdinand's Fifty's Club and the American Legion regarding the Veteran Banner Program.

ADJOURNMENT (8:30 P.M.)

Motion by Councilmember Gonzales, seconded by Councilmember Ballin, 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 February 3, 2020, meeting as approved by the San Fernando City Council.

Elena G. Chávez, CMC
City Clerk

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**SAN FERNANDO CITY COUNCIL
MINUTES**

**MARCH 16, 2020 – 5:00 P.M.
SPECIAL MEETING**

City Hall Community Room
117 Macneil Street
San Fernando, CA 91340

CALL TO ORDER/ROLL CALL

Mayor Joel Fajardo called the meeting to order at 5:01 p.m.

Present:

Council: Mayor Joel Fajardo, Vice Mayor Hector A. Pacheco, and Councilmember Sylvia Ballin. Both Councilmembers Robert C. Gonzales (joined at 5:08 p.m.) and Mary Mendoza participated via teleconference

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

APPROVAL OF AGENDA

Motion by Vice Mayor Pacheco, seconded by Chair Fajardo, to approve the agenda.

The motion carried with the following vote:

AYES: Ballin, Gonzales, Mendoza, Pacheco, Fajardo – 5
NOES: None
ABSENT: None

PUBLIC STATEMENTS – WRITTEN/ORAL

None

RECESS TO CLOSED SESSION (5:01 P.M.)

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

A) THREAT TO PUBLIC SERVICE OR FACILITIES
G.C. §54957

**SAN FERNANDO CITY COUNCIL
SPECIAL MEETING MINUTES – March 16, 2020**

Page 2

Consultation with:

City Manager Nick Kimball
Police Chief Anthony Vairo

B) 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

**C) CONFERENCE WITH LEGAL COUNSEL – CONSIDERATION OF INITIATION OF
LITIGATION**

G.C. §54956.9(d)(4)

One (1) Matter

D) PUBLIC EMPLOYMENT

G.C. §54957

Title: City Clerk

E) CONFERENCE WITH LABOR NEGOTIATORS

G.C. §54957.6

Unrepresented Employee: City Clerk

RECONVENE/REPORT OUT FROM CLOSED SESSION (6:11 P.M.)

Assistant City Attorney Padilla announced that all Councilmembers were present, two participated telephonically (as permitted by Executive Order N-25-20), and he reported the following:

Item A – An update was provided by City Manager Kimball, feedback was given by City Council, but no final action was taken.

Items B, C, D, and E – Updates were given to the Council, direction was given to staff, but no final action taken.

**SAN FERNANDO CITY COUNCIL
SPECIAL MEETING MINUTES – March 16, 2020**

Page 3

ADJOURNMENT (6:12 P.M.)

Motion by Councilmember Ballin, seconded by Vice Mayor Pacheco, to adjourn the meeting.

The motion carried with the following vote:

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

I do hereby certify that the foregoing is a true and correct copy of the minutes of March 16, 2020, meeting as approved by the San Fernando City Council.

Elena G. Chávez
City Clerk

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**SAN FERNANDO CITY COUNCIL
MINUTES**

**MARCH 20, 2020 – 3:30 P.M.
SPECIAL MEETING**

City Hall Community Room
117 Macneil Street
San Fernando, CA 91340

CALL TO ORDER/ROLL CALL

Mayor Joel Fajardo called the meeting to order at 3:35 p.m.

Present:

Council: Mayor Joel Fajardo, Vice Mayor Hector A. Pacheco (left at 6:00 p.m.), and Councilmembers Sylvia Ballin and Mary Mendoza

Absent: Councilmember Robert C. Gonzales

Motion by Mayor Fajardo, seconded by Councilmember Ballin, to nominate Mayor Fajardo as temporary presiding City Clerk. By consensus, the motion carried.

PLEDGE OF ALLEGIANCE

Led by Mayor Fajardo

APPROVAL OF AGENDA

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

PUBLIC STATEMENTS

None

RECESS TO CLOSED SESSION (3:36 P.M.)

By consensus, Councilmembers recessed to the following Closed Session:

A) PUBLIC EMPLOYMENT
G.C. §54957
Title: City Clerk

**SAN FERNANDO CITY COUNCIL
SPECIAL MEETING MINUTES – March 20, 2020
Page 2**

B) CONFERENCE WITH LABOR NEGOTIATORS

G.C. §54957.6

Unrepresented Employee: City Clerk

RECONVENE/REPORT OUT FROM CLOSED SESSION (6:12 P.M.)

Mayor Fajardo noted that Vice Mayor Pacheco left at approximately 6:00 p.m., announced that interviews were conducted and direction was given, but no final action was taken (Vice Mayor Pacheco participated in both interviews and in the general direction given before he left).

ADJOURNMENT (6:13 P.M.)

Motion by Mayor Fajardo, seconded by Councilmember Ballin, 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 March 20, 2020, meeting as approved by the San Fernando City Council.

*Elena G. Chávez
City Clerk*

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AGENDA REPORT

To: Mayor Joel Fajardo and Councilmembers

From: Nick Kimball, City Manager
By: J. Diego Ibañez, Director of Finance

Date: April 6, 2020

Subject: Consideration to Adopt a Resolution Approving the Warrant Register

RECOMMENDATION:

It is recommended that the City Council adopt Resolution No. 20-041 (Attachment "A") approving the Warrant Register.

BACKGROUND:

For each City Council meeting the Finance Department prepares a Warrant Register for Council approval. The Register includes all recommended payments for the City. Checks, other than special checks, generally are not released until after the Council approves the Register. The exceptions are for early releases to avoid penalties and interest, excessive delays and in all other circumstances favorable to the City to do so. Special checks are those payments required to be issued between Council meetings such as insurance premiums and tax deposits. Staff reviews requests for expenditures for budgetary approval and then prepares a Warrant Register for Council approval and or ratification. Items such as payroll withholding tax deposits do not require budget approval.

The Director of Finance hereby certifies that all requests for expenditures have been signed by the department head, or designee, receiving the merchandise or services thereby stating that the items or services have been received and that the resulting expenditure is appropriate. The Director of Finance hereby certifies that each warrant has been reviewed for completeness and that sufficient funds are available for payment of the warrant register.

ATTACHMENT:

A. Resolution No. 20-041

ATTACHMENT "A"**RESOLUTION NO. 20-041**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SAN FERNANDO ALLOWING AND APPROVING FOR
PAYMENT DEMANDS PRESENTED ON DEMAND/WARRANT
REGISTER NO. 20-041**

**THE CITY COUNCIL OF THE CITY OF SAN FERNANDO DOES HEREBY
RESOLVE, FIND, DETERMINE AND ORDER AS FOLLOWS:**

1. That the demands (EXHIBIT "A") as presented, having been duly audited, for completeness, are hereby allowed and approved for payment in the amounts as shown to designated payees and charged to the appropriate funds as indicated.

2. That the City Clerk shall certify to the adoption of this Resolution and deliver it to the City Treasurer.

PASSED, APPROVED, AND ADOPTED this 6th day of April, 2020.

Joel Fajardo, Mayor

ATTEST:

Elena G. Chávez, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF SAN FERNANDO)

I HEREBY CERTIFY that the foregoing Resolution was approved and adopted at a regular meeting of the City Council held on the 6th day of April, 2020, by the following vote to wit:

AYES:

NOES:

ABSENT:

Elena G. Chávez, City Clerk

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Voucher List
CITY OF SAN FERNANDO

Page: 5

Bank code : bank3

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
218472	4/6/2020	888800 BUSINESS CARD	(Continued)			
			022620		001-152-0000-4300 PRINTER FUSER KIT	246.93
			022820		001-130-0000-4300 ORAL BOARD LUNCH-PD DESK OFFICE	329.90
			022820		001-106-0000-4270 FINANCE CHARGES-FEB 2020	77.42
			030220		001-190-0000-4435 POSTS BOOSTS	208.87
			030220		001-105-0000-4270 USB DVD DRIVE	174.34
			030320		001-222-0000-4300 DINNER FOR CC & STAFF-CC MTG 03/01	36.83
			030620		001-101-0000-4300 CITY CALENDAR-MAR 2020	80.40
			030620		001-135-0000-4260 BATTERIES	9.27
			030620		001-140-0000-4300 DRIP TRAY	15.38
			030920		001-140-0000-4300 SENIOR CLUB DAY TRIP	11.32
			030920		004-2383 SENIOR PROG MOVIES	922.30
			030920		004-2346 SENIOR PROG MOVIES	30.99
			031020		004-2346 BUSINESS CARDS	7.66
			031120		001-222-0000-4300 SPRING JAMBOREE SUPPLIES	127.25
			031120		001-424-0000-4300 LUNCHEON REGISTRATION	304.64
			031220		001-130-0000-4370 CLIPBOARDS, FOAMBOARDS, INK CANS	40.00
			031720		001-105-0000-4300 DINNER FOR CC & STAFF-CC MTG 03/01	139.31
			031920		001-101-0000-4300 NON CONTACT INFRARED THEROMETER	80.40

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Voucher List
CITY OF SAN FERNANDO

Page: 6

Bank code : bank3

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
218472	4/6/2020	888800 BUSINESS CARD	(Continued)			
			032320		001-105-0000-4300 ADM-VIDEO CONF MONTHLY SUBSCRI	160.58
			032320		001-135-3689-4260 SPRING JAMBOREE SUPPLIES	14.99
					001-424-0000-4430	489.16
					Total :	5,040.60
218473	4/6/2020	887810 CALGROVE RENTALS, INC.	114931-1		SKIP LOADER RENTAL 072-360-0000-4250	1,140.75
					Total :	1,140.75
218474	4/6/2020	893525 CANO, SALVADOR	821022		SENIOR TRIP REFUND 004-2383	285.00
			821023		SENIOR TRIP REFUND 004-2383	285.00
					Total :	570.00
218475	4/6/2020	892464 CANON FINANCIAL SERVICES, INC	21234773	12133	CANON COPIERS-MAR 2020 001-135-0000-4260	649.93
					Total :	649.93
218476	4/6/2020	893542 CARREON, RAUL	821069		SENIOR DANCE REFUND 004-2380	30.00
					Total :	30.00
218477	4/6/2020	893524 CARRILLO, LINA	821024		SENIOR TRIP REFUND 004-2383	185.00
			821025		SENIOR TRIP REFUND 004-2383	185.00
					Total :	370.00
218478	4/6/2020	100476 CCP INDUSTRIES INC.	IN02487119		WIPERS 070-384-0301-4300	513.67
			IN02487806		FORMS HOLDER 070-384-0301-4300	88.68
					Total :	602.35

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Voucher List

CITY OF SAN FERNANDO

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Bank code :bank3

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
218495	4/6/2020	893505 ESPARZA, JUAN	(Continued)		017-3770-1330	330.00
					Total :	330.00
218496	4/6/2020	890879 EUROFINS EATON ANALYTICAL, INC	L0499220	12036	WATER TESTING AND ANALYSIS SERV	150.00
			L0499944	12036	070-384-0000-4260	152.00
			L0499946	12036	WATER TESTING AND ANALYSIS SERV	150.00
			L05000357	12036	070-384-0000-4260	150.00
			L0500092	12036	WATER TESTING AND ANALYSIS SERV	144.00
			L0500093	12036	070-384-0000-4260	152.00
			L0500722	12036	WATER TESTING AND ANALYSIS SERV	144.00
			L0500723	12036	070-384-0000-4260	150.00
			L0500797	12036	WATER TESTING AND ANALYSIS SERV	152.00
			L0501338	12036	070-384-0000-4260	36.00
			L0501402	12036	WATER TESTING AND ANALYSIS SERV	150.00
			L0501688	12036	070-384-0000-4260	150.00
			L0501689	12036	WATER TESTING AND ANALYSIS SERV	150.00
			L0501963	12036	070-384-0000-4260	152.00
			L0502507	12036	WATER TESTING AND ANALYSIS SERV	150.00
					Total :	2,132.00
218497	4/6/2020	890981 FAJARDO, JOEL	REIMB.		WELLNESS BENEFIT REIMB & PARKIN	

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04/01/2020 1:29:35PM		CITY OF SAN FERNANDO					
Bank code :		bank3					
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount	
218497	4/6/2020	890981 FAJARDO, JOEL	(Continued)		001-101-0103-4380	5.00	
					001-101-0103-4140	195.00	
					Total :	200.00	
218498	4/6/2020	101147 FEDEX	6-955-85936		COURIER SERVICES		
					001-190-0000-4280	77.46	
					Total :	77.46	
218499	4/6/2020	103856 FLAGS USA LLC	76172		USA FLAGS		
					001-311-0000-4300	416.00	
					Total :	416.00	
218500	4/6/2020	893515 FLORES, JESSICA	2000479.001		T-BALL REFUND		
					017-3770-1330	370.00	
					Total :	370.00	
218501	4/6/2020	892198 FRONTIER COMMUNICATIONS	209-150-5145-010598		PAC 50 TO SHERIFFS	568.30	
			209-150-5250-081292		001-222-0000-4220	45.83	
			209-151-4941-102990		RADIO REPEATER-POLICE	50.73	
			209-151-4942-041191		001-222-0000-4220	54.86	
			209-151-4943-081292		POLICE PAGING	45.83	
			209-188-4361-031792		001-222-0000-4220	118.84	
			209-188-4362-031792		CITY YARD AUTO DIALER	618.04	
			209-188-4363-031892		070-384-0000-4220	84.08	
					RADIO REPEATER (POLICE)	281.96	
					001-222-0000-4220	275.64	
					RCS PHONE LINES	64.64	
					001-420-0000-4220		
					PD MAJOR PHONE LINES		
					001-222-0000-4220		
					VARIOUS PHONE LINES		
					001-190-0000-4220		
					070-384-0000-4220		
					001-420-0000-4220		
					SEWER FLOW MONITORING		
					072-360-0000-4220		

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218501	4/6/2020	892198 FRONTIER COMMUNICATIONS	(Continued)		MTA PHONE LINE	
			818-361-2385-012309		007-440-0441-4220	111.14
					001-190-0000-4220	55.57
			818-361-2472-031415		PW PHONE LINE	
					070-384-0000-4220	509.10
			818-361-3958-091407		CNG STATION	
					074-320-0000-4220	51.85
			818-361-7825-120512		HERITAGE PARK IRRIG SYSTEM	
					001-420-0000-4220	56.65
			818-365-5097-120298		POLICE NARCOTICS VAULT	
					001-222-0000-4220	37.54
			818-831-5002-052096		POLICE SPECIAL ACTIVITIES PHONE L	
					001-222-0000-4220	54.92
			818-837-7174-052096		POLICE SPECIAL ACTIVITIES PHONE L	
					001-222-0000-4220	198.47
			818-838-1841-112596		ENGINEERING FAX MODEM	
					001-310-0000-4220	38.65
Total :						3,322.64
218502	4/6/2020	892442 GARCIA, ALICIA	821031		SENIOR TRIP REFUND	
					004-2383	275.00
			821032		SENIOR TRIP REFUND	
					004-2383	275.00
Total :						550.00
218503	4/6/2020	893522 GARCIA, RAUL	821034		SENIOR TRIP REFUND	
					004-2383	200.00
			821036		SENIOR TRIP REFUND	
					004-2383	150.00
Total :						350.00
218504	4/6/2020	892754 GARCIA, SYLVIA	821033		SENIOR TRIP REFUND	
					004-2383	275.00
			821037		SENIOR TRIP REFUND	
					004-2383	275.00

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218504	4/6/2020	892754 892754 GARCIA, SYLVIA	(Continued)			Total :	550.00
218505	4/6/2020	892603 GARCIA, WENCESLAO	821035		SENIOR TRIP REFUND		
					004-2383	275.00	
			821038		SENIOR TRIP REFUND		
						004-2383	275.00
						Total :	550.00
218506	4/6/2020	893309 GOMEZ, MELINDA	MARCH 2020		BOXING INSTRUCTOR		
					017-420-1337-4260	100.00	
						Total :	100.00
218507	4/6/2020	893025 GONZALEZ, IVAN	MARCH 2020		COMMISSIONERS STIPEND		
					001-150-0000-4111	75.00	
						Total :	75.00
218508	4/6/2020	893513 GONZALEZ, ROSALINDA	2000.0482.001		T-BALL REFUND		
					017-3770-1330	87.00	
						Total :	87.00
218509	4/6/2020	101376 GRAINGER, INC.	9458624906		SUPPLIES FOR BUILDING, ELECTRICA		
				12022	043-390-0000-4300	110.86	
			9463698317		SUPPLIES FOR BUILDING, ELECTRICA		
				12022	074-320-0000-4600	579.82	
			9463959057		SUPPLIES FOR BUILDING, ELECTRICA		
				12022	043-390-3689-4300	141.29	
			9464386466		SUPPLIES FOR BUILDING, ELECTRICA		
				12022	043-390-3689-4300	221.91	
			9465333491		SUPPLIES FOR BUILDING, ELECTRICA		
				12022	074-320-0000-4600	429.43	
			9468855771		SUPPLIES FOR BUILDING, ELECTRICA		
				12022	043-390-0000-4300	13.95	
			9468963195		SUPPLIES FOR BUILDING, ELECTRICA		
				12022	043-390-0000-4300	901.92	
			9471828807		SUPPLIES FOR BUILDING, ELECTRICA		
				12022	074-320-0000-4600	214.72	
			9474294262		SUPPLIES FOR BUILDING, ELECTRICA		

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218523	4/6/2020	101990 101990 L.A. COUNTY METROPOLITAN	(Continued)			Total : 919.00
218524	4/6/2020	102007 L.A. COUNTY SHERIFFS DEPT.	202931BL		INMATE MEAL PROG-FEB 2020 001-225-0000-4350	559.58 Total : 559.58
218525	4/6/2020	101971 L.A. MUNICIPAL SERVICES	004-750-1000		ELECTRIC-13003 BORDEN 070-384-0000-4210	121.60
			494-7501-000		WATER-12900 DRONFIELD 070-384-0000-4210	81.90
			500-750-1000		ELECTRIC-13655 FOOTHILL 070-384-0000-4210	185.04
			594-750-1000		ELECTRIC=12900 DRONFIELD 070-384-0000-4210	5,394.51
			657-750-1000		ELECTRIC-14060 SAYRE 070-384-0000-4210	11,270.44
			694-750-1000		ELECTRIC & WATER-13180 DRONFIELD 070-384-0000-4210	4,736.88
			757-750-1000		WATER-14060 SAYRE 070-384-0000-4210	60.06 Total : 21,850.43
218526	4/6/2020	101848 LANGUAGE LINE SERVICES	4754941		TRANSLATION SERVICES 001-222-0000-4260	10.21 Total : 10.21
218527	4/6/2020	893521 LEON, TRINIDAD	821041		SENIOR TTRIP REFUND 004-2383	151.00 Total : 151.00
218528	4/6/2020	101936 LOCAL GOVERNMENT PUBLICATIONS	20-349		2020 UPDATES-LONGTIN'S CA. LAND U 001-150-0000-4300	143.56 Total : 143.56
218529	4/6/2020	893510 LOPEZ, CHRISTIAN	1660		FACILITY RENTAL DEP REFUND 001-2220	150.00
			2000475.001		FACILITY RENTAL REFUND 001-3770-0000	498.00

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218529	4/6/2020	893510 893510 LOPEZ, CHRISTIAN	(Continued)		Total :	648.00		
218530	4/6/2020	893518 LOPEZ, MARIA ELENA	2000480.001		T-BALL REFUND 017-3770-1330	185.00		
					Total :	185.00		
218531	4/6/2020	892477 LOWES	1217		SMALL TOOLS 043-390-0000-4330	77.97		
			1848		SMALL TOOLS 043-390-0000-4300	25.61		
			1889		MATL'S FOR REPAIRS 043-390-0000-4330	55.29		
			2651		MATL'S FOR REPAIRS 043-390-0000-4300	107.88		
			2853		EQUIP MAINT-CHAINSAW SHARPENING 041-320-0000-4320	109.02		
					Total :	375.77		
218532	4/6/2020	102051 M & M LANDSCAPE	7126	12059	LANDSCAPING AND PEST CONTROL 070-384-0000-4260	1,600.00		
					Total :	1,600.00		
218533	4/6/2020	888468 MAJOR METROPOLITAN SECURITY	1096950	12049	ALARM MONITORING AT ALL CITY FACILITIES 043-390-0000-4260	15.00		
			1096951	12049	ALARM MONITORING AT ALL CITY FACILITIES 043-390-0000-4260	15.00		
			1096952	12049	ALARM MONITORING AT ALL CITY FACILITIES 043-390-0000-4260	15.00		
			1096953	12049	ALARM MONITORING AT ALL CITY FACILITIES 043-390-0000-4260	15.00		
			1096954	12049	ALARM MONITORING AT ALL CITY FACILITIES 043-390-0000-4260	25.00		
			1096955	12049	ALARM MONITORING AT ALL CITY FACILITIES 043-390-0000-4260	15.00		
			1096956	12049	ALARM MONITORING AT ALL CITY FACILITIES 043-390-0000-4260	25.00		
			1096957		ALARM MONITORING AT ALL CITY FACILITIES			

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218533	4/6/2020	888468 MAJOR METROPOLITAN SECURITY	(Continued)			
			1096958	12049	043-390-0000-4260	25.00
				12049	ALARM MONITORING AT ALL CITY FACI	
			1096959		043-390-0000-4260	15.00
				12049	ALARM MONITORING AT ALL CITY FACI	
			1096960		043-390-0000-4260	15.00
				12049	ALARM MONITORING AT ALL CITY FACI	
			1096961		043-390-0000-4260	15.00
				12049	ALARM MONITORING AT ALL CITY FACI	
			1096962		070-384-0000-4260	23.00
				12049	ALARM MONITORING AT ALL CITY FACI	
			1096963		070-384-0000-4260	23.00
				12049	ALARM MONITORING AT ALL CITY FACI	
			1096964		070-384-0000-4260	23.00
				12049	ALARM MONITORING AT ALL CITY FACI	
					Total :	287.00
218534	4/6/2020	893520 MARIN, ENRIQUE	821044		SENIOR TRIP REFUND	
					004-2383	175.00
			821045		SENIOR TRIP REFUND	
					004-2383	175.00
					Total :	350.00
218535	4/6/2020	892471 MATHESON TRI-GAS INC	21334600		MISC SUPPLIES	
					070-383-0000-4310	170.60
					Total :	170.60
218536	4/6/2020	888242 MCI COMM SERVICE	7DL39365		ALARM LINE - 1100 PICO	
					001-420-0000-4220	33.50
					Total :	33.50
218537	4/6/2020	893200 MCKESSON MEDICAL-SURGICAL	79049467		SANITIZER	
					001-222-3689-4300	12.95
			79067103		SANITIZER	
					001-222-3689-4300	119.24

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218537	4/6/2020	893200 893200 MCKESSON MEDICAL-SURGICAL	(Continued)				Total : 132.19	
218538	4/6/2020	893502 MERESON ENVIRONMENTAL SERVICES	1066		LEAD AND ASBESTOS TESTING 001-310-0000-4270	834.94	Total : 834.94	
218539	4/6/2020	891413 MEZA, ROSA	821047		SENIOR TRIP REFUND 004-2383	75.00	Total : 75.00	
218540	4/6/2020	102226 MISSION LINEN SUPPLY	5119887722		LAUNDRY 001-225-0000-4350	98.48		
			512017933		LAUNDRY 001-225-0000-4350	110.00		
			512025492		LAUNDRY 001-225-0000-4350	31.90		
			512046138		LAUNDRY 001-225-0000-4350	98.48		
			512069350		LAUNDRY 001-225-0000-4350	90.25		
			512082569		LAUNDRY 001-225-0000-4350	66.00		
			512088393		LAUNDRY 001-225-0000-4350	157.66		
			512122705		LAUNDRY 001-225-0000-4350	91.11	Total : 743.88	
218541	4/6/2020	893530 MOLINA, CARMEN	821002		SENIOR TRIP REFUND 004-2383	70.00		
			821003		SENIOR TRIP REFUND 004-2383	70.00	Total : 140.00	
218542	4/6/2020	893535 MORALES, JAVIER	821048		SENIOR TRIP REFUND 004-2383	175.00		
			821049		SENIOR TRIP REFUND			
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218542	4/6/2020	893535 MORALES, JAVIER	(Continued)		004-2383	175.00	
					Total :	350.00	
218543	4/6/2020	892535 MORAN, YOVANNI	MARCH 2020		YOGA INSTRUCTOR 017-420-1337-4260	50.00	
					Total :	50.00	
218544	4/6/2020	891542 MR "B" PRINTING INC.	40233	12030	PRINTING MATERIALES: RCS DEPARTM 017-420-1328-4260	147.82	
					Total :	147.82	
218545	4/6/2020	893506 MUHILLY, ANTOINETTE	2000487.001		T-BALL REFUND 017-3770-1328	155.00	
					Total :	155.00	
218546	4/6/2020	893546 MURATOV, ANASTASIA	REIMB.		BDU UNIFORM 001-222-0000-4300	112.59	
					Total :	112.59	
218547	4/6/2020	893454 NACHO'S ORNAMENTAL INC	INV249131		CNG PROJECT-CAPS & REAMERS 074-320-0000-4600	74.20	
			INV249733		MAT'L'S FOR HAND SANITIZER STANDS 043-390-3689-4300	211.20	
					Total :	285.40	
218548	4/6/2020	102325 NAPA AUTO PARTS	5478-020297		LOCKING PIN FOR CEMENT MIXER 070-383-0000-4320	34.27	
					Total :	34.27	
218549	4/6/2020	887737 NATIONAL PLANT SERVICES INC	15531	12168	SEWER TELEVISIONS INSPECTION & SE 072-365-0000-4260	4,760.00	
				12168	012-311-6673-4600	840.00	
					Total :	5,600.00	
218550	4/6/2020	893247 NATIONAL READY MIX	727668	12125	REPAVE DAMAGED REAR WORK AREA 074-320-0000-4600	4,940.33	
			728576		REPAVE DAMAGED REAR WORK AREA		

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218550	4/6/2020	893247 NATIONAL READY MIX	(Continued)	12125	074-320-0000-4600		3,388.49
					Total :		8,328.82
218551	4/6/2020	893348 NCSI	1392		BACKGROUND CHECKS		37.00
					017-420-1337-4260		37.00
					001-422-0000-4260	Total :	74.00
218552	4/6/2020	887422 NORTHERN SAFETY CO., INC.	903846877		SAFETY SUPPLIES		305.60
			903855188		070-384-0301-4300		156.08
			903857312		SAFETY SUPPLIES		154.77
			903863746		070-384-0301-4300		155.83
					070-384-0301-4300	Total :	772.28
218553	4/6/2020	102423 OCCU-MED, INC.	0320901		PRE-EMPLOYMENT PHYSICALS		518.00
					001-106-0000-4260	Total :	518.00
218554	4/6/2020	102432 OFFICE DEPOT	2389134148		OFFICE SUPPLIES		82.31
			2392280753		001-420-0000-4300		76.64
			439994011001		OFFICE SUPPLIES		71.40
			441762344001		001-311-0000-4300		64.26
			441781985001		OFFICE SUPPLIES		1.10
			449105387001		001-140-0000-4300		29.69
			450924077001		OFFICE SUPPLIES		175.63
					001-106-0000-4300		

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218554	4/6/2020	102432 OFFICE DEPOT	(Continued)				
			452180055001		OFFICE SUPPLIES		
					004-2359	389.36	
			452880687001		OFFICE SUPPLIES		
					043-390-0000-4300	55.56	
			452911961001		OFFICE SUPPLIES		
					001-222-0000-4300	69.82	
			453979559001		OFFICE SUPPLIES		
					001-222-0000-4300	79.45	
			456175487001		OFFICE SUPPLIES		
					001-222-0000-4300	4.06	
			456175749001		OFFICE SUPPLIES		
					001-222-0000-4300	88.33	
			456214765001		OFFICE SUPPLIES		
					001-222-0000-4300	103.39	
			457003650001		OFFICE SUPPLIES		
					001-222-0000-4300	55.08	
			457005660001		OFFICE SUPPLIES		
					001-222-0000-4300	5.49	
Total :						1,351.57	
218555	4/6/2020	892572 OLIVAREZ MADRUGA	10037		LEGAL SERVICES		
					001-110-0000-4270	6,973.44	
					070-110-0000-4270	1,995.00	
			10038		LEGAL SERVICES		
					001-101-0000-4270	1,025.25	
			10039		LEGAL SERVICES		
					001-101-0000-4270	357.00	
			10040		LEGAL SERVICES		
					001-101-0000-4270	837.00	
			9764		LEGAL SERVICES		
					001-110-0000-4270	23,499.10	
					070-110-0000-4270	3,299.50	
			9765		LEGAL SERVICES		
					001-101-0000-4270	1.43	
			9766		LEGAL SERVICES		
					001-101-0000-4270	84.00	
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218555	4/6/2020	892572 OLIVAREZ MADRUGA	(Continued)			Total :	38,071.72
218556	4/6/2020	890095 O'REILLY AUTOMOTIVE STORES INC	4605-287901	12025	VEH. SERV., MAINT. & REPAIR PARTS		
					041-320-0225-4400		11.46
			4605-287979		VEHICLE MAINT		
					041-320-0225-4400		11.46
			4605-288025		VEHICLE MAINT		-11.46
					041-320-0225-4400		
			4605-317023		VEH. SERV., MAINT. & REPAIR PARTS		
				12025	041-1215		17.31
			4605-365956		VEH. SERV., MAINT. & REPAIR PARTS		
				12025	041-320-0311-4400		216.96
			4605-365993		VEHICLE LIFT		
				12184	041-320-0000-4310		4,871.90
			4605-366591		VEH. SERV., MAINT. & REPAIR PARTS		
				12025	041-1215		87.18
					Total :		5,204.81
218557	4/6/2020	893116 PACHECO, HECTOR	MARCH 2020		COMMISSIONERS STIPEND		
					001-150-0000-4111		75.00
					Total :		75.00
218558	4/6/2020	892850 PADILLA, ALBINA	821046		SENIOR TRIP REFUND		
					004-2383		175.00
			821050		SENIOR TRIP REFUND		
					004-2383		175.00
					Total :		350.00
218559	4/6/2020	892360 PARKING COMPANY OF AMERICA	INVM0014985		DIAL-A-RIDE & TROLLEY SERVICES		
				12174	007-313-0000-4260		11,796.66
				12174	007-440-0442-4260		23,593.32
				12174	008-313-0000-4260		11,796.65
					Total :		47,186.63
218560	4/6/2020	890927 PEREZ, SAUL	821005		SENIOR TRIP REFUND		
					004-2383		275.00
			821006		SENIOR TRIP REFUND		
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218574	4/6/2020	893541 893541 RODRIGUEZ, URIEL	(Continued)		Total :	60.00
218575	4/6/2020	893509 ROMAN, ROBERT	1689		FACILITY RENTAL DEP REFUND	
			2000474.001		001-2220	150.00
					RENTAL REFUND	
					001-3770-0000	150.00
					Total :	300.00
218576	4/6/2020	892036 ROTHSCHILD, DEBORAH	03/02-03/11	12123	AEROBICS INSTRUCTOR (SENIOR EXE	
					017-420-1322-4260	200.00
					Total :	200.00
218577	4/6/2020	892708 ROYAL INDUSTRIAL SOLUTIONS	8901-787255	12050	ST. LIGHTING, PARKING LOT LIGHTING	
			8901-787262	12050	070-384-0000-4330	499.19
			8901-787381	12050	ST. LIGHTING, PARKING LOT LIGHTING	
			8901-787396	12050	070-384-0000-4330	240.07
			8901-787644	12050	ST. LIGHTING, PARKING LOT LIGHTING	
					070-384-0000-4330	50.78
					ST. LIGHTING, PARKING LOT LIGHTING	
					070-384-0000-4330	50.78
					ST. LIGHTING, PARKING LOT LIGHTING	
					001-370-0301-4300	854.10
					Total :	1,694.92
218578	4/6/2020	893196 SAALEX SOLUTIONS INC	8572	12054	FEB-INFORMATION TECHNOLOGY MAI	
			8795	12186	001-135-0000-4270	9,600.00
					VEEAM CLOUD CONNECT SOLUTIONS	
					001-135-0000-4260	3,160.00
					Total :	12,760.00
218579	4/6/2020	893539 SALDIVAR, REIANNE	2000469.001		BASKETBALL REFUND	
					017-3770-1330	185.00
					Total :	185.00
218580	4/6/2020	893483 SAMANO, TATIANA	003	12189	PSA VIDEO CENSUS	
					110-105-3672-4270	400.00
					Total :	400.00

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
218581	4/6/2020	887575 SAN FERNANDO EXPLORER POST 521	REIMB.		REIMB-VARIOUS EXPENSES	
					001-226-0230-4380	980.26
					Total :	980.26
218582	4/6/2020	103057 SAN FERNANDO VALLEY SUN	10785		ADVERTISEMENT OF NEW ON-LINE CC	
					001-150-0000-4230	600.00
					Total :	600.00
218583	4/6/2020	892416 SANCHEZ, KARLA	MARCH 2020	12101	ZUMBA INSTRUCTOR	
					017-420-1337-4260	125.00
					Total :	125.00
218584	4/6/2020	889115 SANTACRUZ, MARIA	821055		SENIOR TRIP REFUND	
					004-2383	75.00
					Total :	75.00
218585	4/6/2020	893544 SAUCEDO, MARTHA	1735		FACILITY RENTAL DEP REFUND	
					001-2220	150.00
					Total :	150.00
218586	4/6/2020	893320 SCST, LLC	678937	12121	SEWER TRENCH COMPACTION	
					072-365-6673-4600	384.00
					Total :	384.00
218587	4/6/2020	893519 SENTENO, MONICA	2000481.001		T-BALL REFUND	
					017-3770-1330	370.00
					Total :	370.00
218588	4/6/2020	893444 SHAFER, MARIA	SF-004	12166	TRANSCRIPTION SERVICES	
					001-115-0000-4260	2,287.50
					Total :	2,287.50
218589	4/6/2020	893107 SIEMENS MOBILITY INC	5620025223	12107	FY 2019/20 ON-CALL TRAFFIC SIGNAL I	
					001-371-0301-4300	1,398.31
					Total :	1,398.31
218590	4/6/2020	893514 SINGH, RAHUL	2000483.001		T-BALL REFUND	
					017-3770-1330	87.00

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount	
218590	4/6/2020	893514 893514 SINGH, RAHUL	(Continued)			Total :	87.00
218591	4/6/2020	893158 SINISGALLI, VALEN AUGUSTO	02/14-03/06		FITNESS INSTRUCTOR 017-420-1337-4260	120.00	Total : 120.00
218592	4/6/2020	103170 SIRCHIE FINGER PRINT	0436880-IN		EVIDENCE POUCHES 001-222-0000-4300	36.08	Total : 36.08
218593	4/6/2020	103184 SMART & FINAL	13045		DISINFECTANT SUPPLIES 001-422-3689-4300	70.88	Total : 70.88
218594	4/6/2020	103202 SOUTHERN CALIFORNIA EDISON CO.	2-02-682-8982		ELECTRIC-910 FIRST		
			2-21-082-3241		043-390-0000-4210	3,999.63	
					ELECTRIC-VARIOUS LOCATIONS		
					027-344-0000-4210	66.26	
					029-335-0000-4210	1,852.00	
					070-384-0000-4210	30,824.75	
					043-390-0000-4210	16,789.72	
			2-33-746-5215		ELECTRIC-190 PARK		
					027-344-0000-4210	654.55	
			2-39-084-2581		ELECTRIC-1117 SECOND		
					043-390-0000-4210	12.50	
			2-39-717-6769		ELECTRIC-801 EIGHTH		
					043-390-0000-4210	15.00	
					Total :	54,214.41	
218595	4/6/2020	103251 STANLEY PEST CONTROL	231551		PEST EXTERMINATION OF VARIOUS CI		
			231557	12091	043-390-0000-4260	94.00	
				12091	PEST EXTERMINATION OF VARIOUS CI		
			231557	12091	043-390-0000-4260	62.00	
				12091	PEST EXTERMINATION OF VARIOUS CI		
			231558	12091	043-390-0000-4260	62.00	
				12091	PEST EXTERMINATION OF VARIOUS CI		
					043-390-0000-4260	135.00	
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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount	
218595	4/6/2020	103251 STANLEY PEST CONTROL	(Continued) 231559		PEST EXTERMINATION OF VARIOUS CI		
			231560	12091	043-390-0000-4260	55.00	
			231561	12091	PEST EXTERMINATION OF VARIOUS CI	95.00	
				12091	043-390-0000-4260	85.00	
			231562	12091	PEST EXTERMINATION OF VARIOUS CI	85.00	
					043-390-0000-4260	85.00	
					Total :	673.00	
218596	4/6/2020	100532 STATE OF CALIFORNIA, DEPARTMENT OF JU	436817		LIVESCAN FINGERPRINTING-FEB 2020		
					004-2386	2,266.00	
					001-222-0000-4270	164.00	
					Total :	2,430.00	
218597	4/6/2020	893529 SUAZO, NORMA	821056		SENIOR TRIP REFUND		
					004-2383	175.00	
					Total :	175.00	
218598	4/6/2020	890558 TABAREZ, ASHLEY	2000488.001		T-BALL REFUND		
					017-3770-1330	87.00	
					Total :	87.00	
218599	4/6/2020	893511 TABAREZ, MICHAEL	2000484.001		T-BALL REFUND		
					017-3770-1330	87.00	
					Total :	87.00	
218600	4/6/2020	103205 THE GAS COMPANY	042-320-6900-7		GAS-910 FIRST		
			084-220-3249-3		043-390-0000-4210	110.94	
			088-520-6400-8		GAS-505 S HUNTINGTON	98.74	
			090-5220-5400-2		043-390-0000-4210	145.99	
					GAS-117 MACNEIL	42.78	
					043-390-0000-4210	85.56	

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218600	4/6/2020	103205 THE GAS COMPANY	(Continued)			
			143-287-8131-6		072-360-0000-4210 GAS-208 PARK	42.78
			152-020-7432-0		043-390-0000-4210 GAS-828 HARDING	308.07
					043-390-0000-4210	51.65
					Total :	886.51
218601	4/6/2020	101528 THE HOME DEPOT CRC, ACCT#603532202490	2103779		MISC SUPPLIES	
			2340150		001-311-0000-4300 TRASH CAN REPLACEMENT	18.67
			4512605		043-390-0000-4300 GRAFFITI SUPPLIES	47.37
			4530060		001-152-0000-4300 CNG CONCRETE	114.71
			5126213		074-320-0000-4600 MISC HAND TOOLS	150.60
			5126238		070-383-0000-4300 MATLS FOR LP FOUNTAIN INSTALL	85.42
			6344818		043-390-0000-4330 MISC SUPPLIES	78.18
			7380700		043-390-0000-4330 PAINT FOR ABATEMENT	53.31
			8340714		001-152-0000-4300 MISC TOOLS	1,104.74
			8341664		070-383-0000-4300 9CF STEEL DRUM TOWABLE CONCRE	366.66
				12187	070-383-0000-4310	3,271.61
					Total :	5,291.27
218602	4/6/2020	890833 THOMSON REUTERS	841899452		DET INVESTIGATION TOOLS-FEB 2020	
					001-135-0000-4260	201.73
					Total :	201.73
218603	4/6/2020	103903 TIME WARNER CABLE	10328030520		CABLE - 03/05/20-04/04/20	
			10369031820		001-190-0000-4220 PD CABLE-03/18/20-04/17/20	139.38

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
218603	4/6/2020	103903 TIME WARNER CABLE	(Continued)			
			10518030120		001-222-0000-4260 REC PARK CABLE 02/29-03/28	236.39
			222204030120		001-420-0000-4260 PW OPS CABLE-02/29/20-03/28/20	251.00
			283057030520		043-390-0000-4260 LP PARK CABLE-03/05-04/04	126.95
					001-420-0000-4260	183.25
					Total :	936.97
218604	4/6/2020	893534 TORRES, ESPERANZA	821057		SENIOR TRIP REFUND	
			821058		004-2383 SENIOR TRIP REFUND	175.00
					004-2383	175.00
					Total :	350.00
218605	4/6/2020	893516 TORRES, LILIAN	2000473.001		T-BALL REFUND	
					017-3770-1328	185.00
					Total :	185.00
218606	4/6/2020	891297 TORRES, MARIE	821059		SENIOR TRIP REFUND	
					004-2383	265.00
					Total :	265.00
218607	4/6/2020	893532 TORREZ, PAULINE	821030		SENIOR TRIP REFUND	
			821060		004-2383 SENIOR TRIP REFUND	285.00
			821067		004-2383 SENIOR TRIP REFUND	285.00
					004-2383	20.00
					Total :	590.00
218608	4/6/2020	893536 TORREZ, STELLA	821061		SENIOR TRIP REFUND	
			821068		004-2383 SENIOR TRIP REFUND	465.00
					004-2383	20.00
					Total :	485.00

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Bank code :		bank3				
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
218609	4/6/2020	103413 TRANS UNION LLC	02005192		CREDIT CHECKS 001-222-0000-4260	189.63
					Total :	189.63
218610	4/6/2020	893517 TREVINO, LISA	2000478.001		T-BALL REFUND 017-3770-1330	185.00
					Total :	185.00
218611	4/6/2020	887939 ULINE SHIPPING SUPPLIES	117613941		MISC SUPPLIES 070-384-0301-4300	181.00
					Total :	181.00
218612	4/6/2020	103439 UPS	831954100		COURIER SERVICES 001-190-0000-4280	190.05
					Total :	190.05
218613	4/6/2020	893180 URENA, RAQUEL	821062		SENIOR TRIP REFUND 004-2383	75.00
			821063		SENIOR TRIP REFUND 004-2383	75.00
					Total :	150.00
218614	4/6/2020	103574 VERDIN, FRANCISCO JAVIER	MARCH 2020		FOLK DANCE INSTRUCTOR 017-420-1362-4260	499.80
					Total :	499.80
218615	4/6/2020	889644 VERIZON BUSINESS	63792618		CITY HALL LONG DISTANCE 001-190-0000-4220	51.05
			63792619		CITY YARD LONG DISTANCE 070-384-0000-4220	15.32
			63792620		CITY HALL LONG DISTANCE & INTRAL/	25.75
			63792621		POLICE LONG DISTANCE 001-222-0000-4220	118.11
			63792622		CITY YARD LONG DISTANCE 070-384-0000-4220	10.21
			63792623		PARK LONG DISTANCE	
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Bank code :		bank3				
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
218615	4/6/2020	889644 VERIZON BUSINESS	(Continued)		001-420-0000-4220	15.67
			63793164		ENGINEERING LONG DISTANCE 001-310-0000-4220	5.13
			63793175		CITY HALL LINES 001-190-0000-4220	60.88
					Total :	302.12
218616	4/6/2020	892081 VERIZON BUSINESS SERVICES	71402078		MPLS PORT ACCESS & ROUTER FOR F 001-222-0000-4220	1,049.31
					Total :	1,049.31
218617	4/6/2020	889627 VERIZON CONFERENCING	Z6856842		CONFERENCE CALLING-FEB 2020 001-190-0000-4220	32.50
					Total :	32.50
218618	4/6/2020	100101 VERIZON WIRELESS-LA	9846819659		PD CELL PHONE PLANS 001-222-0000-4220	317.76
			9848892040		001-152-0000-4220 PD CELL PHONE PLANS 001-222-0000-4220	190.05
			9849156373		001-152-0000-4220 PD CELL PHONE PLANS 001-222-0000-4220	190.05
			9849176081		001-152-0000-4220 CITY YARD CELL PHONE PLANS 070-384-0000-4220	157.38
			9849177856		043-390-0000-4220 041-320-0000-4220 072-360-0000-4220	149.79
			9851004525		VARIOUS CELL PHONE PLANS 001-106-0000-4220 070-384-0000-4220	28.03
					PW CELL PHONE PLANS 072-360-0000-4220 001-101-0102-4220	28.03
					001-105-0000-4220	31.86
						53.52
						39.31
						61.25
						54.26
						55.63
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Bank code :		bank3						
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount		
218618	4/6/2020	100101 100101 VERIZON WIRELESS-LA	(Continued)			Total :	1,674.68	
218619	4/6/2020	103603 VULCAN MATERIALS COMPANY	72517831		UTILITY TRENCH AND POTHOLE REPA			
				12043	072-360-0000-4300		303.08	
				12043	070-383-0301-4300		303.08	
			72517832		UTILITY TRENCH AND POTHOLE REPA			
				12043	072-360-0000-4300		153.82	
				12043	070-383-0301-4300		153.83	
					Total :		913.81	
218620	4/6/2020	891531 WILLDAN ENGINEERING	00331022		NPDES COMPLIANCE SERVICES			
				12148	001-310-0000-4270		3,516.75	
			00331264		NPDES COMPLIANCE SERVICES			
				12148	001-310-0000-4270		7,064.50	
			331820		ENGINEERING SERVICES			
				12118	001-310-0000-4270		585.00	
					Total :		11,166.25	
218621	4/6/2020	893501 WIL-POWER BATTERY &	175150		VALVE TRUCK CHARGER			
					070-383-0000-4300		87.89	
					Total :		87.89	
218622	4/6/2020	103752 ZUMAR INDUSTRIES, INC.	87630		REPLACEMENT OF DAMAGED, FADED			
				12045	001-370-0301-4300		111.33	
					Total :		111.33	
218623	4/6/2020	893512 ZUNIGA, FEDERICO	2000476.001		RENTAL REFUND REFUND			
					001-3777-0000		1,229.00	
					Total :		1,229.00	
173 Vouchers for bank code :		bank3				Bank total :	358,049.61	
173 Vouchers in this report						Total vouchers :	358,049.61	

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Voucher Registers are not final until approved by Council.

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AGENDA REPORT

To: Mayor Joel Fajardo and Councilmembers

From: Nick Kimball, City Manager
By: Martin Pastucha, Interim Director of Public Works

Date: April 6, 2020

Subject: Consideration to Approve Agreement with the California Department of Water Resources for the Upper Reservoir Replacement Project

RECOMMENDATION:

It is recommended that the City Council:

- a. Approve Contract No. 1921 (Attachment "A") with the State of California Department of Water Resources (CDWR) which will allow the City to utilize funding for the Upper Reservoir No. 4 Replacement Project; and
- b. Authorize the City Manager to execute the agreement on behalf of the City.

BACKGROUND:

1. On November 4, 2014, California voters approved Proposition 1, the Water Quality, Supply, and Infrastructure Improvement Act of 2014 that authorized \$510 million in Integrated Regional Water Management (IRWM) funding to be allocated to 12 hydrologic region-based funding Areas.
2. On June 27, 2018, the Governor of California approved the California Budget Act of 2018, which included \$5 million in Proposition 1 funds earmarked specifically for the construction of the City's Reservoir No. 4.
3. On July 16, 2018, Senator Robert Hertzberg (18th Senate District) presented a ceremonial check in the amount of \$5 million to the City Council for the Upper Reservoir No. 4 Replacement Project.
4. On June 17, 2019, the City Council adopted Resolution No. 7927 authorizing the City to enter into a Funding Agreement with the CDWR to receive \$5 million in funds for the Upper Reservoir No. 4 Replacement Project.

Consideration to Approve Agreement with the California Department of Water Resources for the Upper Reservoir Replacement ProjectPage 2 of 3

5. In addition, on June 17, 2019, the City Council adopted Resolution No. 7928 amending the budget to appropriate the \$5 million in funds in the Fiscal Year 2018-2019 adopted budget.
6. Lastly, on June 17, 2019, the City Council approved a Professional Services Agreement with John Robinson Consulting Incorporated in the amount of \$469,891 for Upper Reservoir Replacement Engineering Design Services.

ANALYSIS:

The \$5 million in Proposition 1 funds received from the State of California is administered by CDWR. To utilize Proposition 1 funds, CDWR requires agencies receiving funds to enter into an agreement and adopt a resolution authorizing acceptance of funds. Once these requirements are fulfilled, CDWR allows agencies to utilize appropriated project funds through a quarterly reimbursement process.

Integrated Regional Water Management Program (IRWM).

IRWM Program funding is awarded to projects that help meet the following long-term water needs of the state:

- Assist with adapting water infrastructure systems to climate change;
- Provide incentives throughout each watershed to collaborate in managing the region's water resources and setting regional priorities for water infrastructure; and
- Improve regional water self-reliance, while reducing reliance on the Sacramento-San Joaquin Delta.

The goal of the program is to bring multiple benefits to California, including the protection and restoration of key ecosystems, increased flood protection, regional self-reliance, and the expansion of the state's water storage capacity.

Upper Reservoir No. 4 Replacement Project.

The existing reservoir, located on Foothill Boulevard, is a partially buried, 1 million gallon circular reinforced concrete reservoir that was damaged (cracked) during the 1994 Northridge earthquake. Due to the damage sustained, the reservoir has been operating at a reduced capacity (approximately 60% of total capacity) to avoid leakage. Replacing the existing reservoir will replace a damaged facility with one that allows the city to utilize the full storage capacity and is designed to the latest seismic structural standards. This project will also provide increased operational flexibility and allow the City to more effectively meet water demands and maximize its groundwater supplies.

Consideration to Approve Agreement with the California Department of Water Resources for the Upper Reservoir Replacement Project

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The funding for the Upper Reservoir Replacement Project will be used for both the design and construction of the new reservoir. The following table is the project schedule:

Task	Start	Finish
*Preliminary Design	February 2020	July 2020
Final Design	July 2020	June 2021
Construction	October 2021	November 2022

**CDWR authorized City to begin design work prior to execution of Agreement.*

Executing the proposed contract with CDWR will allow the City to move forward with this critical water infrastructure project in accordance with the project schedule above.

BUDGET IMPACT:

The award from the State is in the form of a reimbursable grant and requires the City to enter into an agreement with the CDWR, who will administer the funds. CDWR imposes a five-percent administration fee, which will reduce the total amount to be received by the City by \$250,000. As a result, the total amount available for design and construction of the reservoir is \$4,750,000. Based on preliminary engineering estimates, the \$4.7 million will cover both the design and construction of the new Reservoir No. 4. Budget Resolution No. 7928 approved on June 17, 2019 appropriated the \$4,750,000 in funding into the Fiscal Year 2018-2019 approved budget and funds were subsequently carried over into the Fiscal Year 2019-2020 approved budget. Therefore, sufficient funds are currently appropriated for this project.

CONCLUSION:

It is recommended that the City Council approve Contract No. 1921 with the State of California Department of Water Resources and authorize the City Manager to execute the agreement on behalf of the City.

ATTACHMENT:

A. Contract No. 1921

**STATE OF CALIFORNIA
CALIFORNIA NATURAL RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES**

Agreement Number: 4600013505

**FUNDING AGREEMENT BETWEEN THE STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES
AND
CITY OF SAN FERNANDO**

**FOR A WATER STORAGE PROJECT
FOR THE
CITY OF SAN FERNANDO UPPER RESERVOIR REPLACEMENT
AUTHORIZED BY
THE BUDGET ACT OF 2018, ITEM 3860-101-00**

**FUNDING AGREEMENT BETWEEN THE STATE OF CALIFORNIA (DEPARTMENT OF WATER
RESOURCES) AND
CITY OF SAN FERNANDO
AGREEMENT NUMBER 4600013505**

THIS FUNDING AGREEMENT is entered into by and between the Department of Water Resources of the State of California, herein referred to as the "State" and the City of San Fernando, a municipal corporation organized under the laws the State of California, herein referred to as the "Funding Recipient," which parties do hereby agree as follows:

1. PURPOSE. State shall provide funding from the Budget Act of 2018, Item 3860-101-0001 (Senate Bill [SB] 840, Stats. 2018, ch. 29) to Funding Recipient to assist in financing the City of San Fernando Upper Reservoir Replacement (Project).
2. TERM OF FUNDING AGREEMENT. The term of this Funding Agreement begins on the date this Funding Agreement is executed by State, through final payment plus three (3) years unless otherwise terminated or amended as provided in this Agreement.
3. FUNDING AMOUNT. The maximum amount payable by the State under this Agreement shall not exceed \$4,750,000.
4. BASIC CONDITIONS. State shall have no obligation to disburse money for the Project under this Funding Agreement until Funding Recipient has satisfied the following conditions:
 - A. For the term of this Funding Agreement, Funding Recipient submits timely Quarterly Progress Reports as required by Paragraph 11, "Submission of Reports."
 - B. Funding Recipient submits all deliverables as specified in Paragraph 11 of this Funding Agreement and in Exhibit A.
 - C. Prior to the commencement of construction or implementation activities, Funding Recipient shall submit the following to the State:
 - i. Final plans and specifications certified by a California Registered Civil Engineer as to compliance for each approved project as listed in Exhibit A of this Funding Agreement.
 - ii. Work that is subject to the California Environmental Quality Act (CEQA) and or environmental permitting shall not proceed under this Funding Agreement until the following actions are performed:
 - a. Funding Recipient submits to the State all applicable environmental permits as indicated on the Environmental Information Form to the State,
 - b. Documents that satisfy the CEQA process are received by the State,
 - c. State has completed its CEQA compliance review as a Responsible Agency, and
 - d. Funding Recipient receives written concurrence from the State of Lead Agency's CEQA document(s) and State notice of verification of environmental permit submittal.

State's concurrence of Lead Agency's CEQA documents is fully discretionary and shall constitute a condition precedent to any work (i.e., construction or implementation activities) for which it is required. Once CEQA documentation has been completed, State will consider the environmental documents and decide whether to continue to fund the project or to require changes, alterations or other mitigation. Funding Recipient must also demonstrate that it has complied with all applicable requirements of the National Environmental Policy Act (NEPA) by submitting copies of any environmental documents, including environmental impact statements, Finding of No Significant Impact, mitigation monitoring programs, and environmental permits as may be required prior to beginning construction/implementation.

5. DISBURSEMENT OF FUNDS. State will disburse to Funding Recipient the amount approved, subject to the availability of funds through normal State processes. Notwithstanding any other provision of this Funding Agreement, no disbursement shall be required at any time or in any manner which is in violation of, or in conflict with, federal or state laws, rules, or regulations. Any and all money disbursed to Funding Recipient under this Funding Agreement shall be used solely to pay Eligible Project Costs.
6. ELIGIBLE PROJECT COST. Funding Recipient shall apply State funds received only to eligible Project Costs in accordance with applicable provisions of the law and Exhibit B. Eligible Project Costs include the reasonable costs of studies, engineering, design, land and easement acquisition, legal fees, preparation of environmental documentation, environmental mitigations, monitoring, and project construction. Reimbursable administrative expenses are the necessary costs incidental but directly related to the Project included in this Agreement. Work performed on the Project after June 27, 2018, shall be eligible for reimbursement.

Costs that are not eligible for reimbursement include but are not limited to the following items:

- A. Costs, other than those noted above, incurred prior to June 27, 2018.
 - B. Operation and maintenance costs, including post construction performance and monitoring costs.
 - C. Purchase of equipment not an integral part of a project
 - D. Establishing a reserve fund.
 - E. Purchase of water supply
 - F. Monitoring and assessment costs for efforts required after project construction is complete.
 - G. Replacement of existing funding sources for ongoing programs.
 - H. Travel and per diem costs.
 - I. Support of existing agency requirements and mandates (e.g., punitive regulatory agency requirement).
 - J. Purchase of land in excess of the minimum required acreage necessary to operate as an integral part of the Project, as set forth and detailed by engineering and feasibility studies, or land purchased prior to June 27, 2018.
 - K. Overhead and indirect costs. "Indirect Costs" means those costs that are incurred for a common or joint purpose benefiting more than one cost objective and are not readily assignable to the funded project (i.e., costs that are not directly related to the funded project). Examples of Indirect Costs include, but are not limited to: central service costs; general administration of the Funding Recipient; non-project-specific accounting and personnel services performed within the Funding Recipient's organization; depreciation or use allowances on buildings and equipment; the costs of operating and maintaining non-project-specific facilities; tuition and conference fees; and, generic overhead or markup. This prohibition applies to the Funding Recipient and any subcontract or sub-agreement for work on the Project that will be reimbursed pursuant to this Agreement.
7. METHOD OF PAYMENT. After the disbursement requirements in Paragraph 4 "Basic Conditions" are met, the State will disburse the whole or portions of State funding to Funding Recipient, following receipt from Funding Recipient via US mail or Express mail delivery of a "wet signature" invoice or an electronic invoice certified and transmitted via DocuSign for costs incurred, including Cost Share, and timely Quarterly Progress Reports as required by Paragraph 11, "Submission of Reports." Payment will be made no more frequently than quarterly, in arrears, upon receipt of an invoice bearing the Funding Agreement number. Invoices must accompany a Quarterly Progress Report and shall be submitted within forty-five (45) days following the end of the calendar quarter (i.e., May 15, August 15, November 15, and February 15). State will notify Funding Recipient, in a timely manner, whenever, upon review of an Invoice, State determines that any portion or portions of the costs claimed are not eligible costs or is not supported by documentation or receipts acceptable to State. Funding Recipient may, within thirty (30) calendar days of the date of receipt of such notice, submit additional documentation to State to cure such deficiency(ies). If Funding

Recipient fails to submit adequate documentation curing the deficiency(ies), State will adjust the pending invoice by the amount of ineligible or unapproved costs.

Invoices submitted by Funding Recipient shall include the following information:

- A. Costs incurred for work performed in implementing the Project during the period identified in the particular invoice.
- B. Costs incurred for any interests in real property (land or easements) that have been necessarily acquired for a project during the period identified in the particular invoice for the implementation of the Project.
- C. Invoices shall be submitted on forms provided by State and shall meet the following format requirements:
 - i. Invoices must contain the date of the invoice, the time period covered by the invoice, and the total amount due.
 - ii. Invoices must be itemized based on the categories (i.e., tasks) specified in Exhibit B. The amount claimed for salaries/wages/consultant fees must include a calculation formula (i.e., hours or days worked times the hourly or daily rate = the total amount claimed).
 - iii. One set of sufficient evidence (i.e., receipts, copies of checks, time sheets) must be provided for all costs included in the invoice.
 - iv. Each invoice shall clearly delineate those costs claimed for reimbursement from the State's funding amount, as depicted in Paragraph 3, "Funding Amount."
 - v. Original signature and date (in ink) of Funding Recipient's Project Representative. Submit the original "wet signature" copy of the invoice form to the following address: Daniel Bremerman, P.E., Water Resources Engineer, Department of Water Resources, Division of Regional Assistance: Financial Assistance Branch, P.O. Box 942836, Sacramento, CA 94236-0001.

All invoices submitted shall be accurate and signed under penalty of law. Any and all costs submitted pursuant to this Agreement shall only be for the tasks set forth herein. The Funding Recipient shall not submit any invoice containing costs that are ineligible or have been reimbursed from other funding sources. Any eligible costs for which the Funding Recipient is seeking reimbursement shall not be reimbursed from any other source. Double or multiple billing for time, services, or any other eligible cost is illegal and constitutes fraud. Any suspected occurrences of fraud, forgery, embezzlement, theft, or any other misuse of public funds may result in suspension of disbursements of grant funds and/or termination of this Agreement requiring the repayment of all funds disbursed hereunder plus interest. Additionally, the State may request an audit pursuant to Paragraph D.5 and refer the matter to the Attorney General's Office or the appropriate district attorney's office for criminal prosecution or the imposition of civil liability. (Civ. Code, §§ 1572-1573; Pen. Code, §§ 470, 489-490.)

8. WITHHOLDING OF DISBURSEMENTS BY STATE. If State determines that the Project is not being implemented in accordance with the provisions of this Funding Agreement, or that Funding Recipient has failed in any other respect to comply with the provisions of this Funding Agreement, and if Funding Recipient does not remedy any such failure to State's satisfaction, State may withhold from Funding Recipient all or any portion of the State funding and take any other action that it deems necessary to protect its interests. Where a portion of the State funding has been disbursed to the Funding Recipient and State notifies Funding Recipient of its decision not to release funds that have been withheld pursuant to Paragraph 9, the portion that has been disbursed shall thereafter be repaid immediately with interest at the time the State notifies the Funding Recipient, as directed by State. State may consider Funding Recipient's refusal to repay the requested disbursed amount a breach of this Agreement subject to the default provisions in Paragraph 9, "Default Provisions." If State notifies Funding Recipient of its decision to withhold the entire funding amount from Funding Recipient pursuant to this paragraph, this Funding Agreement shall terminate upon receipt of such notice by Funding Recipient and the State shall no longer

be required to provide funds under this Funding Agreement and the Funding Agreement shall no longer be binding on either party.

9. DEFAULT PROVISIONS. Funding Recipient will be in default under this Funding Agreement if any of the following occur:

- A. Substantial breaches of this Funding Agreement, or any supplement or amendment to it, or any other agreement between Funding Recipient and State evidencing or securing Funding Recipient's obligations;
- B. Making any false warranty, representation, or statement with respect to this Funding Agreement or the application filed to obtain this Funding Agreement;
- C. Failure to operate or maintain Project in accordance with this Funding Agreement.
- D. Failure to make any remittance required by this Funding Agreement.
- E. Failure to submit timely progress reports.
- F. Failure to routinely invoice State.

Should an event of default occur, State shall provide a notice of default to the Funding Recipient and shall give Funding Recipient at least ten (10) calendar days to cure the default from the date the notice is sent via first-class mail to the Funding Recipient. If the Funding Recipient fails to cure the default within the time prescribed by the State, State may do any of the following:

- A. Declare the funding be immediately repaid, with interest at the time of the default.
- B. Terminate any obligation to make future payments to Funding Recipient.
- C. Terminate the Funding Agreement.
- D. Take any other action that it deems necessary to protect its interests.

In the event State finds it necessary to enforce this provision of this Funding Agreement in the manner provided by law, Funding Recipient agrees to pay all costs incurred by State including, but not limited to, reasonable attorneys' fees, legal expenses, and costs.

10. CONTINUING ELIGIBILITY. Funding Recipient must meet the following ongoing requirement(s) to remain eligible to receive State funds:

- A. If Grantee is diverting surface water, Grantee must maintain compliance with diversion reporting requirements as outlined in Part 5.1 of Division 2 of the Water Code.
- B. If the Funding Recipient contributes to potential groundwater impacts, Grantee must demonstrate compliance with the groundwater compliance options set forth in of the IRWM Program Grant Guidelines, dated July 2016, or later published edition, as applicable.
- C. If Funding Recipient is designated as a monitoring entity under the California Statewide Groundwater Elevation Monitoring (CASGEM) Program, Grantee must maintain reporting compliance, as required by Water Code §10920 and the CASGEM Program.
- D. Funding Recipient must adhere to the protocols developed pursuant to The Open and Transparent Water Data Act (Wat. Code, § 12405, et seq.) for data sharing, transparency, documentation, and quality control.

11. SUBMISSION OF REPORTS. The submittal and approval of all reports is a requirement for the successful completion of this Funding Agreement. Reports shall meet generally accepted professional standards for technical reporting and shall be proofread for content, numerical accuracy, spelling, and grammar prior to submittal to State. All reports shall be submitted to the State's Project Manager, and shall be submitted via DWR's "Grant Review and Tracking System" (GRanTS). If requested, Funding Recipient shall promptly provide any additional information deemed necessary by State for the approval of reports. Reports shall be presented in the formats described in the applicable portion of Exhibit F. The timely submittal of reports is a requirement for initial and continued disbursement of State funds. Submittal and subsequent approval by

the State, of a Project Completion Report is a requirement for the release of any funds retained for such project.

- A. Quarterly Progress Reports: Funding Recipient shall submit Quarterly Progress Reports to meet the State's requirement for disbursement of funds. Quarterly Progress Reports shall be shall be uploaded via GRanTS, and the State's Project Manager notified of upload. Quarterly Progress Reports shall, in part, provide a brief description of the work performed, Funding Recipients activities, milestones achieved, any accomplishments and any problems encountered in the performance of the work under this Funding Agreement during the reporting period. The first Quarterly Progress Report should be submitted to the State no later than three (4) months after execution of the agreement, with future reports then due on successive three-month increments based on the invoicing schedule and this date.
- B. Project Completion Report: Funding Recipient shall prepare and submit to State a Project Completion Report. Funding Recipient shall submit the Project Completion Report within ninety (90) calendar days of Project completion. The Project Completion Report shall include, in part, a description of actual work done, any changes or amendments to the Project, and a final schedule showing actual progress versus planned progress, copies of any final documents or reports generated or utilized during the Project. The Project Completion Report shall also include, if applicable, certification of final project by a registered civil engineer, consistent with Standard Condition D.17, "Final Inspections and Certification of Registered Civil Engineer". A DWR "Certification of Project Completion" form will be provided by the State.
- C. Post-Performance Reports: Funding Recipient shall submit Post-Performance Reports. Post-Performance Reports shall be submitted to State within ninety (90) calendar days after the first operational year of the Project has elapsed. This record keeping and reporting process shall be repeated annually for a total of 10 years after the completed Project begins operation.

12. OPERATION AND MAINTENANCE OF PROJECT. For the useful life of the Project and in consideration of the funding made by State, Funding Recipient agrees to ensure or cause to be performed the commencement and continued operation of the Project, and shall ensure or cause the Project to be operated in an efficient and economical manner; shall ensure all repairs, renewals, and replacements necessary to the efficient operation of the same are provided; and shall ensure or cause the same to be maintained in as good and efficient condition as upon its construction, ordinary and reasonable wear and depreciation excepted. The State shall not be liable for any cost of such maintenance, management, or operation. Funding Recipient or their successors may, with the written approval of State, transfer this responsibility to use, manage, and maintain the property. For purposes of this Funding Agreement, "useful life" means period during which an asset, property, or activity is expected to be usable for the purpose it was acquired or implemented; "operation costs" include direct costs incurred for material and labor needed for operations, utilities, insurance, and similar expenses, and "maintenance costs" include ordinary repairs and replacements of a recurring nature necessary for capital assets and basic structures and the expenditure of funds necessary to replace or reconstruct capital assets or basic structures. Refusal of Funding Recipient to ensure operation and maintenance of the projects in accordance with this provision may, at the option of State, be considered a breach of this Funding Agreement and may be treated as default under Paragraph 9, "Default Provisions."

13. NOTIFICATION OF STATE. Funding Recipient shall promptly notify State, in writing, of the following items:

- A. Events or proposed changes that could affect the scope, budget, or work performed under this Funding Agreement. Funding Recipient agrees that no substantial change in the scope of a project will be undertaken until written notice of the proposed change has been provided to State and State has given written approval for such change. Substantial changes generally include changes to the scope of work, schedule or term, and budget.
- B. Any public or media event publicizing the accomplishments and/or results of this Funding Agreement and provide the opportunity for attendance and participation by State's representatives. Funding Recipient shall make such notification at least 14 calendar days prior to the event.
- C. Discovery of any potential archaeological or historical resource. Should a potential archaeological or

historical resource be discovered during construction, the Funding Recipient agrees that all work in the area of the find will cease until a qualified archaeologist has evaluated the situation and made recommendations regarding preservation of the resource, and the State has determined what actions should be taken to protect and preserve the resource. The Funding Recipient agrees to implement appropriate actions as directed by the State.

- D. The initiation of any litigation or the threat of litigation against the Funding Recipient regarding the Project or that may affect the Project in any way.
 - E. Final inspection of the completed work on a project by a Registered Civil Engineer, in accordance with Standard Condition D.17, "Final Inspections and Certification of Registered Civil Engineer." Funding Recipient shall notify the State's Project Manager of the inspection date at least 14 calendar days prior to the inspection in order to provide State the opportunity to participate in the inspection.
14. NOTICES. Any notice, demand, request, consent, or approval that either party desires or is required to give to the other party under this Funding Agreement shall be in writing. Notices may be transmitted by any of the following means:
- A. By delivery in person.
 - B. By certified U.S. mail, return receipt requested, postage prepaid.
 - C. By "overnight" delivery service; provided that next-business-day delivery is requested by the sender.
 - D. By electronic means.
 - E. Notices delivered in person will be deemed effective immediately on receipt (or refusal of delivery or receipt). Notices sent by certified mail will be deemed effective given ten (10) calendar days after the date deposited with the U. S. Postal Service. Notices sent by overnight delivery service will be deemed effective one business day after the date deposited with the delivery service. Notices sent electronically will be effective on the date of transmission, which is documented in writing. Notices shall be sent to the below addresses. Either party may, by written notice to the other, designate a different address that shall be substituted for the one below.
15. PERFORMANCE EVALUATION. Upon completion of this Funding Agreement, Funding Recipient's performance will be evaluated by the State and a copy of the evaluation will be placed in the State file and a copy sent to the Funding Recipient.
16. PROJECT REPRESENTATIVES. The Project Representatives during the term of this Funding Agreement are as follows:

Department of Water Resources
Arthur Hinojosa
Chief, Division of Regional Assistance
P.O. Box 942836
Sacramento, CA 94236-0001
Phone: (916) 653-4736
Email: Arthur.Hinojosa@water.ca.gov

City of San Fernando
Nick Kimball
City Manager
117 Macneil St.
San Fernando, CA 91340
Phone: (818) 898-1201
Email: nkimball@sfcity.org

Direct all inquiries to the Project Manager:

Department of Water Resources

Daniel Bremerman
Project Manager
P.O. Box 942836
Sacramento, CA 94236-0001
Phone: (916) 653-4736
Email: Daniel.Bremerman@water.ca.gov

City of San Fernando

Kenneth Jones
Management Analyst
117 Macneil St.
San Fernando, CA 91340
Phone: (818) 898-1240
Email: kjones@sfcity.org

Either party may change its Project Representative or Project Manager upon written notice to the other party.

17. STANDARD PROVISIONS AND INTEGRATION. This Funding Agreement is complete and is the final Agreement between the parties. The following Exhibits are attached and made a part of this Funding Agreement by this reference:

Exhibit A – Work Plan

Exhibit B – Budget

Exhibit C – Schedule

Exhibit D – Standard Conditions

Exhibit E – Funding Recipient Resolution

Exhibit F – Report Formats and Requirements

Exhibit G – State Audit Document Requirements for Funding Recipients

IN WITNESS WHEREOF, the parties hereto have executed this Funding Agreement.

STATE OF CALIFORNIA

DEPARTMENT OF WATER RESOURCES

City of San Fernando

Arthur Hinojosa

Chief, Division of Regional Assistance

Date_____

Nick Kimball, City Manager

Date_____

Approved as to Legal Form and Sufficiency

Robin Brewer, Assistant Chief Counsel

Office of Chief Counsel

Date_____

Exhibit A WORK PLAN

Project Name: City of San Fernando Upper Reservoir Replacement

Project Description:

This Grant Agreement provides funding for both the design and construction phase of the Upper Reservoir Replacement Project (Project) located in San Fernando, California. The City of San Fernando is the implementing agency.

The Project entails the design and construction of a new reservoir which will replace an existing 1 million-gallon (1MG) reservoir and associated supporting systems (inlet and outlet pipelines, electricity, instrumentation and controls, on-site fencing and grading, landscaping) that was damaged during the 1994 Northridge earthquake. The Project includes project management during design and construction. The Project includes engineering services during construction including construction management.

Budget Category A: Administration

Task A.1 Grant Administration

Funding Recipient staff support for the administration of the Grant Agreement, including coordination of project development activities, review and submittal of project deliverables development of invoices and tracking expenditures, grant-related reporting, and coordination of consultants, sub-consultants, and third parties, applicable California Labor Code requirements as per Exhibit D.

Deliverables

- Executed Grant Agreement
- Executed Grant Amendments, as necessary
- Proof of Labor Compliance, upon request
- Quarterly Invoice Submittal (including \$0 invoices)
- Quarterly Progress Reports
- Grant Completion Report

Task A.2 Project Management

Provide project management and administration consisting of team coordination, City communication, project budget tracking, project schedule tracking, and project invoicing. Develop Monthly progress Reports. Attend kickoff meeting, conduct monthly progress meetings, and provide quality assurance/quality control (QA/QC) review and analysis.

Deliverables

- None

Budget Category B: Permitting and Environmental Documentation

Task B.1 CEQA Documentation

CEQA documentation as applicable and necessary will be prepared. Prepare a letter stating no legal challenges to Project during CEQA statutory review period (or addressing legal challenges).

Deliverables

- Environmental Information Form (EIF)
- Copy of CEQA documentation
- No Legal Challenges Letter

Task B.2 Environmental and Permitting Compliance

Prepare and acquire all identified federal, state, and local permits including but not limited to encroachment permits for work with City of Los Angeles Right-of-Way (i.e., building department), City of San Fernando Building Department and State Water Resources Control Board Division of Drinking Water.

Deliverables

- Updated EIF, if necessary.
- Copy of all Required Permits.

Budget Category C: Project Planning and Design**Task C.1 Preliminary Design Engineering Services**

Review City's existing documents concerning reservoir location, design and construction and conduct geotechnical investigation, utility research, topographic survey, fire flow storage analysis, landscape and irrigation design, reservoir alternative analysis. Prepare a Draft and Final Preliminary Design Report (PDR).

Deliverables

- Final PDR

Task C.2 Final Design Engineering Services

Prepare 60%, 90%, and 100% level construction drawings and specifications including civil, structural, architectural landscape, mechanical, electrical and instrumentation and control. Prepare a Class 3 Opinion of Probable Construction Cost (OPCC) based on the 60% design, Class 2 OPCC based on the 90% and 100% level design. Prepare recommended construction completion schedule including key milestones for construction progress based on the 60%, 90% and 100% design. Due to the site location traffic control design format and standards shall confirm to LADOT guidelines for B-Permit processing. Public outreach with three (3) community meetings and creation of public information material. Design will support permitting effort. Bidding support will be included and will include pre-bid meeting, responses to Contractors inquiries, addenda(s), conformed drawings, bid opening attendance and bid evaluation.

Deliverables

- 100% Design (Plans/Specs/Engineer's Estimate)
- Construction Completion Schedule

Budget Category D: Engineering Services during Construction**Task D.1 Engineering Services during Construction**

The following engineering services will be provided after award of construction project during construction period.

Prepare Request for Information (RFI) responses and review shop/working drawings of manufacturers. Also, review progress and final payments submitted by Contractor; conduct pre-construction meetings; weekly site visits, record drawings in AutoCAD and develop and maintain an informational website via public outreach.

Deliverables

- None

Budget Category E: Project Construction**Task E.1 – Construction Administration**

Manage contractor submittal review, answer requests for information, and issue work directives. A full-time engineering construction observer will be on site for the duration of the project. Construction observer duties include: documenting of pre-construction conditions, daily construction on-site inspections of construction activities, preparing Owner change orders, addressing questions of contractors on site via Request for Information or Request for Clarification, coordination of specialty inspection (rebar, concrete, hydrostatic testing of reservoir and pipelines, leak testing, reviewing/ updating project schedule, reviewing contractor log submittals and progress payment requests, forecasting cash flow, notifying Contractor if work is not acceptable.

Deliverables

- Acknowledgement of Credit signage photo per Standard Condition D.2
- Notice of Advertisment
- Notice of Award
- Notice to Proceed

Task E.2 – Construction Tasks

This task includes the procurement and mobilization of equipment and materials, site preparation, demolition of existing reservoir and equipment, traffic control, construction of all components of the project, dewatering and de-chlorinating reservoir and pipeline, performance testing to ensure proper function and compliance with the final design, site restoration and demobilization. Performance testing of all components of the project includes reservoir water tightness testing, pressure testing of new pipe sections, chlorinate and bacteriological testing, operational testing of flow control valves and testing of the SCADA network.

Deliverables

- Engineer's Certificate of Completion
- Record Drawings

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Exhibit B

BUDGET

Budget Category	Grant Share	Agency Cost	Project Cost
A. Administration	\$97,260	\$50,000	\$147,260
B. Permitting and Environmental Documentation	\$15,414	\$0	\$15,414
C. Project Planning and Design	\$302,247	\$0	\$302,247
D. Engineering Services during Construction	\$104,970	\$0	\$104,970
E. Project Construction	\$4,230,109	\$0	\$4,230,109
Total	\$4,750,000	\$50,000	\$4,800,000

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Exhibit C

SCHEDULE**City of San Fernando Upper Reservoir Replacement Project**

DESCRIPTION	START	FINISH	
Budget Category A: Grant Administration	February 2020	December 2022	
Task A.1: Grant Administration	February 2020	December 2022	
Task A.2: Project Management	February 2020	December 2022	
Budget Category B: Permitting & Environmental Documentation	February 2020	August 2022	
Task B.1: CEQA Documentation	April 2020	September 2020	
Task B.2: Environmental & Permitting Compliance	February 2020	October 2022	
Budget Category C: Project Planning & Design	February 2020	June 2021	
Task C.1: Preliminary Design Engineering Services	February 2020	July 2020	
Task C.2: Final Design Engineering Services	July 2020	June 2021	
Budget Category D: Engineering Services	October 2021	November 2022	
Task D.1: Engineering Services during Construction	October 2021	November 2022	
Budget Category E: Project Construction	October 2021	November 2022	
Task E.1: Construction Administration	October 2021	November 2022	
Task E.2: Construction	October 2021	November 2022	

Exhibit D**STANDARD CONDITIONS****D.1. ACCOUNTING AND DEPOSIT OF FUNDING DISBURSEMENT:**

- A. **Separate Accounting of Funding Disbursements:** Funding Recipient shall account for the money disbursed pursuant to this Funding Agreement separately from all other Funding Recipient funds. Funding Recipient shall maintain audit and accounting procedures that are in accordance with generally accepted accounting principles and practices, consistently applied. Funding Recipient shall keep complete and accurate records of all receipts, disbursements, and any interest earned on expenditures of such funds. Funding Recipient shall require its contractors or subcontractors to maintain books, records, and other documents pertinent to their work in accordance with generally accepted accounting principles and practices. Records are subject to inspection by State at any and all reasonable times.
- B. **Disposition of Money Disbursed:** All money disbursed pursuant to this Funding Agreement shall be deposited in a separate account, administered, and accounted for pursuant to the provisions of applicable law.
- C. **Remittance of Unexpended Funds:** Funding Recipient shall remit to State any unexpended funds that were disbursed to Funding Recipient under this Funding Agreement and were not used to pay Eligible Project Costs within a period of sixty (60) calendar days from the final disbursement from State to Funding Recipient of funds or, within thirty (30) calendar days of the expiration of the Funding Agreement, whichever comes first.

D.2. ACKNOWLEDGEMENT OF CREDIT AND SIGNAGE: Funding Recipient shall include appropriate acknowledgement of credit to the State for its support when promoting the Project or using any data and/or information developed under this Funding Agreement. Signage shall be posted in a prominent location at Project site(s) (if applicable) or at the Funding Recipient's headquarters and shall include the Department of Water Resources color logo and the following disclosure statement: "Funding for this project has been provided in full or in part from the California State Budget Act of 2018 and through an agreement with the State Department of Water Resources." The Funding Recipient shall also include in each of its contracts for work under this Agreement a provision that incorporates the requirements stated within this Paragraph.

D.3. AMENDMENT: This Funding Agreement may be amended at any time by mutual agreement of the Parties, except insofar as any proposed amendments are in any way contrary to applicable law. Requests by the Funding Recipient for amendments must be in writing stating the amendment request and the reason for the request. Requests solely for a time extension must be submitted at least 90 days prior to the work completion date set forth in Paragraph 2. Any other request for an amendment must be submitted at least 180 days prior to the work completion date set forth in Paragraph 2. State shall have no obligation to agree to an amendment.

D.4. AMERICANS WITH DISABILITIES ACT: By signing this Funding Agreement, Funding Recipient assures State that it complies with the Americans with Disabilities Act (ADA) of 1990, (42 U.S.C. § 12101 et seq.), which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA.

- D.5. AUDITS: State reserves the right to conduct an audit at any time between the execution of this Funding Agreement and the completion of the Project, with the costs of such audit borne by State. After completion of the Project, State may require Funding Recipient to conduct a final audit to State's specifications, at Funding Recipient's expense, such audit to be conducted by and a report prepared by an independent Certified Public Accountant. Failure or refusal by Funding Recipient to comply with this provision shall be considered a breach of this Funding Agreement, and State may elect to pursue any remedies provided in Paragraph 9 or take any other action it deems necessary to protect its interests.

Pursuant to Government Code section 8546.7, the Funding Recipient shall be subject to the examination and audit by the State for a period of three (3) years after final payment under this Funding Agreement with respect of all matters connected with this Funding Agreement, including but not limited to, the cost of administering this Funding Agreement. All records of Funding Recipient or its contractor or subcontractors shall be preserved for this purpose for at least three (3) years after receipt of the final disbursement under this Agreement.

- D.6. BUDGET CONTINGENCY: If the Budget Act of the current year covered under this Funding Agreement does not appropriate sufficient funds for this program, this Funding Agreement shall be of no force and effect. This provision shall be construed as a condition precedent to the obligation of State to make any payments under this Funding Agreement. In this event, State shall have no liability to pay any funds whatsoever to Funding Recipient or to furnish any other considerations under this Funding Agreement and Funding Recipient shall not be obligated to perform any provisions of this Funding Agreement. Nothing in this Funding Agreement shall be construed to provide Funding Recipient with a right of priority for payment over any other Funding Recipient. If funding for any fiscal year after the current year covered by this Funding Agreement is reduced or deleted by the Budget Act, by Executive Order, or by order of the Department of Finance, the State shall have the option to either cancel this Funding Agreement with no liability occurring to State, or offer a Funding Agreement amendment to Funding Recipient to reflect the reduced amount.

- D.7. CEQA: Activities funded under this Funding Agreement, regardless of funding source, must be in compliance with the California Environmental Quality Act (CEQA). (Pub. Resources Code, § 21000 et seq.) Any work that is subject to CEQA and funded under this Agreement shall not proceed until documents that satisfy the CEQA process are received by the State's Project Manager and the State has completed its CEQA compliance. Work funded under this Agreement that is subject to a CEQA document shall not proceed until and unless approved by the Department of Water Resources. Such approval is fully discretionary and shall constitute a condition precedent to any work for which it is required. If CEQA compliance by the Funding Recipient is not complete at the time the State signs this Agreement, once State has considered the environmental documents, it may decide to require changes, alterations, or other mitigation to the Project; or to not fund the Project. Should the State decide to not fund the Project, this Agreement shall be terminated in accordance with Paragraph 9.

- D.8. CHILD SUPPORT COMPLIANCE ACT: The Funding Recipient acknowledges in accordance with Public Contract Code section 7110, that:

- A. The Funding Recipient recognizes the importance of child and family support obligations and shall fully comply with all applicable state and federal laws relating to child and family support enforcement, including, but not limited to, disclosure of

information and compliance with earnings assignment orders, as provided in Family Code section 5200 et seq.; and

- B. The Funding Recipient, to the best of its knowledge is fully complying with the earnings assignment orders of all employees and is providing the names of all new employees to the New Hire Registry maintained by the California Employment Development Department.
- D.9. CLAIMS DISPUTE: Any claim that the Funding Recipient may have regarding performance of this Agreement including, but not limited to, claims for additional compensation or extension of time, shall be submitted to the DWR Project Representative, within thirty (30) days of the Funding Recipient's knowledge of the claim. State and Funding Recipient shall then attempt to negotiate a resolution of such claim and process an amendment to this Agreement to implement the terms of any such resolution.
- D.10. COMPETITIVE BIDDING AND PROCUREMENTS: Funding Recipient shall comply with all applicable laws and regulations regarding securing competitive bids and undertaking competitive negotiations in Funding Recipient's contracts with other entities for acquisition of goods and services and construction of public works with funds provided by State under this Funding Agreement.
- D.11. COMPUTER SOFTWARE: Funding Recipient certifies that it has appropriate systems and controls in place to ensure that state funds will not be used in the performance of this Funding Agreement for the acquisition, operation, or maintenance of computer software in violation of copyright laws.
- D.12. CONFLICT OF INTEREST: All participants are subject to State and Federal conflict of interest laws. Failure to comply with these laws, including business and financial disclosure provisions, will result in the application being rejected and any subsequent contract being declared void. Other legal action may also be taken. Applicable statutes include, but are not limited to, Government Code section 1090 and Public Contract Code sections 10410 and 10411, for State conflict of interest requirements.
- A. Current State Employees: No State officer or employee shall engage in any employment, activity, or enterprise from which the officer or employee receives compensation or has a financial interest and which is sponsored or funded by any State agency, unless the employment, activity, or enterprise is required as a condition of regular State employment. No State officer or employee shall contract on his or her own behalf as an independent contractor with any State agency to provide goods or services.
 - B. Former State Employees: For the two-year period from the date he or she left State employment, no former State officer or employee may enter into a contract in which he or she engaged in any of the negotiations, transactions, planning, arrangements, or any part of the decision-making process relevant to the contract while employed in any capacity by any State agency. For the twelve-month period from the date he or she left State employment, no former State officer or employee may enter into a contract with any State agency if he or she was employed by that State agency in a policy-making position in the same general subject area as the proposed contract within the twelve-month period prior to his or her leaving State service.
 - C. Employees of the Funding Recipient: Employees of the Funding Recipient shall comply with all applicable provisions of law pertaining to conflicts of interest,

including but not limited to any applicable conflict of interest provisions of the California Political Reform Act. (Gov. Code, § 87100 et seq.)

- D. Employees and Consultants to the Funding Recipient: Individuals working on behalf of a Funding Recipient may be required by the Department to file a Statement of Economic Interests (Fair Political Practices Commission Form 700) if it is determined that an individual is a consultant for Political Reform Act purposes.
- D.13. DELIVERY OF INFORMATION, REPORTS, AND DATA: Funding Recipient agrees to expeditiously provide throughout the term of this Funding Agreement, such reports, data, information, and certifications as may be reasonably required by State.
- D.14. DISPOSITION OF EQUIPMENT: Funding Recipient shall provide to State, not less than 30 calendar days prior to submission of the final invoice, an itemized inventory of equipment purchased with funds provided by State. The inventory shall include all items with a current estimated fair market value of more than \$5,000.00 per item. Within 60 calendar days of receipt of such inventory State shall provide Funding Recipient with a list of the items on the inventory that State will take title to. All other items shall become the property of Funding Recipient. State shall arrange for delivery from Funding Recipient of items that it takes title to. Cost of transportation, if any, shall be borne by State.
- D.15. DRUG-FREE WORKPLACE CERTIFICATION: Certification of Compliance: By signing this Funding Agreement, Funding Recipient, its contractors or subcontractors hereby certify, under penalty of perjury under the laws of State of California, compliance with the requirements of the Drug-Free Workplace Act of 1990 (Gov. Code, § 8350 et seq.) and have or will provide a drug-free workplace by taking the following actions:
- A. Publish a statement notifying employees, contractors, and subcontractors that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited and specifying actions to be taken against employees, contractors, or subcontractors for violations, as required by Government Code section 8355.
 - B. Establish a Drug-Free Awareness Program, as required by Government Code section 8355 to inform employees, contractors, or subcontractors about all of the following:
 - i. The dangers of drug abuse in the workplace,
 - ii. Funding Recipient's policy of maintaining a drug-free workplace,
 - iii. Any available counseling, rehabilitation, and employee assistance programs, and
 - iv. Penalties that may be imposed upon employees, contractors, and subcontractors for drug abuse violations.
 - C. Provide, as required by Government Code section 8355, that every employee, contractor, and/or subcontractor who works under this Funding Agreement:
 - i. Will receive a copy of Funding Recipient's drug-free policy statement, and
 - ii. Will agree to abide by terms of Funding Recipient's condition of employment, contract or subcontract.
- D.16. EASEMENTS: Where the Funding Recipient acquires property in fee title or funds improvements to real property already owned in fee by the Funding Recipient using State funds provided through this Funding Agreement, an appropriate easement or other

title restriction providing for floodplain preservation and agricultural and/or wildlife habitat conservation for the subject property in perpetuity, approved by the State, shall be conveyed to a regulatory or trustee agency or conservation group acceptable to the State. The easement or other title restriction must be in first position ahead of any recorded mortgage or lien on the property unless this requirement is waived by the State.

Where the Funding Recipient acquires an easement under this Agreement, the Funding Recipient agrees to monitor and enforce the terms of the easement, unless the easement is subsequently transferred to another land management or conservation organization or entity with State permission, at which time monitoring and enforcement responsibilities will transfer to the new easement owner.

Failure to provide an easement acceptable to the State may result in termination of this Agreement.

D.17. FINAL INSPECTIONS AND CERTIFICATION OF REGISTERED CIVIL ENGINEER:

Upon completion of the Project, Funding Recipient shall provide for a final inspection and certification by a California Registered Civil Engineer that the Project has been completed in accordance with submitted final plans and specifications and any modifications thereto and in accordance with this Funding Agreement.

D.18. FUNDING RECIPIENT'S RESPONSIBILITIES: Funding Recipient and its representatives shall:

- A. Faithfully and expeditiously perform or cause to be performed all project work as described in Exhibit A (Work Plan) and in accordance with Project Exhibit B (Budget) and Exhibit C (Schedule).
- B. Accept and agree to comply with all terms, provisions, conditions, and written commitments of this Funding Agreement, including all incorporated documents, and to fulfill all assurances, declarations, representations, and statements made by Funding Recipient in the application, documents, amendments, and communications filed in support of its request for funding.
- C. Comply with all applicable California, federal, and local laws and regulations.
- D. Implement the Project in accordance with applicable provisions of the law.
- E. Fulfill its obligations under the Funding Agreement and be responsible for the performance of the Project.
- F. Obtain any and all permits, licenses, and approvals required for performing any work under this Funding Agreement, including those necessary to perform design, construction, or operation and maintenance of the Project. Funding Recipient shall provide copies of permits and approvals to State.
- G. Be solely responsible for design, construction, and operation and maintenance of projects within the work plan. Review or approval of plans, specifications, bid documents, or other construction documents by State is solely for the purpose of proper administration of funds by State and shall not be deemed to relieve or restrict responsibilities of Funding Recipient under this Agreement.
- H. Be solely responsible for all work and for persons or entities engaged in work performed pursuant to this Agreement, including, but not limited to, contractors, subcontractors, suppliers, and providers of services. The Funding Recipient shall be responsible for any and all disputes arising out of its contracts for work on the

Project, including but not limited to payment disputes with contractors and subcontractors. The State will not mediate disputes between the Funding Recipient and any other entity concerning responsibility for performance of work.

- D.19. GOVERNING LAW: This Funding Agreement is governed by and shall be interpreted in accordance with the laws of the State of California.
- D.20. INDEMNIFICATION: Funding Recipient shall indemnify and hold and save the State, its officers, agents, and employees, free and harmless from any and all liabilities for any claims and damages (including inverse condemnation) that may arise out of the Project and this Agreement, including, but not limited to any claims or damages arising from planning, design, construction, maintenance and/or operation of levee rehabilitation measures for this Project and any breach of this Agreement. Funding Recipient shall require its contractors or subcontractors to name the State, its officers, agents and employees as additional insureds on their liability insurance for activities undertaken pursuant to this Agreement.
- D.21. INDEPENDENT CAPACITY: Funding Recipient, and the agents and employees of Funding Recipients, in the performance of the Funding Agreement, shall act in an independent capacity and not as officers, employees, or agents of the State.
- D.22. INSPECTION OF BOOKS, RECORDS, AND REPORTS: During regular office hours, each of the parties hereto and their duly authorized representatives shall have the right to inspect and to make copies of any books, records, or reports of either party pertaining to this Funding Agreement or matters related hereto. Each of the parties hereto shall maintain and shall make available at all times for such inspection accurate records of all its costs, disbursements, and receipts with respect to its activities under this Funding Agreement. Failure or refusal by Funding Recipient to comply with this provision shall be considered a breach of this Funding Agreement, and State may withhold disbursements to Funding Recipient or take any other action it deems necessary to protect its interests.
- D.23. INSPECTIONS OF PROJECT BY STATE: State shall have the right to inspect the work being performed at any and all reasonable times during the term of the Funding Agreement. This right shall extend to any subcontracts, and Funding Recipient shall include provisions ensuring such access in all its contracts or subcontracts entered into pursuant to its Funding Agreement with State.
- D.24. LABOR CODE COMPLIANCE: The Funding Recipient agrees to be bound by all the provisions of the Labor Code regarding prevailing wages and shall monitor all contracts subject to reimbursement from this Agreement to assure that the prevailing wage provisions of the Labor Code are being met. Current Department of Industrial Relations (DIR) requirements may be found at: <http://www.dir.ca.gov/lcp.asp>. For more information, please refer to DIR's *Public Works Manual* at: <http://www.dir.ca.gov/dlse/PWManualCombined.pdf>. The Funding Recipient affirms that it is aware of the provisions of section 3700 of the Labor Code, which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance, and the Funding Recipient affirms that it will comply with such provisions before commencing the performance of the work under this Agreement and will make its contractors and subcontractors aware of this provision.
- D.25. MODIFICATION OF OVERALL WORK PLAN: At the request of the Funding Recipient, the State may at its sole discretion approve non-material changes to the portions of Exhibits A, B, and C which concern the budget and schedule without formally amending this Funding Agreement. Non-material changes with respect to the budget are changes

that only result in reallocation of the budget and will not result in an increase in the amount of the State Funding Agreement. Non-material changes with respect to the Project schedule are changes that will not extend the term of this Funding Agreement. Requests for non-material changes to the budget and schedule must be submitted by the Funding Recipient to the State in writing and are not effective unless and until specifically approved by the State's Program Manager in writing.

- D.26. **NONDISCRIMINATION:** During the performance of this Funding Agreement, Funding Recipient and its contractors or subcontractors shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of sex (gender), sexual orientation, race, color, ancestry, religion, creed, national origin (including language use restriction), pregnancy, physical disability (including HIV and AIDS), mental disability, medical condition (cancer/genetic characteristics), age (over 40), marital status, and denial of medial and family care leave or pregnancy disability leave. Funding Recipient and its contractors or subcontractors shall ensure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. Funding Recipient and its contractors or subcontractors shall comply with the provisions of the California Fair Employment and Housing Act (Gov. Code, § 12990.) and the applicable regulations promulgated there under (Cal. Code Regs., tit. 2, § 11000 et seq.). The applicable regulations of the Fair Employment and Housing are incorporated into this Agreement by reference. Funding Recipient and its contractors or subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.

Funding Recipient shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the Funding Agreement.

- D.27. **OPINIONS AND DETERMINATIONS:** Where the terms of this Funding Agreement provide for action to be based upon, judgment, approval, review, or determination of either party hereto, such terms are not intended to be and shall never be construed as permitting such opinion, judgment, approval, review, or determination to be arbitrary, capricious, or unreasonable.
- D.28. **PERFORMANCE BOND:** Where contractors are used, the Funding Recipient shall not authorize construction to begin until each contractor has furnished a performance bond in favor of the Funding Recipient in the following amounts: faithful performance (100%) of contract value, and labor and materials (100%) of contract value. This requirement shall not apply to any contract for less than \$25,000.00. Any bond issued pursuant to this paragraph must be issued by a California-admitted surety. (Pub. Contract Code, § 7103; Code Civ. Proc., § 995.311.)
- D.29. **PRIORITY HIRING CONSIDERATIONS:** If this Funding Agreement includes services in excess of \$200,000, the Funding Recipient shall give priority consideration in filling vacancies in positions funded by the Funding Agreement to qualified recipients of aid under Welfare and Institutions Code section 11200 in accordance with Public Contract Code section 10353.
- D.30. **PROHIBITION AGAINST DISPOSAL OF PROJECT WITHOUT STATE PERMISSION:** The Funding Recipient shall not sell, abandon, lease, transfer, exchange, mortgage, hypothecate, or encumber in any manner whatsoever all or any portion of any real or other property necessarily connected or used in conjunction with the Project, or with Funding Recipient's service of water, without prior permission of State. Funding Recipient shall not take any action, including but not limited to actions relating to user

fees, charges, and assessments that could adversely affect the ability of Funding Recipient meet its obligations under this Funding Agreement, without prior written permission of State. State may require that the proceeds from the disposition of any real or personal property be remitted to State.

- D.31. PROJECT ACCESS: The Funding Recipient shall ensure that the State, the Governor of the State, or any authorized representative of the foregoing, will have safe and suitable access to the Project site at all reasonable times during Project construction and thereafter for the term of this Agreement.
- D.32. REMAINING BALANCE: In the event the Grantee does not submit invoices requesting all of the funds encumbered under this Grant Agreement, any remaining funds revert to the State. The State will notify the Grantee stating that the Project file is closed and any remaining balance will be disencumbered and unavailable for further use under this Grant Agreement.
- D.33. REMEDIES NOT EXCLUSIVE: The use by either party of any remedy specified herein for the enforcement of this Funding Agreement is not exclusive and shall not deprive the party using such remedy of, or limit the application of, any other remedy provided by law.
- D.34. RETENTION: The State shall withhold ten percent (10%) of the funds requested by the Funding Recipient for reimbursement of Eligible Project Costs until the Project is completed and Final Report is approved. Any retained amounts due to the Funding Recipient will be promptly disbursed to the Funding Recipient, without interest, upon completion of the Project.
- D.35. RIGHTS IN DATA: Funding Recipient agrees that all data, plans, drawings, specifications, reports, computer programs, operating manuals, notes and other written or graphic work produced in the performance of this Funding Agreement shall be made available to the State and shall be in the public domain to the extent to which release of such materials is required under the California Public Records Act. (Gov. Code, § 6250 et seq.) Funding Recipient may disclose, disseminate and use in whole or in part, any final form data and information received, collected and developed under this Funding Agreement, subject to appropriate acknowledgement of credit to State for financial support. Funding Recipient shall not utilize the materials for any profit-making venture or sell or grant rights to a third party who intends to do so. The State shall have the right to use any data described in this paragraph for any public purpose.
- D.36. SEVERABILITY: Should any portion of this Funding Agreement be determined to be void or unenforceable, such shall be severed from the whole and the Funding Agreement shall continue as modified.
- D.37. SUSPENSION OF PAYMENTS: This Funding Agreement may be subject to suspension of payments or termination, or both if the State determines that:
- A. Funding Recipient, its contractors, or subcontractors have made a false certification, or
 - B. Funding Recipient, its contractors, or subcontractors violates the certification by failing to carry out the requirements noted in this Funding Agreement.
- D.38. SUCCESSORS AND ASSIGNS: This Funding Agreement and all of its provisions shall apply to and bind the successors and assigns of the parties. No assignment or transfer of this Funding Agreement or any part thereof, rights hereunder, or interest herein by the Funding Recipient shall be valid unless and until it is approved by State and made subject to such reasonable terms and conditions as State may impose.

- D.39. TERMINATION BY FUNDING RECIPIENT: Subject to State approval which may be reasonably withheld, Funding Recipient may terminate this Agreement and be relieved of contractual obligations. In doing so, Funding Recipient must provide a reason(s) for termination. Funding Recipient must submit all progress reports summarizing accomplishments up until termination date.
- D.40. TERMINATION FOR CAUSE: Subject to the right to cure under Paragraph 9, the State may terminate this Funding Agreement and be relieved of any payments should Funding Recipient fail to perform the requirements of this Funding Agreement at the time and in the manner herein, provided including but not limited to reasons of default under Paragraph 9.
- D.41. TERMINATION WITHOUT CAUSE: The State may terminate this Agreement without cause on 30 days' advance written notice. The Funding Recipient shall be reimbursed for all reasonable expenses incurred up to the date of termination.
- D.42. THIRD PARTY BENEFICIARIES: The parties to this Agreement do not intend to create rights in, or grant remedies to, any third party as a beneficiary of this Agreement, or any duty, covenant, obligation or understanding established herein.
- D.43. TIMELINESS: Time is of the essence in this Funding Agreement.
- D.44. TRAVEL: Travel includes the reasonable and necessary costs of transportation, subsistence, and other associated costs incurred by personnel during the term of this Funding Agreement. Any reimbursement for necessary travel and per diem shall be at rates not to exceed those set by the California Department of Human Resources. These rates may be found at: <http://www.calhr.ca.gov/employees/Pages/travel-reimbursements.aspx>. Reimbursement will be at the State travel and per diem amounts that are current as of the date costs are incurred. No travel outside the State of California shall be reimbursed unless prior written authorization is obtained from the State.
- D.45. UNION ORGANIZING: Funding Recipient, by signing this Funding Agreement, hereby acknowledges the applicability of Government Code sections 16645 through 16649 to this Funding Agreement. Furthermore, Funding Recipient, by signing this Funding Agreement, hereby certifies that:
- A. No State funds disbursed by this Funding Agreement will be used to assist, promote, or deter union organizing.
 - B. Funding Recipient shall account for State funds disbursed for a specific expenditure by this Funding Agreement to show those funds were allocated to that expenditure.
 - C. Funding Recipient shall, where State funds are not designated as described in (b) above, allocate, on a pro rata basis, all disbursements that support the program.
 - D. If Funding Recipient makes expenditures to assist, promote, or deter union organizing, Funding Recipient will maintain records sufficient to show that no State funds were used for those expenditures and that Funding Recipient shall provide those records to the Attorney General upon request.
- D.46. VENUE: The State and the Funding Recipient hereby agree that any action arising out of this Agreement shall be filed and maintained in the Superior Court in and for the County of Sacramento, California, or in the United States District Court in and for the Eastern District of California. The Funding Recipient hereby waives any existing sovereign immunity for the purposes of this Agreement.

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- D.47. WAIVER OF RIGHTS: None of the provisions of this Funding Agreement shall be deemed waived unless expressly waived in writing. It is the intention of the parties here to that from time to time either party may waive any of its rights under this Funding Agreement unless contrary to law. Any waiver by either party of rights arising in connection with the Funding Agreement shall not be deemed to be a waiver with respect to any other rights or matters, and such provisions shall continue in full force and effect.

Exhibit E**RESOLUTION NO. 7927**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH THE STATE OF CALIFORNIA DEPARTMENT OF WATER RESOURCES TO RECEIVE FUNDS FOR THE UPPER RESERVOIR NO. 4 REPLACEMENT PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

WHEREAS, the legislature of the State of California enacted and the Governor signed into law the 2018-2019 Budget Act (Senate Bill 840) to provide \$5 million in funding to the City of San Fernando for its Upper Reservoir No. 4 Replacement Project ("Project"); and

WHEREAS, the 2018-2019 Budget Act delegated the responsibility for the administration of the fund, including establishing the necessary procedures for disbursement of the fund, to the California Department of Water Resources ("CDWR"); and

WHEREAS, the 2018-2019 Budget Act appropriated no more than five percent administrative costs for the CDWR to administer the fund; and

WHEREAS, the City of San Fernando ("City") is the Lead Agency for the Project; and

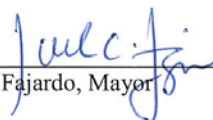
WHEREAS, the City agrees that the funds should be accepted and administered by the CDWR; and

WHEREAS, CDWR requires a resolution from the City authorizing the City to enter into an agreement with the CDWR to receive funds and specify an authorized signatory for the agreement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO DOES HEREBY RESOLVE, FIND, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1: Pursuant to the forgoing recitations, the City Council hereby authorizes the City to enter into an agreement with the State of California Department of Water Resources to receive \$5 million in funding for the Upper Reservoir No. 4 Replacement Project and authorizes the City Manager to sign and execute the agreement, and amendments thereto, with the State of California Department of Water Resources.


PASSED, APPROVED, AND ADOPTED this 17th day of June, 2019.


Joel Fajardo, Mayor

Grant Agreement No. 4600013505

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ATTEST:


Elena G. Chávez, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF SAN FERNANDO)

I HEREBY CERTIFY that the foregoing Resolution was approved and adopted at a regular meeting of the City Council held on the 17th day of June, 2019, by the following vote to wit:

AYES: Fajardo, Ballin, Lopez, Pacheco, Gonzales – 5

NOES: None

ABSENT: None

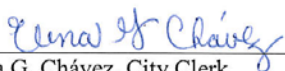

Elena G. Chávez, City Clerk

Exhibit F

REPORT FORMATS AND REQUIREMENTS

The following reporting formats should be utilized. Please obtain State approval prior to submitting a report in an alternative format.

1. PROGRESS REPORTS

Progress reports shall generally use the following format. This format may be modified as necessary to effectively communicate information.

PROJECT STATUS

Describe the work performed during the time period covered by the report including but not limited to:

PROJECT INFORMATION

- Legal matters
- Engineering Evaluations
- Environmental matters
- Status of permits, easements, rights-of-way, rights of entry and approvals as may be required by other State, federal, and/or local agencies
- Major accomplishments during the quarter (i.e. tasks completed, milestones met, meetings held or attended, press releases, etc.)
- Issues/concerns that have, will, or could affect the schedule or budget, with a recommendation on how to correct the matter
- Describe differences between the work performed and the work outlined in the Overall Work Plan, including change orders
- Demonstrate financial ability to pay local cost share of Eligible Project Costs required to complete the Project
- Estimate the percentage completion of the overall Project
- Identify key issues that need to be resolved
- Photos documenting progress

COST INFORMATION

- Provide a list showing all project costs incurred during the time period covered by the report by the Funding Recipient and each contractor working on the Project and which of these costs are Eligible Project Costs
- A discussion on how the actual budget is progressing in comparison to the project budget included in the Work Plan
- A list of any changes approved to the budget in accordance with Funding Agreement and a revised budget, by task, if changed from latest budget in the Work Plan
- A discussion of whether there have been any changes to the Funding Recipient's finance plan for payment of the Funding Recipient's share of Eligible Project Costs

SCHEDULE INFORMATION

- A schedule showing actual progress verses planned progress
- A discussion on how the actual schedule is progressing in comparison to the original or last reported schedule
- A list of any changes approved to the Schedule in accordance with Funding Agreement and a revised schedule, by task, if changed from latest reported schedule

2. GRANT COMPLETION REPORT

Grant Completion Reports shall generally use the following format.

EXECUTIVE SUMMARY – Should include a brief summary of project information and include the following items:

- Brief description of work proposed to be done in the original application
- Description of actual work completed and any deviations from the work plan identified in the Funding Agreement

REPORTS AND/OR PRODUCTS – The following items should be provided

- Final Evaluation report
- Electronic copies of any data collected, not previously submitted
- As-built drawings
- Self-Certification that the Project meets the stated goal of the funding agreement (e.g. 100-year level of flood protection, HMP standard, PI-84-99, etc.)
- Project photos
- Discussion of problems that occurred during the work and how those problems were resolved
- A final project schedule showing actual progress versus planned progress
- Certification of a California Registered Professional (Civil Engineer or Geologist as appropriate) that the project was conducted in accorded with the approved work plan and approved medication

COSTS AND DISPOSITION OF FUNDS – A list of showing:

- The date each invoice was submitted to State
- The amount of the invoice
- The date the check was received
- The amount of the check (If a check has not been received for the final invoice, then state this in this section.)
- A summary of final funds disbursement including:
 - Labor cost of personnel of agency/ major consultant /sub-consultants. Indicate personnel, hours, rates, type of profession and reason for consultant, i.e., design, CEQA work, etc.
 - Evaluation cost information, shown by material, equipment, labor costs, and any change orders

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- Any other incurred cost detail
- A statement verifying separate accounting of funding disbursements
- Summary of project cost including the following items:
 - Accounting of the cost of project expenditure;
 - Include all internal and external costs not previously disclosed; and
 - A discussion of factors that positively or negatively affected the project cost and any deviation from the original project cost estimate.

ADDITIONAL INFORMATION – Any relevant additional Information should be included.

Exhibit G

STATE AUDIT DOCUMENT REQUIREMENTS FOR FUNDING RECIPIENTS

The following provides a list of documents typically required by State Auditors and general guidelines for Funding Recipients. List of documents pertains to both State funding and Funding Recipient's Funding Match and details the documents/records that State Auditors would need to review in the event of this Funding Agreement is audited. Funding Recipients should ensure that such records are maintained for each funded project.

State Audit Document Requirements

Internal Controls

1. Organization chart (e.g., Agency's overall organization chart and organization chart for the State funded Project).
2. Written internal procedures and flowcharts for the following:
 - a) Receipts and deposits
 - b) Disbursements
 - c) State reimbursement requests
 - d) Expenditure tracking of State funds
 - e) Guidelines, policy, and procedures on State funded Program/Project
3. Audit reports of the Funding Recipient internal control structure and/or financial statements within the last two years.
4. Prior audit reports on the State funded Project.

State Funding:

1. Original Funding Agreement, any amendment(s) and budget modification documents.
2. A listing of public funds received from the State.
3. A listing of all other funding sources for the Project.

Contracts:

1. All subcontractor and consultant contracts and related or partners' documents, if applicable.
2. Contracts between the Funding Recipient and other public agencies as related to the State funded Project.

Invoices:

1. Invoices from vendors and subcontractors for expenditures submitted to the State for payments under the Funding Agreement.
2. Documentation linking subcontractor invoices to State reimbursement, requests and related Funding Agreement budget line items.
3. Reimbursement requests submitted to the State for the Funding Agreement.

Cash Documents:

1. Receipts (copies of warrants) showing payments received from the State.

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2. Deposit slips (or bank statements) showing deposit of the payments received from the State.
3. Cancelled checks or disbursement documents showing payments made to vendors, subcontractors, consultants, and/or agents under the grants or loans.
4. Bank statements showing the deposit of the receipts.

Accounting Records:

1. Ledgers showing entries for funding receipts and cash disbursements.
2. Ledgers showing receipts and cash disbursement entries of other funding sources.
3. Bridging documents that tie the general ledger to requests for Funding Agreement reimbursement.

Administration Costs:

1. Supporting documents showing the calculation of administration costs.

Personnel:

1. List of all contractors and Agency staff that worked on the State funded Program/Project.
2. Payroll records including timesheets for contractor staff and the Funding Recipient's personnel who provided services charged to the Project

Project Files:

1. All supporting documentation maintained in the Project files.
2. All Funding Agreement related correspondence.

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AGENDA REPORT

To: Mayor Joel Fajardo and Councilmembers

From: Nick Kimball, City Manager
By: Anthony Vairo, Police Chief
Nichole Hanchett, Police Lieutenant

Date: April 6, 2020

Subject: Consideration to Approve a Subaward Agreement with the City of Los Angeles For the 2019 Urban Area Security Initiative Grant Program, and to Approve an Agreement with Everbridge for an Emergency Mass Notification System

RECOMMENDATION:

It is recommended that the City Council:

- a. Approve the Subaward Agreement (Attachment "A"- Contract No. 1946) between the City of Los Angeles and the City of San Fernando (City) for the 2019 Urban Area Security Initiative (UASI) Grant Program;
- b. Approve the Agreement (Attachment "B" – Contract No. 1947) between Everbridge and the City for an Emergency Mass Notification System for a term of three years in the amount of \$37,474.58;
- c. Authorize the City Manager and the Chief of Police to execute the agreement; and
- d. Adopt Resolution No. 7993 (Attachment "C") amending the Fiscal Year (FY) 2019-2020 adopted budget to appropriate the grant expenditures and revenues for the UASI 19 Grant in the amount of \$38,060.

BACKGROUND:

1. The UASI grant program was first authorized by Congress in 2003 to help large urban areas enhance their capacity to prepare for, prevent, respond to, and recover from acts of terrorism. Funds may be used by jurisdictions for assessments and development of security strategies, equipment, training, and exercises to prepare for natural, technological, and human-caused disasters including terrorism.

Consideration to Approve a Subaward Agreement with the City of Los Angeles For the 2019 Urban Area Security Initiative Grant Program, and to Approve An Agreement with Everbridge for an Emergency Mass Notification System

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2. On October 31, 2018, staff submitted a request to purchase an Emergency Mass Notification System through the UASI 19 grant process. To prepare this request, staff contacted three vendors (Hyper-Reach, Code Red and Nixle) and obtained quotes from each.
3. On December 19, 2019, the City of Los Angeles provided the Subaward Agreement authorizing \$38,060 for the purchase of an Emergency Mass Notification System (Attachment "A" - Contract No. 1946).
4. On March 16, 2020, the City Council declared a local emergency due to the public threat caused by novel coronavirus (COVID-19) (Attachment "D"- Resolution No. 7992).
5. On March 19, 2020, due to the immediate need for a mass notification system during the declared state of emergency, staff was directed by the City Manager, in his role as Director of Emergency Services, to select one of the three vendors and obtain a contract for a mass notification service. This directive was executed pursuant to Section 26-63 of the San Fernando City Code which empowers the director of emergency services to, *"obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and bind the city for the fair value thereof and, if immediately, commandeer the supplies, equipment and other properties for public use."* (Attachment "E")
6. On March 19, 2020, staff obtained one additional bid from Everbridge. On March 20, 2020, the Police Chief, at the direction of the City Manager, executed a contract for an Emergency Mass Notification System from Everbridge for a term of three years totaling \$37,474.58 (Attachment "B"- Contract No. 1947).

ANALYSIS:

In order to optimize the opportunity for funding, the Police Department participates in the UASI grant program through a partnership with the Los Angeles County Police Chiefs Association (LACPCA) that submits requests for projects and funding as a whole. Projects are limited in scope depending upon guidelines set forth by the Department of Homeland Security (DHS).

An emergency mass notification system is essential for cities to disseminate information to residents during emergencies. This system allows real time dissemination of information and intelligence to the community through mobile, landline and Voice-Over Internet Phones (VOIP). This type of system is an eligible purchase under the UASI grant guidelines.

Prior to City Council's opportunity to consider approval of the Subaward Agreement, the City declared a local emergency due to the COVID-19 outbreak. Because an emergency had been declared, the City is authorized to bypass the bidding requirement for procurement of goods and

Consideration to Approve a Subaward Agreement with the City of Los Angeles For the 2019 Urban Area Security Initiative Grant Program, and to Approve An Agreement with Everbridge for an Emergency Mass Notification System

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services pursuant to San Fernando City Code (SFCC) Sec. 2-772(v) and SFCC Sec. 2-804 (Attachment “F”). In addition, current Federal Emergency Management Administration (FEMA) guidelines outlined in a March 17, 2020, memorandum titled, “Procurement Under Grants Conducted Under Emergency or Exigent Circumstances for COVID-19,” (Attachment “G”) allows non-state entities to noncompetitively procure contracts (i.e., sole-sourcing) under certain emergency or exigent circumstances.

Staff received bids from the four vendors: 1) Code Red, 2) Everbridge, 3) Hyper Reach, and 4) Nixle. Police Department staff reviewed and evaluated each proposal based on their reach capability, interoperability with Area “C” cities, and implementation methodology (i.e. active implementation = the company actively builds a database of numbers vs. passive = company requires customers to register themselves for the service).

	Code Red	Everbridge	Hyper Reach	Nixle
Reach Capability	Limited due to opt-in data provided by customer	Verified mobile, VoIP, and landline telephone records for 24,714 residents with annual update	Limited due to opt-in data provided by customer	Limited due to opt-in data provided by customer
Interoperability with Area C and Surrounding Cities	Not compatible	Used by Alhambra, Burbank, Glendale, La Canada Flintridge Pasadena, and City of Los Angeles Emergency Management Department	Not compatible	Not compatible
Implementation	Passive Implementation	Active Implementation	Passive Implementation	Passive Implementation

Three vendors – Code Red, Hyper Reach, and Nixle – require users to register themselves for the service and are not compatible with surrounding cities. Interoperability is important because it allows local users to receive wider regional notifications, which is especially important during regional events such as earthquakes or pandemics.

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Conversely, Everbridge actively registers users from a number of verified sources rather than relying on users to register themselves. Additionally, five of the ten Area “C” cities use Everbridge, which allows more regional messaging capabilities.

Everbridge demonstrated the most comprehensive reach capability through their “Resident Connection” platform. This platform contains verified mobile, landline and Voice Over Internet Protocol (VoIP) telephone records to use for mass notifications. This data is updated annually to improve accuracy. The data is acquired through multiple commercial and public sources versus traditional opt-in campaigns that are used by vendors such as NIXLE, Hyper-Reach and Code Red. Opt-in campaigns require the City to solicit residents to provide their contact information. This approach to data collection can limit the amount and accuracy of resident contact data.

In addition, five of the ten Area “C” partner cities and the City of Los Angeles utilize Everbridge, thus allowing for a more consistent platform for interoperability and regional mass notification. Finally, Everbridge is able to initiate implementation for the system immediately. Everbridge is the parent company of NIXLE. Consequently, Everbridge can upload resident data from the City’s current Nixle subscription for immediate use on their platform. The other vendors would need to obtain the resident data through traditional opt-in campaigns, which would create a delay with system implementation.

Based on the bid responses, Everbridge offers the best overall Emergency Mass Notification System that will significantly enhance the City’s existing emergency response information system.

BUDGET IMPACT:

This is a reimbursement grant process, where the City purchases the items and submits for reimbursement, which is 100% funded by the grant. Adoption of Resolution No. 7993 (Attachment “C”) is necessary to amend the FY 2019-2020 adopted budget to appropriate the grant expenditures and revenues (expense account #110-220-3625-4500 and revenue account #110-3696-3625) for the UASI 19 Grant.

CONCLUSION:

Staff recommends that the City Council approve the Subaward Agreement between the City of Los Angeles and the City of San Fernando for the USAI 19 grant program in the amount of \$38,060 and approve Resolution No. 7993 amending FY 2019-2020 Adopted Budget to appropriate Fund Revenues and Expenses. Staff also recommends the City Council approve the purchase of the

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Emergency Mass Notification System from Everbridge and authorize the City Manager and the Chief of Police to execute all related documents.

ATTACHMENTS:

- A. Contract No. 1946
- B. Contract No. 1947
- C. Resolution No. 7993
- D. Resolution No. 7992
- E. SFCC Section 26-63
- F. SFCC Sections 2-772 (v) and 2-804
- G. FEMA Memorandum

ATTACHMENT "A"



SUBAWARD AGREEMENT

Subrecipient: City of San Fernando

Title: FY 2019 Urban Area Security Initiative (UASI) Grant Program

City Contract Number _____

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EXHIBITS

- Exhibit A DHS Standard Conditions
- Exhibit B 2019 Standard Assurances for all Cal OES Federal Grant Programs
- Exhibit C Financial Management Forms Workbook
- Exhibit D Modification Request and Reimbursement Request Forms
- Exhibit E CalOES Forms
- Exhibit F Grants Management Assessment Form

AGREEMENT NUMBER _____ OF CITY CONTRACTS
BETWEEN
THE CITY OF LOS ANGELES
AND THE CITY OF SAN FERNANDO

THIS SUBAWARD AGREEMENT ("Agreement" or "Contract") is made and entered into by and between the City of Los Angeles, a municipal corporation (the "City"), and the City of San Fernando, a municipal corporation (the "Subrecipient"). In consideration of the mutual covenants set forth herein and the mutual benefits to be derived therefrom, the City and Subrecipient (each a "Party" and collectively, the "Parties") agree as follows:

I. GENERAL INFORMATION

§1.1 Federal Award Information

The "Federal award" (as such term is defined in the Code of Federal Regulations ("CFR"), 2 CFR §200.38, and used in this Agreement) is the Fiscal Year (FY) 2019 Urban Area Security Initiative Grant Program, FAIN # EMW-2019-SS-00035, CFDA #97.067, Federal Award Date April 12, 2019. This is not a "Research & Development" award as defined in 2 CFR §200.87 and 200.331, and there is no "indirect cost rate" for this federal award as defined in 2 CFR §200.56 and 200.331.

The "Federal awarding agency" (as such term is defined in 2 CFR §200.36 and used in this Agreement) is the United States Department of Homeland Security, Federal Emergency Management Agency, Grants Program Directorate ("DHS").

The State of California, through its Governor's Office of Emergency Services ("CalOES"), acts as the "pass-through entity" (as such term is defined in 2 CFR §200.74 and used in this Agreement) for the subaward of the Federal award to the City for the benefit of the Los Angeles/Long Beach Urban Area ("LA/LBUA") in the amount of \$56,236,000.

The City, acting through its Mayor's Office of Public Safety ("Mayor's Office"), acts as the pass-through entity for this subaward of the Federal award to Subrecipient.

§1.2 Subaward Information and Period of Performance

Subrecipient hereby accepts the following subaward ("Subaward") of the Federal award upon the terms and conditions set forth in this Agreement:

Subaward amount: **\$38,060.00**

Subaward Period of Performance ("Term"): **September 1, 2019
to May 31, 2022**

Match Requirement: **None**

Subrecipient Identifier: **D-U-N-S #: 868471335**

Indirect Cost Rate for Subaward: **None**

The term of this Agreement shall be the "Term" as set forth in this Section 1.2.

§1.3 Parties and Notice

The Parties to this Agreement, and their respective representatives who are authorized to administer this Agreement and to whom formal notices, demands and communications shall be given are as follows:

Party:	City of Los Angeles
Authorized Representative:	Jeff Gorell, Deputy Mayor
Authorized Department:	Mayor's Office of Public Safety
Address, Phone, Fax, E-mail:	200 N. Spring Street, Room 303 Los Angeles, CA 90012 Phone: (213) 978-0687 Email: jeff.gorell@lacity.org

Party:	City of San Fernando
Authorized Representative:	Lt. Nichole Hanchett
Authorized Department:	San Fernando Police
Address, Phone, Fax, E-mail:	910 1st Street San Fernando, California 91340 Phone: (818) 898-1258 Email: nhanchett@sfcity.org

Formal notices, demands and communications to be given hereunder by either Party shall be made in writing and may be effected by personal delivery or by registered or certified mail, postage prepaid, return receipt requested and shall be deemed communicated as of the date of mailing. If the name of the person designated to receive the notices, demands or communications or the address of such person is changed, written notice shall be given, in accordance with this section, within five business days of said change.

§1.4 Authorities

The Los Angeles City Council and the City's Mayor have accepted the Federal award and have authorized the City to execute this Agreement (C.F. # 19-0695, ___/___/___)

Subrecipient warrants that it has obtained written authorization from its governing board or authorized body to execute this Agreement and accept and use the Subaward. Subrecipient further warrants that such written authorization specifies that Subrecipient, governing board or authorized body agree:

- a. That any liability arising out of the performance of this Agreement shall be the responsibility of Subrecipient, governing board or authorized body.
- b. That Subaward funds shall not be used to supplant expenditures controlled by governing board or authorized body.
- c. That the official executing this Agreement is authorized to do so.

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II. SUBAWARD TERMS AND CONDITIONS

§2.1 Summary of Requirements

By executing this Agreement, Subrecipient hereby agrees that it shall comply with all terms and conditions set forth in this Agreement, which includes all guidance, regulations and requirements (collectively, "Requirements") of the Federal awarding agency and CalOES that are applicable to a recipient and/or subrecipient of a Federal award or grant. Such Requirements are set forth in the following documents and incorporated herein by this reference: (1) Department of Homeland Security FY 2019 Homeland Security Grant Program Notice of Funding Opportunity ("DHS NOFO"), (2) FY 2019 DHS Standard Terms and Conditions ("DHS Standard Conditions") (Exhibit A), (3) FEMA Information Bulletins ("IB"), (4) CalOES 2019 Homeland Security Grant Program California Supplement to the Federal Notice of Funding Opportunity ("CalOES Supplement"), (5) CalOES 2019 Standard Assurances for All CalOES Federal Grant Programs ("CalOES Assurances") (Exhibit B), (6) CalOES Grant Management Memos ("GMM"), and (7) the cost principles, uniform administrative requirements and audit requirements for federal grant programs as housed in Title 2, Part 200 of the CFR and in updates issued by the Office of Management and Budget ("OMB") on <http://www.whitehouse.gov/omb/>.

Subrecipient hereby certifies that it has the institutional, managerial and financial capability to ensure proper planning, management and completion of its projects being funded by the Subaward (Exhibit C).

§2.2 City Administrative Requirements

- A. Subrecipient acknowledges and agrees that the City is acting as a "pass-through entity" (as such term is defined in 2 CFR §200.74 and used in this Agreement) for this Subaward and that the City shall have the rights and obligations relating to this Subaward and its administration as set forth in this Agreement and in 2 CFR Part 200.
- B. Subrecipient and the City have previously completed a mutually approved Budget/Expenditure Plan as incorporated in the Financial Management Forms Workbook (the "Workbook"), which is pending approval by CalOES (the "Budget") and is attached hereto as Exhibit C. Upon approval by CalOES, such Budget shall be the effective Budget for this Agreement. The Workbook contains detailed listings of items and projects and the amount of Subaward funds allocated for such items and projects. The City shall provide Subrecipient with an electronic Workbook of Subrecipient's projects. Subrecipient shall use the Subaward funds strictly in accordance with the Workbook, and any expenditures not so made shall be deemed disallowed under this Subaward.

Any request by Subrecipient to modify the Workbook must be made in writing and accompanied by a completed Modification Request Form

(attached hereto as Exhibit D), all required supporting documentation and a revised Workbook showing such modification. Workbook modification requests must be submitted prior to deadlines set by the City. Inaccurate or incomplete requests shall be returned to the Subrecipient for revision. Subrecipient shall not expend any funds on modified Workbook items until such modification is approved by the City and CalOES.

- C. Subrecipient previously submitted to the City a Project Application in connection with the Subaward, which included a Project Timeline (“Project Timeline”) setting forth milestones and completion dates for projects funded under the Subaward. Subrecipient shall manage its projects in accordance with the Project Timeline and provide, in a timely manner, any plans and reports requested by the City regarding the status of such projects. If a Workbook modification request requires a modification to the Project Timeline, Subrecipient shall update the Project Timeline accordingly and submit it along with its Workbook modification request for approval.
- D. Subrecipient shall complete and deliver to the City all forms required by CalOES pertinent to the implementation of Subrecipient’s projects under the Subaward. Such forms, which are collectively attached hereto as Exhibit E, include: (1) an aviation equipment request form, (2) a watercraft equipment request form, (3) an Emergency Operations Center request form, (4) an Environmental and Historical Preservation (“EHP”) request form, and (5) a sole source procurement request form. Approval of such requests and forms shall be made by the City and CalOES in their respective sole discretion. Subrecipient acknowledges that all such forms must be approved by the City and CalOES **prior** to expending Subaward funds. Failure to gain advance approval of such completed requests and forms by the City and CalOES may result in the disallowance of such costs incurred by Subrecipient.
- E. Subrecipient agrees that any equipment, product, service or activity funded with this Subaward shall comply with any and all technological and/or interoperability specifications and standards as may be approved by the LA/LBUA region, and any such equipment, product, service or activity not so compliant shall be not eligible for funding by this Subaward. Subrecipient shall further ensure that it retains from its contractors, subcontractors, and vendors all rights related to inventions, copyrightable materials, and data for which the Federal awarding agency and CalOES has rights to, as more fully set forth in 2 CFR §315 and Section 2.3.P. of this Agreement.
- F. Any “equipment” (as such term is defined in 2 CFR §200.33 and used in this Agreement) acquired or obtained with Subaward funds: (1) shall be made available pursuant to applicable terms of the California Disaster and

Civil Defense Master Mutual Aid Agreement in consultation with representatives of the various fire, emergency medical, hazardous materials response services, and law enforcement agencies within the jurisdiction of the LA/LBUA, and deployed with personnel trained in the use of such equipment in a manner consistent with the California Law Enforcement Mutual Aid Plan or the California Fire Services and Rescue Mutual Aid Plan; (2) shall be consistent with needs as identified in the State Homeland Security Strategy and will be deployed in conformance with that Strategy; and (3) shall have an LA/LBUA identification decal affixed to it, and, when practical, shall be affixed where it is readily visible and prominently marked as follows: "*Purchased with funds provided by the U.S. Department of Homeland Security.*"

Subrecipient shall take a physical inventory of all equipment acquired or obtained with Subaward funds and reconcile the results with equipment records at least once every year.

- G. This Subaward is not a "fixed amount award" as such term is defined in 2 CFR §200.45. Subrecipient agrees that disbursement of this Subaward to Subrecipient shall be made on a reimbursement method. If Subrecipient requests advance payment of Subaward funds, Subrecipient shall comply with, and provide evidence to the City of compliance with, the criteria and obligations related to the use of advance payments as set forth in 2 CFR §200.305 as well as satisfying any other City and CalOES requirements for advance payments.

In requesting reimbursement from Subaward funds, Subrecipient shall provide to the City a completed Reimbursement Request Form (attached hereto as Exhibit D) along with invoices, purchase orders, proof of delivery, proof of payment and payroll records, timesheets, receipts and any other supporting documentation necessary to fully and accurately describe the expenditure of funds for which reimbursement from the Subaward is requested (collectively, the "Reimbursement Request"). All such supporting documentation for the Reimbursement Request shall satisfy applicable Federal, State and City audit and review standards and requirements. Such documentation shall be prepared at the sole expense and responsibility of Subrecipient, and the City and the Subaward will not reimburse the Subrecipient for any costs incurred for such preparation. The City reserves the right to request additional supporting documentation to substantiate costs incurred at any time. Inaccurate and/or incomplete Reimbursement Requests shall be returned to Subrecipient for revision.

The City shall forward Reimbursement Requests to CalOES for payment within thirty (30) days of receipt, provided such request is deemed accurate and complete. The City shall reimburse Subrecipient within thirty (30) days of its receipt of funds from CalOES.

Final Reimbursement Requests for this Subaward must be received by the City no later than one hundred twenty (120) days prior to the end of the Term to allow the City sufficient time to complete close-out activities for this Subaward (the "Reimbursement Deadline"). Any Reimbursement Request submitted after the Reimbursement Deadline shall be rejected unless approved by the Mayor's Office in advance of the Reimbursement Deadline. After the Reimbursement Deadline, any unexpended Subaward funds may be re-directed to other needs across the LA/LBUA region. The City will notify Subrecipient, in writing, when unexpended Subaward funds may be re-directed.

- H. Subrecipient acknowledges that the City makes no commitment to disburse Subaward funds beyond the terms set forth herein and that funding for all periods during the Subaward Term is subject to the continuing availability to the City of federal funds for this Subaward from CalOES and the Federal awarding agency. This Agreement may be terminated immediately upon written notice to Subrecipient of any loss or reduction of Subaward funds.

§2.3 DHS and CalOES Requirements

Subrecipient shall comply with all Requirements promulgated by DHS (which is the Federal awarding agency for this Subaward) and CalOES which are applicable to this particular Subaward and set forth in Section 2.1. Some of these DHS and CalOES Requirements are set forth below in this Section 2.3.

- A. Subrecipient will not use Subaward funds to supplant (replace) funds that have been budgeted for the same purpose through non-federal sources. Upon request by the City, CalOES and/or the Federal awarding agency, Subrecipient shall be required to demonstrate and document that a reduction in non-Federal resources occurred for reasons other than the receipt or expected receipt of Subaward funds. Subrecipient shall not charge any costs allocable under this Subaward to any other Federal award to overcome fund deficiencies, to avoid restrictions imposed by Federal statutes, regulations, or terms and conditions of Federal awards, or for other reasons. Subrecipient shall not be delinquent in the repayment of any Federal debt. Subrecipient must request instruction from the City and CalOES for proper disposition of any original or replacement equipment acquired with Subaward funds.
- B. Subrecipient shall comply with the requirement of 31 U.S.C. Section 3729-3733, which sets forth that no subgrantee, recipient or subrecipient of federal funds or payments shall submit a false claim for payment, reimbursement or advance. Subrecipient agrees to be subject to the administrative remedies as found in 38 U.S.C. Section 3801-3812 for violations of this requirement.

- C. Subrecipient shall comply with the provisions of *DHS Specific Acknowledgements and Assurances* section set forth in the DHS Standard Conditions and the *Reporting Accusations and Findings of Discrimination* section of the CalOES Assurances.
- D. Subrecipient shall comply with the provisions of the *Lobbying and Political Activities* section set forth in the CalOES Assurances. In connection thereto, Subrecipient hereby certifies that:
1. No Federal appropriated funds have been paid or will be paid, by or on behalf of Subrecipient, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.
 2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, Subrecipient shall complete and submit Standard Form-LLL "Disclosure Form to Report Lobbying" in accordance with its instructions.
 3. Subrecipient shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Subrecipient shall comply with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and §§7324-7328) which limits the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.

- E. As required by Executive Orders (EO) 12549 and 12689, and 2 CFR §200.213 and codified in 2 CFR Part 180, Subrecipient shall provide protection against waste, fraud and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the Federal government. Subrecipient hereby certifies that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 2. Have not within a three-year period preceding this Agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph 2.3.G.b. above; and
 4. Have not within a three-year period preceding this Agreement had one or more public transactions (Federal, State, or local) terminated for cause or default.
- F. Subrecipient shall comply with the Drug-Free Workplace Act of 1988 (41 U.S.C. §701 et seq.) which is adopted at 2 CFR Part 3001. In connection thereto, Subrecipient hereby certifies that it will or will continue to provide a drug-free workplace and a drug-free awareness program as outlined in such Act.
- G. Subrecipient shall comply with all Federal statutes relating to non-discrimination, including, without limitation, those statutes and provisions set forth in the *Non-Discrimination and Equal Employment Opportunity* section of the CalOES Assurances.

Subrecipient hereby certifies that it will comply with the Americans with Disabilities Act, 42 U.S.C. §12101 *et seq.*, and its implementing regulations (ADA), the Americans with Disabilities Act Amendments Act of 2008 (ADAAA), Pub. L. 110-325 and all subsequent amendments, Section 504 of the Rehabilitation Act of 1973 (Rehab. Act), as amended, 29 U.S.C. 794 and 24 CFR Parts 8 and 9, the Uniform Federal Accessibility Standards (UFAS), 24 CFR, Part 40, and the Fair Housing Act, 42 U.S.C. 3601, *et seq.*; 24 CFR Parts 100, 103, and 104 (FHA) and all implementing regulations. Subrecipient will provide reasonable accommodations to allow qualified individuals with disabilities to have access to and to participate in its programs, services and activities in accordance with the provisions of the ADA, the ADAAA, the Rehab Act, the UFAS and the FHA and all subsequent amendments. Subrecipient will not discriminate against persons with disabilities or against persons due to their relationship to or association with a person with a disability. Any contract entered into by Subrecipient (or any subcontract thereof),

relating to this Agreement, to the extent allowed hereunder, shall be subject to the provisions of this paragraph.

- H. Subrecipient shall comply with the provisions set forth in the *Environmental Standards* section of the CalOES Assurances.
- I. Subrecipient shall comply with the provisions set forth in the *Reporting-Accountability* section of the CalOES Assurances, which relate to compliance with the Federal Funding Accountability and Transparency Act and statutory requirements for whistleblower protections.
- J. Subrecipient shall comply with the provisions set forth in the *Human Trafficking* section of the CalOES Assurances, which relate to compliance with the Trafficking Victims Protection Act (TVPA) of 2000.
- K. Subrecipient shall comply with the provisions set forth in the *Labor Standards* section and *Worker's Compensation* section of the CalOES Assurances, which relate to compliance with various Federal statutes regarding labor standards and State worker's compensation requirements.
- L. Subrecipient shall comply with the provisions set forth in the *Property-Related* section of the CalOES Assurances and the provisions applicable to construction projects as set forth in the *Certifications Applicable to Federally-Funded Construction Projects* section of the CalOES Assurances.
- M. Subrecipient acknowledges the applicability of the Freedom of Information Act and the California Public Records Act to certain information as more fully set forth in the *Freedom of Information Act* section of the CalOES Assurances.
- N. Subrecipient shall comply with the provisions set forth in the *Best Practices for Collection and Use of Personally Identifiable Information (PII)* section of the CalOES Assurances.
- O. Subrecipient shall comply with the provisions set forth in the *Acknowledgement of Federal Funding from DHS and Use of DHS Seal, Logo and Flags* section of the CalOES Assurances, which relate to requirements for acknowledging the use of federal funds and obtaining approval for use of various DHS seals and logos.
- P. Subrecipient shall affix applicable copyright notices as required under the *Copyright* section of the CalOES Assurances and shall comply with and be subject to the provisions set forth in the *Patents and Intellectual Property Rights* section of the DHS Standard Conditions and the CalOES Assurances.

- Q. If the total value of Subrecipient's currently active grants, cooperative agreements, and procurement contracts from all Federal assistance office exceeds \$10,000,000.00 for any period of time during the period of performance of this Subaward, Subrecipient shall comply with the provisions set forth in the *Reporting of Matters Related to Recipient Integrity and Performance* section of the DHS Standard Conditions and the CalOES Assurances.
- R. Subrecipient shall comply with the SAFECOM Guidance for Emergency Communication Grants when using Subaward funds in connection with emergency communication equipment, including provisions on technical standards that ensure and enhance interoperable communications.
- S. Subrecipient shall establish safeguards to prohibit employees from using their positions for a purpose that constitutes, or presents the appearance of personal or organizational conflict of interest or personal gain. Subrecipient shall comply with all Federal and State conflict of interest laws and regulations.
- T. Subrecipient shall comply with California Vehicle Code sections 23123 and 23123.5, and the provisions set forth in the *Use of Cellular Device While Driving is Prohibited* section of the CalOES Assurances.
- U. Subrecipient must ensure that any project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.
- V. Subrecipient shall comply with the provisions set forth in the following sections of the DHS Standard Conditions and the CalOES Assurances; (1) *Energy Policy and Conservation Act*, (2) *Hotel and Motel Fire Safety Act of 1990*, (3) *Terrorist Financing E.O. 13224*, (4) *USA Patriot Act of 2001*, (5) *Fly America Act of 1974*, and (6) *Whistleblower Protections and Whistleblower Protection Act*.
- W. Subrecipient acknowledges and shall comply with the following Special Conditions and Corrective Actions applicable to this UASI 19 Subaward:
1. Subaward funding is subject to restricted drawdown for the duration of the Term;
 2. Subrecipient shall submit sufficient documentation to support expenditures prior to reimbursement or advance of funds. Documentation must include invoices, timesheets, evidence supporting overtime and backfill costs, cancelled checks or other proof of payment, and copies of related contracts (See §2.2.G). CalOES may

- request additional procurement material. CalOES will not issue reimbursement or advance payment until the documentation is reviewed and the payment is determined to be adequately supported;
3. The professional services agreement between Motorola and LA-RICS for the LMR System may not be used to purchase subscriber equipment unless meeting one of four federal exceptions to necessitate noncompetitive procurement;
 4. Failure to comply with these conditions may result in disallowed costs or additional restrictions on current and future subaward funding, pursuant to 2 CFR §200.205 and §200.338.

§2.4 Uniform Requirements for Federal Awards

Subrecipient acknowledges that this Subaward is a “Federal award” as such term is defined in 2 CFR §200.38 and that Subrecipient’s use of this Subaward is subject to the uniform administrative requirements, cost principles, and audit requirements for Federal awards which are codified in 2 CFR Part 200 (the “Uniform Requirements”). Subrecipient agrees that it is considered a “non-Federal entity” and a “subrecipient” as such terms are defined in 2 CFR §§200.69 and 200.93, respectively. Thus, Subrecipient hereby agrees to comply with, and be subject to, all provisions, regulations and requirements applicable to a “subrecipient” and a “non-Federal entity” as set forth in the Uniform Requirements. Further, Subrecipient agrees that the City and CalOES are each a “pass-through entity” as such term is defined in 2 CFR §200.74 and that each of them shall have the rights and remedies of a “pass-through entity” in relation to this Subaward and Subrecipient as set forth in the Uniform Requirements. Without limitation, some of these Uniform Requirements are set forth below in this Section 2.4.

- A. Subrecipient shall disclose to the City any potential conflict of interest in connection to this Subaward and its use in accordance with 2 CFR §200.112.
- B. Subrecipient shall comply with the mandatory disclosure requirements for violations of Federal criminal law involving fraud, bribery, or gratuity as set forth in 2 CFR §200.113.
- C. Subrecipient acknowledges that the City may impose additional specific conditions to this Subaward in accordance with 2 CFR §200.207, and Subrecipient shall comply with such conditions, including, but not limited to, the sampling of procurements and equipment to ensure grant compliance during the City’s bi-annual monitoring. Subrecipient shall also submit any annual certifications and representations deemed required by the City in accordance with 2 CFR §200.208.
- D. Financial Management and Internal Controls
Subrecipient shall comply with the requirements for a non-Federal entity

regarding financial management and the establishment of a financial management system, all as more fully set forth in 2 CFR §200.302. Further, Subrecipient shall comply with the requirements set forth in 2 CFR §200.303, which relate to certain obligations required of Subrecipient to maintain internal controls over the use of this Subaward.

Subrecipient shall complete and submit an annual Grants Management Assessment Form to the City (Exhibit G) to evaluate risk and determine grant funding eligibility.

E. In the event this Subaward requires cost sharing or matching of funds from Subrecipient, Subrecipient shall comply with the cost sharing and matching requirements set forth in 2 CFR §200.306.

F. Subrecipient shall comply with the requirements relating to program income as more fully set forth in 2 CFR §200.307.

G. Property Standards

When property (real, tangible or intangible) is, in whole or in part, improved, developed, purchased or otherwise acquired with Subaward funds, Subrecipient shall comply with the regulations set forth in 2 CFR §§200.310 through 200.316 ("Property Regulations"). These Property Regulations include, without limitation, provisions related to the following:

1. Requirements for insurance coverage for real property and equipment.
2. Requirements for title, use, disposition and transfer of title of "real property" (as defined in 2 CFR §200.85).
3. Regulations involving Federally-owned and exempt property.
4. Requirements for title, use, management (including recordkeeping, inventory, control systems and maintenance procedures), and disposition of "equipment" (as defined in 2 CFR §200.33).
5. Requirements for title, use and disposition of "supplies" (as defined in 2 CFR §200.94).
6. Requirements for title, rights, use and disposition of "intangible property" (as defined in 2 CFR §200.59). Such requirements include, without limitation, (a) a reservation of rights by the Federal awarding agency to a royalty-free, non-exclusive and irrevocable right to use certain copyrighted work or work subject to copyright, (b) the rights of the Federal government to data produced under the Subaward, (c) the applicability of the Freedom of Information Act to certain research data produced or acquired under the Subaward, and (d) Subrecipient's compliance with applicable regulations governing patents and inventions, including government wide regulations codified at 37 CFR Part 401.

Subrecipient agrees that it shall hold in trust all real property, equipment and intangible property acquired, developed or improved with Subaward funds in accordance with the provisions set forth in 2 CFR §200.316.

H. Procurement and Contracting Regulations

When procuring and/or contracting for property and/or services that are to be paid or reimbursed by any amount of Subaward funds, Subrecipient shall comply with all regulations applying to “non-Federal entities” as set forth in 2 CFR §§200.318 through 200.326 (the “Procurement Regulations”). These Procurement Regulations include, without limitation, provisions requiring the following:

1. Documentation and use of procurement procedures in compliance with Procurement Regulations.
2. Contracting oversight and maintenance of written standards of conduct covering conflicts of interest.
3. Compliance with federal standards regarding procurement and award of contracts, competition, and procurement methods.
4. Affirmative steps required to encourage contracting with small and minority businesses, women’s business enterprises, and labor surplus area firms.
5. Compliance with Section 6002 of the Solid Waste Disposal Act in the procurement of recovered materials.
6. Requirement to perform a cost or price analysis in connection with procurements.
7. Bonding requirements.
8. Requirement to make procurement documentation available for review by the City, CalOES and the Federal awarding agency.

In addition, Subrecipient must include in all of its contracts paid or reimbursed in whole or in part with Subaward funds the provisions set forth in Appendix II to 2 CFR Part 200 (Contract Provisions for non-Federal Entity Contracts under Federal Awards) as required by 2 CFR §200.326.

I. Financial and Performance Monitoring and Reporting

Subrecipient shall comply with the monitoring requirements for a non-Federal entity as set forth in 2 CFR §200.328, which requires the Subrecipient to oversee and monitor activities supported by the Grant to assure compliance with applicable Federal requirements and performance expectations. Further, Subrecipient shall comply with the financial and performance reporting requirements for a non-Federal entity as set forth in 2 CFR §§200.327 to 200.329 and any other reporting requirements that may be promulgated by the Federal awarding agency, CalOES or the City

in accordance with such regulations. Such reporting requirements include the provision of any information required for the assessment or evaluation of any activities funded by the Subaward and the reporting of information related to real property in which the Federal government retains an interest.

Subrecipient acknowledges that the City, as a “pass-through entity,” may make various findings, determinations, evaluations and reports regarding Subrecipient and its use of Subaward funds, as set forth in 2 CFR §§200.330 to 200.332. In accordance with such regulations, Subrecipient shall comply with, and timely grant to the City and its auditors, any monitoring requests, requests for on-site access to facilities, equipment and personnel, and requests for any other information as may be authorized under such regulations. Subrecipient shall also timely grant to the City and its auditors access to Subrecipient’s records and financial statements as required under 2 CFR §200.331(a)(5). In addition, Subrecipient shall comply with any conditions that may be placed upon Subrecipient as part of the City’s risk evaluation of Subrecipient under 2 CFR §200.331(b).

J. Record Retention and Access

Subrecipient shall comply with all records retention, maintenance, storage, transmission, and collection requirements applicable to a non-Federal entity as set forth in 2 CFR §§200.333 to 200.335.

In accordance with the provisions set forth in 2 CFR §200.336, Subrecipient hereby grants the Federal awarding agency, the Inspectors General, the Comptroller General of the United States, CalOES, and the City, or any of their authorized representatives, the right of access to any documents, papers, or other records of Subrecipient which are pertinent to the Subaward, in order to make audits, examinations, excerpts, and transcripts. This right also includes timely and reasonable access to Subrecipient’s personnel for the purpose of interview and discussion related to such documents. These access rights shall not be limited to any required record retention period but last as long as the records are retained, and access shall not otherwise be limited unless as specifically permitted under 2 CFR §§200.336 to 200.337.

Subrecipient shall require any of its subrecipients, contractors, successors, transferees and assignees to acknowledge and agree to comply with the provisions of this Section.

K. Cost Principles

Subrecipient shall comply with the cost principles for federal awards as set forth in 2 CFR Part 200 Subpart E (“Cost Principles”). Subrecipient acknowledges and agrees that any costs incurred by Subrecipient may only be charged to or reimbursed by Subaward funds if it is incurred in

compliance with all Requirements for the Subaward and is also deemed allowable and allocable under the Subaward in accordance with the provisions set forth in the Cost Principles.

L. Audit Requirements

By virtue of using Subaward funds, Subrecipient acknowledges and agrees that it is subject to the provisions set forth in 2 CFR Part 200 Subpart F ("Audit Requirements"). Subrecipient shall comply with all provisions applicable to a non-Federal entity and an "auditee" (as defined in 2 CFR §200.6) as set forth in such Audit Requirements, including the requirement to conduct a single audit if applicable.

M. Closeout and Post Closeout

Subrecipient shall comply with the obligations applicable to a non-Federal entity as it pertains to the closeout of this Subaward as set forth in 2 CFR §200.343. Subrecipient acknowledges and agrees that it shall continue to comply with the post closeout obligations set forth in 2 CFR §200.344 after closeout of the Subaward and expiration of the Term of this Agreement.

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III. STANDARD PROVISIONS

§3.1 Independent Party

Subrecipient is acting hereunder as an independent party, and not as an agent or employee of the City. No employee of Subrecipient is, or shall be, an employee of the City by virtue of this Agreement, and Subrecipient shall so inform each employee organization and each employee who is hired or retained under this Agreement. Subrecipient shall not represent or otherwise hold out itself or any of its directors, officers, partners, employees, or agents to be an agent or employee of the City by virtue of this Agreement.

§3.2 Construction of Provisions and Titles Herein

All titles, subtitles, or headings in this Agreement have been inserted for convenience and shall not be deemed to affect the meaning or construction of any of the terms or provisions hereof. The language of this Agreement shall be construed according to its fair meaning and not strictly for or against either party. The word "Subrecipient" herein and in any amendments hereto includes the party or parties identified in this Agreement. The singular shall include the plural. If there is more than one Subrecipient as identified herein, unless expressly stated otherwise, their obligations and liabilities hereunder shall be joint and several. Use of the feminine, masculine, or neuter genders shall be deemed to include the genders not used.

§3.3 Applicable Law, Interpretation and Enforcement

Each party's performance hereunder shall comply with all applicable laws of the United States of America, the State of California, the County and City of Los Angeles, including but not limited to, laws regarding health and safety, labor and employment, wage and hours and licensing laws which affect employees. This Agreement shall be enforced and interpreted under the laws of the State of California without regard to conflict of law principles. Subrecipient shall comply with new, amended, or revised laws, regulations, and/or procedures that apply to the performance of this Agreement.

In any action arising out of this Agreement, Subrecipient consents to personal jurisdiction, and agrees to bring all such actions, exclusively in state and federal courts located in Los Angeles County, California.

If any part, term or provision of this Agreement shall be held void, illegal, unenforceable, or in conflict with any law of a federal, state or local government having jurisdiction over this Agreement, the validity of the remaining parts, terms or provisions of this Agreement shall not be affected thereby.

§3.4 Integrated Agreement

This Agreement sets forth all of the rights and duties of the parties with respect to the subject matter hereof, and replaces any and all previous agreements or understandings, whether written or oral, relating thereto. This Agreement may be amended only as provided for herein.

§3.5 Excusable Delays

In the event that performance on the part of any party hereto shall be delayed or suspended as a result of circumstances beyond the reasonable control and without the fault and negligence of said party, none of the parties shall incur any liability to the other parties as a result of such delay or suspension.

Circumstances deemed to be beyond the control of the parties hereunder shall include, but not be limited to, acts of God or of the public enemy; insurrection; acts of the Federal Government or any unit of State or Local Government in either sovereign or contractual capacity; fires; floods; epidemics; quarantine restrictions; strikes, freight embargoes or delays in transportation; to the extent that they are not caused by the party's willful or negligent acts or omissions and to the extent that they are beyond the party's reasonable control.

§3.6 Breach

Except for excusable delays as described in §3.5 herein, if any party fails to perform, in whole or in part, any promise, covenant, or agreement set forth herein, or should any representation made by it be untrue, any aggrieved party may avail itself of all rights and remedies, at law or equity, in the courts of law. Said rights and remedies are cumulative of those provided for herein except that in no event shall any party recover more than once, suffer a penalty or forfeiture, or be unjustly compensated.

§3.7 Prohibition Against Assignment or Delegation

Subrecipient may not, unless it has first obtained the written permission of the City:

- A. Assign or otherwise alienate any of its rights hereunder, including the right to payment; or
- B. Delegate, subcontract, or otherwise transfer any of its duties hereunder.

§3.8 Indemnification

Each of the parties to this Agreement is a public entity. In contemplation of the provisions of Section 895.2 of the Government Code of the State of California imposing certain tort liability jointly upon public entities, solely by reason of such entities being parties to an Agreement as defined by Section 895 of said Code, the parties hereto, as between themselves, pursuant to the authorization contained in Sections 895.4 and 895.6 of said Code, will each assume the full liability imposed upon it or upon any of its officers, agents, or employees by law, for injury caused by a negligent or wrongful act or omission occurring in the performance of this Agreement, to the same extent that such liability would be imposed in the absence of Section 895.2 of said Code. To achieve the above-stated purpose, each party indemnifies and holds harmless the other party solely by virtue of said Section 895.2. The provision of Section 2778 of the California Civil Code is made a part hereto as if fully set forth herein. Subrecipient certifies that it has adequate self-insured retention of funds to meet any obligation arising from this Agreement.

- A. Pursuant to Government Code Sections 895.4 and 895.6, the parties shall each assume the full liability imposed upon it, or any of its officers, agents or employees, by law for injury caused by any negligent or wrongful act or omission occurring in the performance of this Agreement.
- B. Each party indemnifies and holds harmless the other party for any loss, costs, or expenses that may be imposed upon such other party by virtue of Government Code section 895.2, which imposes joint civil liability upon public entities solely by reason of such entities being parties to an agreement, as defined by Government Code section 895.
- C. In the event of third-party loss caused by negligence, wrongful act or omission by both Parties, each party shall bear financial responsibility in proportion to its percentage of fault as may be mutually agreed or judicially determined. The provisions of Civil Code Section 2778 regarding interpretation of indemnity agreements are hereby incorporated.

§3.9 Subcontractor Assurances

Subrecipient shall contractually obligate all of its contractors, subcontractors and vendors funded by Subaward funds as may be required to ensure that Subrecipient can comply with all of the Requirements and other provisions of this Agreement.

§3.10 Remedies for Noncompliance

Subrecipient acknowledges and agrees that, in the event Subrecipient fails to comply with the terms and conditions of this Agreement or with any Requirements referenced in Section 2.1 above, the Federal awarding agency, CalOES or the City shall have the right to take one or more of the actions set forth in 2 CFR §200.338. Such actions may include, without limitation, the withholding of cash payments, suspension and/or termination of the Subaward, and the disallowing of certain costs incurred under the Subaward. Any costs incurred by Subrecipient during a suspension or after termination of the Subaward shall not be considered allowable under the Subaward unless allowed under 2 CFR §200.342. Subrecipient shall be liable to the Federal awarding agency, CalOES and the City for any Subaward funds the Federal awarding agency or CalOES determines that Subrecipient used in violation of any Requirements reference in Section 2.1 above, and Subrecipient shall indemnify and hold harmless the City for any sums the Federal awarding agency or CalOES determines Subrecipient used in violation of such Requirements.

Subrecipient shall be granted the opportunity to object to and challenge the taking of any remedial action by the Federal awarding agency, CalOES or the City in accordance with the provisions set forth in 2 CFR §200.341.

§3.11 Termination

Subrecipient acknowledges and agrees that the Subaward, and any obligation to disburse to or reimburse Subrecipient in connection thereto, may be terminated in whole or in part by the Federal awarding agency, CalOES or the City as set forth in 2 CFR §200.339. Subrecipient shall have the right to terminate the

Subaward only as set forth in 2 CFR §200.339. In the event the Subaward is terminated, all obligations and requirements of this Agreement and the Grant shall survive and continue in full force and effect in connection with any portion of the Subaward remaining prior to such termination, including, without limitation, the closeout and post closeout requirements set forth in this Agreement.

§3.12 Amendments

Any change in the terms of this Agreement, including the performance period of the Subaward and any increase or decrease in the amount of the Subaward, which are agreed to by the City and Subrecipient shall be incorporated into this Agreement by a written amendment properly executed and signed by the person authorized to bind the parties thereto.

§3.13 Complete Agreement

This Agreement sets forth all of the rights and duties of the parties with respect to the subject matter hereof, and replaces any and all previous agreements or understandings, whether written or oral, relating thereto. This Agreement may be amended only as provided for herein and neither verbal agreement nor conversation with any officer or employee of either party shall affect or modify any of the terms and conditions of this Agreement. This Agreement is executed in two duplicate originals, each of which is deemed to be an original. This Agreement includes twenty-one (21) pages and six Exhibits which constitute the entire understanding and agreement of the parties.

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IN WITNESS WHEREOF, the City and Subrecipient have caused this Subaward Agreement to be executed by their duly authorized representatives.

<p>APPROVED AS TO FORM: MICHAEL N. FEUER, City Attorney</p> <p>By _____ Deputy City Attorney</p> <p>Date _____</p>	<p>For: THE CITY OF LOS ANGELES ERIC GARCETTI, Mayor</p> <p>By _____ Eric Garcetti, Mayor Mayor's Office of Public Safety</p> <p>Date _____</p>
<p>ATTEST:</p> <p>HOLLY L. WOLCOTT, City Clerk</p> <p>By _____ Deputy City Clerk</p> <p>Date _____</p>	
<p>APPROVED AS TO FORM:</p> <p>By _____ Assistant/Deputy City Attorney</p> <p>Date _____</p>	<p>For: CITY OF SAN FERNANDO</p> <p>By _____</p> <p>Date _____</p>
<p>ATTEST:</p> <p>By _____</p> <p>Date _____</p>	<p>[SEAL]</p>

City Business License Number: _____

Internal Revenue Service ID Number: _____

Council File/OARS File Number: C.F. # 19-0695; Date of Approval: / /

City Contract Number: _____



155 North Lake Avenue, Suite 900
Pasadena, CA 91101 USA

tel: +1-818-230-9700
fax: +1-818-230-9505

www.everbridge.com

Quotation

Prepared for:

Irwin Rosenberg
City of San Fernando
910 1st St
San Fernando CA 91340
USA
Ph: (818) 898-1254
Fax:
Email: irosenberg@sfcity.org

Quote #: Q-43670
Date: 3/18/2020
Expires On: 3/31/2020
Confidential

Salesperson: Nathan Russell
Phone:
Email: nathan.russell@everbridge.com

Contract Summary Information:

Contract Period: 36 Months

Contact Summary:

Household Count:	9,542
Employee Count:	

Year 1

QTY	DESCRIPTION	PRICE
1	Mass Notification Base	USD 7,167.06
24,714	Resident Connection – Annual Update	USD 5,000.01
Year 1 TOTAL:		USD 12,167.07

Year 2

QTY	DESCRIPTION	PRICE
1	Mass Notification Base	USD 7,167.06
24,714	Resident Connection – Annual Update	USD 5,000.01
Year 2 TOTAL:		USD 12,167.07

Year 3

QTY	DESCRIPTION	PRICE
1	Mass Notification Base	USD 7,167.06
24,714	Resident Connection – Annual Update	USD 5,000.01
Year 3 TOTAL:		USD 12,167.07

Setup

QTY	DESCRIPTION	PRICE
1	Calculated Set Up Fee	USD 973.37
Setup TOTAL:		USD 973.37

Pricing Summary:

Price:	USD 12,167.07
Year One Fees:	USD 12,167.07
One-time Implementation and Setup Fees:	USD 973.37
Professional Services:	USD 0.00
Total Year One Fees Due:	USD 13,140.44

Ongoing Fees:

Year Two Fees:	USD 12,167.07
Year Three Fees:	USD 12,167.07

Terms & Conditions

1. Additional rates apply for all international calls.
2. This Quote and the Service(s) provided are subject to the Everbridge, Inc. Core Platform Service Agreement ("Service Agreement") current as of the date of Client's signature below. Please visit <https://www.everbridge.com/wp-content/uploads/2017/02/SLG-MasterServices-Agreement-v6-lkd-01.29.17-FINAL.pdf> to view the Service Agreement in its entirety.
3. For the avoidance of doubt, Everbridge provides to Client a limited, non-exclusive, non-transferable, non-sublicensable, right to use any phone, email, and contact data files provided by Everbridge to Client ("Resident Connection Data") in connection with Everbridge services. Resident Connection Data is Confidential Information of Everbridge and is subject to the confidentiality obligations and the license restrictions of the Service Agreement between the parties. Unless provided herein, Resident Connection Data is owned expressly by Everbridge and rights to use such data terminates upon the expiration of the Service Agreement.
4. If you are purchasing any of our Secure Messaging products for healthcare, those Service(s) are subject to our Business Associate Agreement. Please visit <http://www.everbridge.com/Business-Associate-Form-lkd-v1-7.7.15.pdf> to review the Business Associate Agreement in its entirety.
5. By signing this Quote you represent that you read, understand and agree to the terms of the Service Agreement, and the Business Associate Agreement if applicable, and are authorized on behalf of the Client to execute the Quote and bind Client to the agreement(s).
6. Subject to sales taxes where applicable.
7. Except for currency designation, the supplemental notes below, if any, supplied in this Quote are for informational purposes and not intended to be legally binding or override the language of the Service Agreement (*Year One Fees are the total of the first year annual subscription fees and any one-time fees, i.e., Professional Services.)



SYSTEM INCLUSION

Confidential

Everbridge Mass Notification BASE for Residents

Everbridge Mass Notification Base for Residents allows users to send notifications to individuals or groups using lists, locations, and visual intelligence. Everbridge Mass Notification is supported by state-of-the-art security protocols, an elastic infrastructure, advanced mobility, interactive reporting and analytics, adaptive people and resource mapping to mirror your organization, and true enterprise class data management capabilities to provide a wide array of data management options.

Usage*

- Unlimited Life-safety Notifications via Voice, True SMS, Fax, Email and Push Notification
- Unlimited Non-Emergency Notifications via Email and Push Notification

**Usage above applies to notifications generated through the Everbridge Manager user interface. Automated notifications via Broadcast API and/or Email Ingestion are subject to additional fees*

Core Platform Access

- Unlimited Users for web-based portal to initiate messages, reporting, and administration
- Unlimited Users for ManageBridge Application (iOS, Android) and Mobile Optimized Notification Site (for Blackberry, etc.)
- Three (3) Organization with unlimited nested static and dynamic groups
- One (1) Contact Data Location
- Custom branded community opt-in portal with custom fields and opt-in subscriptions
- Flexible role-based access controls to manage user permissions
- Access to Real-Time Dashboard, Notifications Library, Everbridge Universe, and Custom Reporting

Key Notification Features

- Integrated GIS/Map-based, rule-based, group-based, or individual contact selection Ability to send standard, polling, or on-the-fly 'One-Touch' Conference Call messages
- Publish notifications directly to Websites and services that support API access via HTTPS using 'Web Posting'
- Publish notifications directly to the Smartphones of employees via Everbridge Mobile Application (fka ContactBridge)
- Access to IPAWS for authorized agencies – *Only available to US contacts*
- Map-based drawing and selection tools and imported shape files (e.g. Google Maps, Bing Maps, ESRI)
- Organization specific customizable caller ID, greetings, and broadcast settings SMPP based SMS text messaging
- SMPP based True SMS text messaging
- One-screen broadcast creation workflow to speed message creation and reduce human error
- Everbridge Network to access situational intelligence & notifications shared by other public and private groups
- Automatic address geo-coding for contacts
- 5 Live Operator Message Initiations per year
- Interactive Dashboard for Organizational Activity Summary
- Unlimited Mass Notification Templates
- Self-service Single Contact Record Adjustments, Contact Import via CSV Upload and via Contact API
- Basic Audio Bulletin Board
- 4 Everbridge basic conference bridge codes

Set-up, Implementation & Support

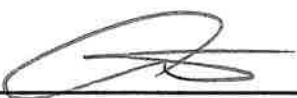
- Up to 10 remote hours of support via a dedicated Implementation Specialist during a Standard Implementation. These 10 hours are inclusive of web-based training, system testing, and administrative set-up. Your Implementation Specialist will also deliver your EB Suite system with best-practice recommended settings configured.
- Initial Contact Data Upload and Test Broadcast Support
- Unlimited Access to Everbridge University classes
- 24x7 Customer Support (phone, web, email)
- Global Support/Operations Centers for Redundant Live Support

For a full product description, along with best practices and product details please see the Everbridge User Guide and Everbridge University.

www.everbridge.com

Rev. April 2019

Authorized by Everbridge:**Signature:****Date:****Name (Print):****Title:****To accept this quote, sign, date and return:****Signature:****Date:****Name (Print):****Title:**


ANTHONY V. ARRIAGA
PER CITY MANAGER
NICK K. BAIL

3/20/20

CHIEF OF POLICE

155 North Lake Avenue, Suite 900
Pasadena, CA 91101 USA
Tel: +1-818-230-9700
Fax: +1-818-230-9505

THANK YOU FOR YOUR BUSINESS!

ATTACHMENT “C”**RESOLUTION NO. 7993****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SAN FERNANDO, CALIFORNIA, AMENDING THE BUDGET
FOR THE FISCAL YEAR 2019-2020 ADOPTED ON JULY 1,
2019**

WHEREAS, the City of Council has received and considered the proposed adjustment to the budget for Fiscal Year 2019-2020, commencing July 1, 2019, and ending June 30, 2020; and

WHEREAS, the City Council has determined that it is necessary to amend the revenues and expenditures of the current City budget; and

WHEREAS, an annual budget for the City of San Fernando for the Fiscal Year beginning July 1, 2019 and ending June 30, 2020, a copy of which is on file in the City Clerk's Office, has been adopted on July 1, 2020.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, DOES HEREBY RESOLVE, FIND, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The following adjustments are made to the City Budget:

ACCEPTANCE OF URBAN AREA SECURITY INITIATIVE (UASI) 19 GRANT FUNDS

Fund 110-220-3625-4500

Increase in Expenditures: \$ 38,060

Fund 110-3696-3625:

Increase in Revenues: \$ 38,060

PASSED, APPROVED, AND ADOPTED this 6th day of April, 2020.

Joel Fajardo, Mayor

ATTEST:

Elena G. Chávez, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF SAN FERNANDO)

I HEREBY CERTIFY that the foregoing Resolution was approved and adopted at a regular meeting of the City Council held on the 6th day of April, 2020, by the following vote to wit:

AYES:

NOES:

ABSENT:

Elena G. Chávez, City Clerk

RESOLUTION NO. 7992**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, DECLARING A LOCAL EMERGENCY DUE TO THE PUBLIC THREAT CAUSED BY CORONAVIRUS (COVID-19)**

WHEREAS, Coronavirus, also known as COVID-19, was first reported in China in December 2019; and

WHEREAS, in less than three (3) months, COVID-19 has infected over 135,000 people in 120 cases and has caused nearly 5,000 deaths; and

WHEREAS, COVID-19 can take up to 14 days to exhibit symptoms, is highly contagious (even when not showing symptoms), and has no known vaccine; and

WHEREAS, COVID-19 was first identified in the United States on January 21, 2020, and since then, there has been a total of 1,599 confirmed cases and 40 deaths; and

WHEREAS, public facilities, schools, major events, and activities throughout Southern California have been cancelled, closed or postponed; and

WHEREAS, on February 26, 2020, the Centers for Disease Control and Prevention ("CDC"), confirmed the first possible case of community transmission of the COVID-19 in the United States; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom declared a State of Emergency and the County of Los Angeles, City of Los Angeles, City of Long Beach and City of Pasadena all declared Local Emergencies; and

WHEREAS, on March 11, 2020, the World Health Organization ("WHO") publicly characterized COVID-19 as a pandemic; and

WHEREAS, on March 12, 2020, Governor Newsom issued Executive Order N-25-20 in a further effort to confront and contain COVID-19, that among other things suspended certain provisions of the Ralph M. Brown Act providing local agencies with greater flexibility to hold meetings via teleconferencing; and

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency due to the continued spread and the effects of COVID-19; and

WHEREAS, as of the date of this Resolution the City of San Fernando ("City") has taken the following measures to address the COVID-19 outbreak: all community events, recreation and senior programs, except for the Senior Nutrition program, have been cancelled until further notice; the Senior Nutrition program will be take-home until further notice and staff is exploring

expanding the program to provide additional meals; City Hall has limited public access hours and all park facilities are closed to the public; and the City has been constantly updating the website, www.sfcity.org, and social media to provide up to date information to the public; and

WHEREAS, the City Council does hereby find the following:

1. That the above recitals are true and correct and based thereon, hereby finds that the spread and potential further spread of COVID-19 constitutes a situation that severely impairs the public health and safety within the City and constitutes conditions of extreme peril to the safety of persons and property within the City;
2. That these conditions are likely to be beyond the control of the services, personnel, equipment, and facilities of the City; and
3. That the conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency;

WHEREAS, Chapter 26, Section 61 of the San Fernando Municipal Code specifies the City's Emergency Organization Team shall be comprised of all officers, and employees of the City, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under subsection 26-63(a)(6)c be charged with duties incident to the protection of life and property in the City during such emergency; and

WHEREAS, Chapter 26, Section 62 creates the following officers, city administrator shall serve as director of emergency services, the chief of police shall serve as vice director of emergency services, the director of public works shall serve as assistant director of emergency services, and a representative of the City's Police Department shall serve as the coordinator of emergency services; and

WHEREAS, Chapter 26, Section 63 creates all of the powers and duties of the City's Emergency Organization Team.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, DOES HEREBY RESOLVE, FIND, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. At the City Council Regular meeting of March 16, 2020, the City Council declared a Local Emergency due to Coronavirus (COVID-19).

SECTION 2. That during the threatened existence and actual existence of the local emergency, the powers, functions, and duties of the Director of Emergency Services and the emergency organization of the City shall be those prescribed by state law, by ordinances, and resolutions of the City and approved by the City Council.

SECTION 3. That the City of San Fernando's Emergency Organization Team are hereby authorized to exercise their powers and duties as provided in § 26.63 of the San Fernando Municipal Code.

SECTION 4. To ensure that City vendors are paid in a timely manner, the City Manager and the City Treasurer are authorized and directed to approve the claims and demands, make payments thereon, and finally to bring those claims and demands to the City Council at future meetings for ratification of the payments made.

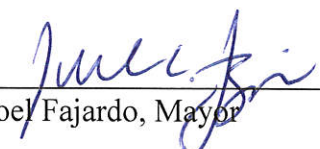
SECTION 5. That the City Council will utilize, to the extent reasonably feasible and appropriate, the ability to conduct its council meetings via teleconferencing and other electronic means to permit councilmembers and members of the public to adopt social distancing to the greatest extent possible while still proceeding with the efficient handling of the City's business, in compliance with California Executive Order N-25-20.

SECTION 6. To the full extent ordered by the County of Los Angeles Public Health Department and the State of California, all business establishments for which members of the public typically congregate for eating, recreation or exercise (e.g., restaurants, bars, nightclubs, gymnasiums and the like) shall adhere to the operational restrictions established by declaration, proclamation or executive order of the County of Los Angeles Public Health Department; the State of California and the federal government of the United States of America, including the office of the President of the United States.

SECTION 7. To the fullest extent permitted by applicable law, declaration or executive order of the State of California or as may otherwise be provided under the San Fernando Municipal Code or collective bargaining agreement, the City Manager shall be authorized to make such urgency expenditures as may be necessary to preserve the public health safety and welfare and make such personnel assignments as may be necessary for the orderly and effective functioning of City government, including but not limited to services that directly impact the health and safety of the public.


SECTION 8. That the City Clerk shall certify to the adoption of this Resolution which shall be effective upon its adoption.

PASSED, APPROVED, AND ADOPTED this 16th day of March, 2020.



Joel Fajardo, Mayor

ATTEST:



Elena G. Chávez, City Clerk

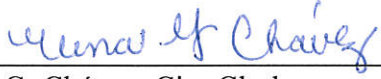
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF SAN FERNANDO)

I HEREBY CERTIFY that the foregoing Resolution was approved and adopted at a regular meeting of the City Council held on the 16th day of March, 2020, by the following vote to wit:

AYES: Fajardo, Pacheco, Ballin, Gonzales, Mendoza – 5

NOES: None

ABSENT: None



Elena G. Chávez, City Clerk

Sec. 26-63. - Powers and duties of officers.

- (a) The director of emergency services is empowered to:
- (1) Request the city council to proclaim the existence or threatened existence of a local emergency if the city council is in session or to issue such proclamation if the city council is not in session. Whenever a local emergency is proclaimed by the director, the city council shall take action to ratify the proclamation within seven days thereafter or the proclamation shall have no further force or effect.
 - (2) Request the governor to proclaim a state of emergency when, in the opinion of the director, the locally available resources are inadequate to cope with the emergency.
 - (3) Control and direct the effort of the city's emergency organization for the accomplishment of the purposes of this chapter.
 - (4) Direct cooperation between the coordination of services and staff of the city's emergency organization and resolve questions of authority and responsibility that may arise between them.
 - (5) Represent this city in all dealings with public or private agencies on matters pertaining to emergencies as defined in this chapter.
 - (6) If the proclamation of a local emergency is made as provided in this section, the proclamation of a state of emergency by the governor or the director of the state office of emergency services or the existence of a state of war emergency, the director is empowered to:
 - a. Make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the city council;
 - b. Obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and bind the city for the fair value thereof and, if required immediately, commandeer the supplies, equipment and other properties for public use;
 - c. Require emergency services of any city officer or employee and, if the proclamation of a state of emergency is declared in the county in which this city is located or there is the existence of a state of war emergency, command the aid of as many citizens of this community as he/she deems necessary in the execution of his/her duties. Such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers;
 - d. Requisition necessary personnel or material of any city department or agency; and
 - e. Execute all of his/her ordinary powers as city administrator; all of the special

- e. Reimbursement of expenses
- f. Petty cash reimbursement
- g. Medical payments (physicians, labs, etc.)
- h. Newspaper advertisements and notices
- i. Dues to approved organizations
- j. Payments to other governmental units
- k. Utility service usage payments, utility connection, and/or installation charges
- l. Attorney services
- m. Postage, courier/delivery/messenger services
- n. Land
- o. Buildings
- p. Debt services
- q. Grants
- r. Claim settlements

2. **Additional exceptions to the Bidding requirements:**

- a. The cost of the goods or services is less than \$2,500.
- b. When it is in the best interest of the City to negotiate an extension of an existing contract based upon satisfactory performance, such negotiated price must be fair and reasonable. If the contract is over the bidding thresholds, negotiation must be approved by City Council.
- c. When competitive quotations for goods and services cannot be obtained (e.g., a sole source purchase) such purchase shall be made through negotiated procurement and in consultation with the Finance Department.
- d. **An urgent situation exists as noted in SFCC Sec. 2-772(v) and SFCC Sec. 2-804.**
- e. **Cooperative purchasing.** The bidding requirements of SFCC Sec. 2-800 shall not apply to the purchasing of any equipment or supplies which the Purchasing Agent decides to obtain through a cooperative competitive bidding procedure, being prepared by and processed through another local, state, or federal governmental agency. Approval of a cooperative purchase shall be obtained from City Council for an award of a purchase in an amount exceeding \$25,000.
- f. **Piggybacking** onto another government agency's competitive bid SFCC Sec. 2-802(b). If the Purchasing Officer determines it to be in the best interest of the City, the Purchasing Officer is authorized to "piggyback" onto or join into an existing written purchase contract, which was obtained through a competitive bidding process prepared by and awarded by another local, state or federal government agency. Approval of a "piggyback" shall be obtained from City Council for an award of a purchase in an amount exceeding \$25,000.

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Sec. 2-772. - Definitions.

- (a) *Bidder's list*. "Bidder's list" shall mean a list of responsible prospective vendors capable of providing the items being bid upon.
- (b) *Cooperative bid*. "Cooperative bid" is when several government agencies join together to create one bid document combining all agencies product volume for consideration of the bidder in determining the unit cost.
- (c) *Emergency*. As determine I, including, but not limited to, states of emergency defined in Government Code Section 8558, when repair or replacements are necessary to permit the continued conduct of the operation of city services, or to avoid danger to life or property, repair or replace any public facility without adopting plans, specification, or working details or give notice for bids to let a contract or public works construction contract.
- (d) *Equipment*. "Equipment" shall mean furnishings, machinery, vehicles, rolling stock, and other personal property used in the city's business.
- (e) *General services*. "General services" are services which do not require any unique skill, special background, training, and obtaining such services at the lowest cost should be the single most important factor in selection, as opposed to personal performance. Examples of general services include uniform cleaning and maintenance services.
- (f) *Local vendor*. "Local vendor" means a person, firm, partnership, corporation or other legal entity which: (a) has its principal place of business within the jurisdictional boundaries of the City; and (b) has continuously maintained a business license with the City for a period of at least 12 months from the date bids are due.
- (g) *Lowest responsive and responsible bidder*. The term "lowest responsive and responsible bidder" means a bidder who has submitted the lowest monetary bid in response to bid solicitation and who is also a responsible bidder and a responsive bidder. If a bid solicitation has additive or deductive items the lowest monetary bid shall be determined by the city in the bid solicitation documents in any of the manners prescribed under California Public Contract Code Section 10126, Subdivision (c).
- (h) *Maintenance work*. "Maintenance Work" shall mean:
 - (1) Routine, recurring, and usual work for the cleaning, preservation, or protection of any publicly owned or publicly operated facility for its intended purposes.
 - (2) Minor repainting.
 - (3) Resurfacing of streets and highways at less than one inch.
 - (4) Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.
 - (5) Work performed to keep, operate, and maintain publicly owned water, power, or waste disposal systems including, but not limited to, dams, reservoirs, power plants, and

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electrical transmission lines of 230,000 volts and higher.

- (i) *Multiple awarded bid.* When a bid is awarded to more than one vendor for the same or similar products. A multiple awarded bid schedule is usually set up and provides information of product type/brand and vendor who is providing the product.
- (j) *Piggyback.* Use of another public agency's existing contract to purchase the same product(s) as outlined in the awarding bid document.
- (k) *Professional, management, or special services.* "Professional," "management," or "special services" shall mean any work performed by an attorney, doctor, architect, engineer, land surveyor, construction manager, appraiser, expert, accounting firm, consultant or those services such as computer services, golf course operating services, concession services, parking garage operation services, and transportation/transit operator services. Factors for determining whether professional, management, or special services are needed include but, are not limited to, services which require special performance criteria, specific experience and training, professional judgment, licensing, qualified expertise in a specific area of work, or other unique factors other than simply obtaining the service at the lowest cost to the city.
- (l) *Public works.* "Public works" shall mean a type of public construction project subject to the regulation of the State Public Contract Code and State Labor Code and as defined in California Labor Code Division 2, Chapter 1, Article 1, Section 1720 and as further amended. Examples of a Public Works Project include:
 - (1) The erection, construction of, alteration, major painting, repair, or demolition of public buildings, streets, walkways, water and sewer facilities, drainage facilities, or other public facilities, whether owned, leased, or operated by the city.
 - (2) Furnishing supplies or materials for any of the above works or projects.
 - (3) A public work does not include maintenance work as defined in this subdivision.
- (m) *Public project.* "Public Project" shall have the meaning as set forth in the California Public Contract Code Division 2, Part 3, Chapter 1, Article 4, Section 20161 and Division 2 Part 3, Chapter 2, Article 1, Section 22002, or as hereinafter amended.
- (n) *Purchase.* "Purchase" shall include the renting, leasing, purchasing, licensing, or a trade of equipment or supplies.
- (o) *Purchasing agent.* The "purchasing agent," for the purposes of this division, shall be the finance director or his/her designee and is responsible for managing the decentralized purchasing program.
- (p) *Purchasing officer.* The "purchasing officer," for the purposes of this division, shall be the city manager or his/her designated representative. The purchasing agent, as defined above, shall be presumed to be the designated representative of the purchasing officer unless otherwise directed by the purchasing officer in writing.
- (q) *Responsible bidder.* "Responsible bidder" means a bidder determined by the awarding

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department:

- (1) To have the ability, capacity, experience and skill to provide the goods, services, professional services, and/or construction projects in accordance with bid specifications, and if applicable;
 - (2) To have the ability to provide the goods, services, professional services, and/or construction projects promptly, or within the time specified, and if applicable;
 - (3) To have equipment, facilities and resources of such capacity and location to enable the bidder to provide the required goods, services, professional services, and/or construction projects, and if applicable;
 - (4) To be able to provide future maintenance, repair, parts and service for the use of the goods and/or construction projects purchased, and if applicable;
 - (5) To have a record of satisfactory performance under prior contracts with the city or other purchasers where such bidder has previously been awarded such contract.
- (r) *Responsive bidder*. "Responsive bidder" means one that is in substantial conformance with all requirements of the invitation to bid, including specifications and the city's contractual terms and conditions. Bidders who substitute terms and conditions or who qualify their bids in such a manner as to nullify their liability may be considered nonresponsive bidders. This may also include provision of insurance requirements, bonds, completion of all forms, inclusion of references and additional information as requested in bid documents.
- (s) *Special equipment/supplies*. "Special equipment/supplies" shall mean unique supplies, machinery, computers, or other equipment which are not generally and regularly ordered in bulk by the city and which must perform complex tasks, or integrate efficiently with existing equipment or supplies.
- (t) *Supplies*. "Supplies" shall mean office supplies, janitorial supplies, materials, goods, tools, or other commodities used in the general conduct of the city's business, excepting supplies or materials for a public work which is regulated under the California Public Contract Code Sections 20160 et seq.
- (u) *Uniform construction cost accounting procedures*. "Uniform Construction cost accounting procedures" shall mean those procedures and rules established by the State Uniform Construction Cost Accounting Commission pursuant to California Public Contract Code Section 22010, et seq. or as amended.
- (v) **Urgency**. Urgency shall exist when the service, repair, or replacements are immediately necessary to permit the continued performance of the operations or services of the city, or to avoid the immediate danger to life, health, or property.

(Ord. No. 1653, § 2(Exh. A), 4-18-2016)

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Sec. 2-804. - Urgencies.


The bidding procedures of section 2-800 or solicitation procedures in section 2- 840 may be dispensed with in the case of urgency. An urgency shall exist when the service, repair, or replacements are immediately necessary to permit the continued performance of essential operations or services of the city, or result in excessive costs if not immediately remedied, or to avoid the immediate danger to life, health, or property. The city council delegates authority to the City Manager to declare a public urgency. If the purchase is \$25,000.00 and over, the city manager shall give notice of the purchase process to the city council.


(Ord. No. 1653, § 2(Exh. A), 4-18-2016)

**FEMA**

March 17, 2020

MEMORANDUM FOR: All States, Territories, Tribal Governments, Local Governments, and All Other Non-Federal Entities Receiving FEMA Financial Assistance

FROM: David Bibo 
Acting Associate Administrator
Office of Response and Recovery

Bridget E. Bean 
Assistant Administrator
Grant Programs Directorate

SUBJECT: Procurement Under Grants Conducted Under Emergency or Exigent Circumstances for COVID-19

Subsequent to the President's March 13, 2020 Nationwide Emergency Declaration for Coronavirus Disease 2019 (COVID-19), the Department of Homeland Security's Federal Emergency Management Agency (FEMA) is issuing the attached Fact Sheet addressing procurements made during periods of exigent or emergency circumstances. FEMA recognizes that noncompetitive procurements may be necessary to save lives, to protect property and public health, and to ensure public safety, as well as to lessen or avert the threat of a catastrophe. The attached Fact Sheet provides answers and guidance surrounding the need for such measures.

Current Federal procurement standards (found at 2 C.F.R. § 200.320(f)(2)) allow non-state entities to noncompetitively procure contracts (i.e., sole-sourcing) under certain emergency or exigent circumstances. FEMA defines an emergency or exigent circumstances as unexpected and unusually dangerous situations requiring immediate action or an urgent need for assistance or relief. Emergencies typically involve a threat to life, public health or safety, improved property, or some other form of dangerous situation. Exigencies, on the other hand, typically involve an urgent need to avoid, prevent, or alleviate serious harm or injury, financial or otherwise. Under both an emergency and exigency, using a competitive procurement process would prevent a non-state entity from taking immediate action required to address the situation. However, use of the emergency/exigency exception is only permissible during the actual emergency or exigent circumstances.

The President's unprecedented Nationwide Emergency Declaration, and the Secretary of Health and Human Services' (HHS) declaration of a Public Health Emergency for COVID-19 establish that exigent and emergency circumstances currently exist.

For the duration of the Public Health Emergency, which began January 27, 2020 as determined by HHS, local governments, tribal governments, nonprofits, and other non-state entities may proceed with new and existing noncompetitively procured contracts in order to protect property and public health and safety, or to lessen or avert the threats created by emergency situations for 1) Emergency protective measures under FEMA's Public Assistance Program and 2) Use of FEMA non-disaster grant funds by non-state recipients and sub-recipients to respond to or address COVID-19.

Attachment:

- (1) Fact Sheet: *Procurement Under Grants Conducted Under Exigent or Emergency Circumstances*

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AGENDA REPORT

To: Mayor Joel Fajardo and Councilmembers

From: Nick Kimball, City Manager
By: Richard Padilla, Assistant City Attorney

Date: April 6, 2020

Subject: Consideration to Adopt an Urgency Ordinance Enacting a Temporary Moratorium on Commercial and Residential Evictions

RECOMMENDATION:

It is recommended that the City Council:

- a. Conduct a Public Hearing; and
- b. Pending public testimony, waive full reading and adopt Urgency Ordinance No. 1693 (Attachment "A") by title, "An Uncodified Urgency Ordinance of the City of San Fernando, California, enacting a temporary moratorium on evictions due to the nonpayment of rent for residential and non-essential commercial tenants where the failure to pay rent results from income loss resulting from the novel coronavirus (COVID-19)."

This Ordinance is introduced pursuant to Government Code Sections 36934 and 36937 and requires a four-fifths (4/5ths) vote for adoption.

BACKGROUND:

1. In late December 2019, several cases of unusual pneumonia began to emerge in the Hubei province of China.
2. On January 7, 2020, a novel coronavirus, now known as COVID-19, was identified as the likely source of the illness.
3. On January 30, 2020, the World Health Organization ("WHO") declared COVID-19 a Public Health Emergency of International Concern.
4. On January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency.

Consideration to Adopt an Urgency Ordinance Enacting a Temporary Moratorium on Commercial and Residential EvictionsPage 2 of 5

5. On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19.
6. On March 11, 2020, WHO publicly categorized COVID-19 as a pandemic.
7. On March 16, 2020, Governor Newsom issued Executive Order N-28-20, which suspends “[a]ny provision of state law that would preempt or otherwise restrict a local government’s exercise of its police power to impose substantive limitations on residential or commercial evictions ... including, but not limited to, any such provision of Civil Code sections 1940 et seq.” to the extent such provisions would otherwise restrict such exercise.
8. On March 16, 2020, the County of Los Angeles ordered the closure of all gyms, bars, and ordered all restaurants to close their sit-in areas and offer take-out or delivery services only.
9. On March 16, 2020, the San Fernando City Council adopted Resolution No. 7992 declaring a local emergency due to the public threat caused by COVID-19.
10. On March 19, 2020, the County of Los Angeles issued a Mandatory Safer at Home Order, ordering the closure of all non-essential businesses until April 19, 2020.
11. On March 27, 2020, Governor Newsom issued Executive Order N-37-20 (Attachment “B”), which prevents evictions for a period of 60 days of “a tenant from a residence or dwelling unit for nonpayment of rent” who satisfies requirements set forth in said order.

ANALYSIS:

The COVID-19 pandemic has resulted in the mandated closure of many Non-Essential businesses and a significant cut back in staffing at many Essential businesses due to the loss of revenue and overall economic activity. Complying with the County of Los Angeles’ *Safer at Home* Order is necessary to protect public health and curb the spread of the COVID-19 outbreak. However, it will also cause significant financial hardships for non-essential businesses that are forced to close and residents whose incomes are being impacted.

During the COVID-19 pandemic outbreak, affected tenants who have lost income due to the impact on the economy or their employment, may be at risk of homelessness if they are evicted for non-payment of rent and will likely be unable to secure other housing if evicted. The proposed Urgency Ordinance enacts a temporary moratorium on evictions to promote stability within the residential and commercial rental market in the City of San Fernando (the “City”) during the COVID-19 pandemic outbreak. It will enable tenants in the City whose income and

Consideration to Adopt an Urgency Ordinance Enacting a Temporary Moratorium on Commercial and Residential EvictionsPage 3 of 5

ability to work is affected due to COVID-19 to remain in their homes and prevent avoidable homelessness.

Proposed Moratorium.

For the period commencing on the effective date of this Urgency Ordinance and ending (30) calendar days following the expiration date of Executive Order N-37-20, or any extension thereto, a Landlord may not terminate the tenancy of a tenant who qualifies as an, "Affected Tenant," for non-payment of rent. During the term of the moratorium established under this Urgency Ordinance, a Landlord shall not serve a notice, pursuant to California Code of Civil Procedure sections 1161 or 1162, file or prosecute an unlawful detainer action based on a three-day pay or quit notice, or otherwise endeavor to evict an Affected Tenant for nonpayment of rent.

To qualify for protection under the proposed Ordinance, an Affected Tenant must establish their status by taking the following actions:

1. A Tenant shall have first notified the Landlord in writing before rent is due, or within a reasonable period of time afterwards, not to exceed thirty (30) calendar days, that the Tenant needs to delay all or some payment of rent attributable to an inability to pay the full amount due to reasons related to the novel coronavirus (COVID-19) pandemic.
2. Tenant was sick with COVID-19, unable to work, and was unable to use paid leave while sick.
3. Tenant experienced a lay-off, work furlough, reduction in work hours or income resulting from the COVID-19 pandemic.
4. Tenant needed to miss work to care for a minor child whose school was closed in response to the COVID-19 pandemic or care for a household or family member was sick with COVID-19 AND the tenant was unable to use paid leave.

For Commercial Tenants, in addition to notifying the Landlord, the Affected Tenant must meet the following conditions:

1. The Tenant is a commercial business entity or principal owner or co-owner of a commercial business entity whose name appears on the lease.
2. The Tenant is not a corporation, limited liability company or limited partnership whose business headquarters are located outside of the City or who are otherwise incorporated outside of the State of California.
3. The Tenant is a "Non-Essential Business" within the meaning of the *Safer at Home Order* and was required to cease all commercial operations while said order was in effect.

Consideration to Adopt an Urgency Ordinance Enacting a Temporary Moratorium on Commercial and Residential Evictions

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For both commercial and residential Tenants, the Tenant must include true and correct copies of verifiable documentation that corroborate the reason for the request to delay rental payments.

It is important to note that nothing in the Urgency Ordinance relieves the Tenant of the responsibility for any unpaid rent following the expiration of the Moratorium. The Tenant shall be given a period of one hundred and twenty (120) calendar days to pay all unpaid back-rent, during which time, the protections against eviction shall apply.

A Landlord may still terminate the tenancy of a Tenant if they can show circumstances that justify a "Just Cause Termination," such as:

- Nuisance behavior.
- Refusing Landlord access the unit after sufficient notice.
- Unapproved holdover subtenant.
- Ellis Act removal.
- Owner move-in.
- Court ordered "Order to Vacate."
- Vacation of unpermitted unit.
- Criminal activity.

Any Landlord that fails to comply with the proposed Urgency Ordinance may be subject to civil proceedings initiated by the City or the Affected Tenant for actual and exemplary damages. Whoever is found to have violated the proposed Ordinance shall be subject to injunctive relief and shall be liable for damages, costs, and reasonable attorneys' fees. Treble damages (a statute that permits a court to triple the amount of the actual/compensatory damages to be awarded to a prevailing plaintiff) shall be awarded for a Landlord's willful failure to comply with the obligations established under the proposed Ordinance. Nothing in the proposed Ordinance shall be deemed to interfere with the right of a Landlord to file an action against a Tenant for damage done to the property.

BUDGET IMPACT:

The proposed Urgency Ordinance protects business and residents that are experiencing significant financial hardships from immediately closing their doors or experiencing homelessness. The Urgency Ordinance shifts the financial hardship from the Tenant to the Landlord and requires the Tenant to work out a payment plan and requires all payments are made within 120 days of the end of the *Safer at Home Order*.

There will be additional costs incurred by the City to inform Tenants about their rights under the proposed Urgency Ordinance as well as enforcement efforts to respond to alleged violations. The

Consideration to Adopt an Urgency Ordinance Enacting a Temporary Moratorium on Commercial and Residential EvictionsPage 5 of 5

City will submit for reimbursement from FEMA as both costs are related to the COVID-19 response effort.

CONCLUSION:

It is recommended that the City Council adopt Urgency Ordinance No. 1693 to enact a temporary moratorium on commercial and residential evictions.

ATTACHMENTS:

- A. Urgency Ordinance No. 1693
- B. Executive Order N-37-20

ATTACHMENT “A”**URGENCY ORDINANCE NO. 1693****AN UNCODIFIED URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, ENACTING A TEMPORARY MORATORIUM ON EVICTIONS DUE TO THE NONPAYMENT OF RENT FOR RESIDENTIAL AND NON-ESSENTIAL COMMERCIAL TENANTS WHERE THE FAILURE TO PAY RENT RESULTS FROM INCOME LOSS RESULTING FROM THE NOVEL CORONAVIRUS (COVID-19)**

WHEREAS, in late December 2019, several cases of unusual pneumonia began to emerge in the Hubei province of China. On January 7, 2020, a novel coronavirus now known as COVID-19 was identified as the likely source of the illness; and

WHEREAS, on January 30, 2020, the World Health Organization (“WHO”) declared COVID-19 a Public Health Emergency of International Concern. On January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19; and

WHEREAS, on March 11, 2020, WHO publicly characterized COVID-19 as a pandemic; and

WHEREAS, on March 16, 2020, Governor Newsom issued Executive Order N-28-20 which suspends “[a]ny provision of state law that would preempt or otherwise restrict a local government’s exercise of its police power to impose substantive limitations on residential or commercial evictions ... including, but not limited to, any such provision of Civil Code sections 1940 et seq.” to the extent such provisions would otherwise restrict such exercise; and

WHEREAS, on March 16, 2020, the County of Los Angeles ordered the closure of all gyms, bars, and ordered all restaurants to close their sit-in areas and offer take-out or delivery services only; and

WHEREAS, on March 19, 2020, the County of Los Angeles issued a Mandatory Stay at Home Order, ordering the closure of all non-essential businesses until April 19, 2020; and

WHEREAS, as of March 30, 2020, the County of Los Angeles Department of Public Health (the “County”) has identified 2,474 cases of COVID-19 in Los Angeles County and resulting in 44 deaths; and

WHEREAS, on March 27, 2020, Governor Newsom issued Executive Order N-37-20 (“Executive Order N-37-20”) which prevents evictions for a period of 60 days of “a tenant from a

residence or dwelling unit for nonpayment of rent” who satisfies requirements set forth in said order; and

WHEREAS, the COVID-19 pandemic has resulted in the closure of many businesses, which is expected to lead to hourly cutbacks and has already resulted in employee terminations; and

WHEREAS, this Urgency Ordinance enacts a temporary moratorium intended to promote stability and fairness within the residential and commercial rental market in the City of San Fernando (the “City”) during the COVID-19 pandemic outbreak, and to prevent avoidable homelessness thereby serving the public peace, health, safety, and public welfare and to enable tenants in the City whose income and ability to work is affected due to COVID-19 to remain in their homes; and

WHEREAS, displacement through eviction destabilizes the living situation of tenants and impacts the health of the City’s residents by uprooting children from schools, disrupting the social ties and networks that are integral to citizens' welfare and the stability of communities within the City; and

WHEREAS, displacement through eviction creates undue hardship for tenants through additional relocation costs, stress and anxiety, and the threat of homelessness due to the lack of alternative housing; and

WHEREAS, during the COVID-19 pandemic outbreak, affected tenants who have lost income due to the impact on the economy or their employment, may be at risk of homelessness if they are evicted for non-payment as they will have little or no income and thus be unable to secure other housing if evicted; and

WHEREAS, Government Code Sections 36934 and 36937(b) authorize the City to adopt an Urgency Ordinance for the immediate preservation of the public peace, health and safety, provided that such Urgency Ordinance is passed by a four-fifths vote of the City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The recitals above are true and correct and incorporated herein by reference.

SECTION 2. Title. This Urgency Ordinance shall be known as the “COVID-19 Eviction Moratorium Ordinance.”

SECTION 3. Urgency Findings. The purpose of this Urgency Ordinance is to promote housing stability during the COVID-19 pandemic and to prevent avoidable homelessness. This Urgency Ordinance is necessary for the immediate preservation of the public peace, health, and safety because the COVID-19 pandemic has the potential of destabilizing the residential and commercial rental market for all of the reasons described herein. This Urgency Ordinance is intended to enable tenants in the City, whose employment and income have been affected by the

COVID-19 pandemic, to be temporarily exempt from eviction for non-payment of rent and to reduce the risk that these events will lead to, such as anxiety, stress, and potential homelessness for the affected City residents and their communities, thereby serving the public peace, health, safety, and public welfare. The temporary moratorium on evictions for non-payment imposed by this Urgency Ordinance is created pursuant to the City's general police powers to protect the health, safety, and welfare of its residents and exists in addition to any rights and obligations under state and federal law.

SECTION 4. Definitions

- A. "Affected Tenant" means a Tenant who satisfies one or more of the criteria in paragraph A of Section 8, of this Urgency Ordinance below.
- B. "Health Department" means the County of Los Angeles Department of Public Health.
- C. "Landlord" means an owner, lessor, or sublessor who receives or is entitled to receive rent for the use and occupancy of any Rental Unit.
- D. "Mobilehome" means a structure transportable in one or more sections, designed and equipped to contain not more than one dwelling unit, to be used with or without a foundation system.
- E. "Mobilehome Park" means any area or tract of land where two or more mobilehome lots are rented or leased, or held out for rent or lease, to accommodate mobilehomes used for human habitation for permanent, as opposed to transient, occupancy.
- F. "Mobilehome Owner" means a person who owns a Mobilehome and rents or leases the Mobilehome Park lot on which the Mobilehome is located.
- G. "Mobilehome Resident" means a person who rents a mobilehome from a Mobilehome Owner.
- H. "Notice of Termination" shall mean the notice informing a Tenant Household or Mobilehome Resident of the termination of its tenancy in accordance with California Civil Code Section 1946.1 and California Code of Civil Procedure Section 1161, as amended.
- I. "Rental Unit" means (i) a Mobilehome, building, structure or the part of a structure that is used as a home, residence, or sleeping structure by one person who maintains a household or by two or more persons who maintain a common household; (iii) a rented lot within a Mobilehome Park where a Mobilehome Owner's Mobilehome coach is located; or (ii) a building, structure or part of a structure that is used for a legally permitted and duly licensed business or other non-residential service or activity (e.g., commercial, industrial, professional office, entertainment, recreational and/or retail uses etc.)

- J. “Tenant” means a residential or commercial tenant, subtenant, lessee, sublessee, or any other person entitled by written or oral rental agreement, or by sufferance, to use or occupy a Rental Unit. The term “Tenant” is inclusive of the defined terms “Tenant Household”, “Mobilehome Resident” and “Mobilehome Owner.”
- K. “Tenant Household” means one or more Tenant(s) who occupy any individual Rental Unit, including each dependent of any Tenant whose primary residence is the Rental Unit.

SECTION 5. Application. This Urgency Ordinance applies to Affected Tenants in any Rental Unit and Landlords of Affected Tenants.

SECTION 6. Moratorium on Eviction and Termination of Tenancies for Affected Tenants.

- A. For the period commencing on the effective date of this Urgency Ordinance and ending (30) calendar days following the expiration date of Executive Order N-37-20 or any extension thereto, a Landlord may not terminate the tenancy of a Tenant who qualifies as an Affected Tenant for non-payment of rent. During the term of the moratorium established under this Urgency Ordinance, a Landlord shall not serve a notice pursuant to California Code of Civil Procedure sections 1161 or 1162, file or prosecute an unlawful detainer action based on a three-day pay or quit notice, or otherwise endeavor to evict an Affected Tenant for nonpayment of rent.
- B. The moratorium established under this Urgency Ordinance is intended to have greater scope and longer duration than the moratorium established under Executive Order N-37-20.

SECTION 7. Just Cause Termination.

- A. The provisions of Section 8 of this Urgency Ordinance notwithstanding, a Landlord, subject to compliance with the requirements of this Urgency Ordinance may terminate the tenancy of a Tenant who otherwise qualifies as an Affected Tenant if a Landlord can show any of the following circumstances apply thereby rendering the termination a “Just Cause Termination”:
 - 1. Nuisance Behavior. The Affected Tenant, after written notice to cease, continues to be so disorderly or to cause such a nuisance as to destroy the peace, quiet, comfort, or safety of the Landlord or other Tenants of the structure or rental complex containing the Rental Unit. Such nuisance or disorderly conduct includes violations of state and federal criminal law that destroy the peace, quiet, comfort, or safety of the Landlord or other Tenants of the structure or rental complex containing the Rental Unit, and may be further defined in the regulations adopted by the City, including but not limited to regulations established by ordinance or resolution.

2. Refusing Access to the Unit. The Affected Tenant, after written notice to cease and a reasonable time to cure, continues to refuse the Landlord reasonable access to the Rental Unit, so long as the Landlord is not abusing the right of access under California Civil Code Section 1954, as amended.
3. Unapproved Holdover Subtenant. The Affected Tenant holding over at the end of the term of the oral or written rental agreement is a subtenant who was not approved by the Landlord.
4. Ellis Act Removal. The Landlord seeks in good faith to recover possession of the Rental Unit to remove the building in which the Rental Unit is located permanently from the residential or commercial rental market under the Ellis Act and, having complied in full with the Ellis Act and any related ordinance of the City, including the provision of relocation assistance as may be required by the San Fernando Municipal Code or applicable state law.
5. Owner Move-In. With respect to residential tenancies, the Landlord seeks in good faith, honest intent, and without ulterior motive to recover possession for: a) the Landlord's own use and occupancy as the Landlord's principal residence for a period of at least thirty-six (36) consecutive months commencing within three (3) months of vacancy; or (b) the principal residence of the Landlord's spouse, domestic partner, parent(s), child or children, brother(s), or sister(s) (each an "authorized family member") for a period of at least thirty-six (36) consecutive months and commencing within three (3) months of vacancy, so long as the Rental Unit for the Landlord's authorized family member is located in the same building as the Landlord's principal residence and no other Rental Unit in the building is vacant. It shall be a rebuttable presumption that the Landlord has acted in bad faith if the Landlord or the Landlord's qualified relative, for whom the Tenant was evicted, does not move into the Rental Unit within three (3) months from the date of the Tenant's surrender of possession of the premises or occupy said unit as his/her principal residence for a period of at least thirty-six (36) consecutive months. The Landlord shall have provided relocation assistance as may be required by the San Fernando Municipal Code or applicable state law.
6. Order to Vacate. The Landlord seeks in good faith to recover possession of the Rental Unit in order to comply with a court or governmental agency's order to vacate, order to comply, order to abate, or any other City enforcement action or order that necessitates the vacating of the building in which the Rental Unit is located as a result of a violation of the San Fernando Municipal Code or any other provision of law, and provides a notice of the right to reoccupy. The Landlord shall have provided relocation assistance as may be required by the San Fernando Municipal Code or applicable state law.
7. Vacation of Unpermitted Rental Unit. The Landlord seeks in good faith to recover possession of an unpermitted Rental Unit in order to end the unpermitted use. The

Landlord shall have provided relocation assistance as may be required by the San Fernando Municipal Code or applicable state law.

8. Criminal Activity.

- a. The Tenant Household, after receiving a written notice to cure (which notice shall include the return provisions listed in subsection d, below) by removing the Violating Tenant (as defined below) from the household, and, where necessary, amending the lease to remove the Violating Tenant's name, fails to do so within a reasonable time, by one of the following methods as further described in the regulations:
 - i. Filing a restraining order or providing evidence to the Landlord of similar steps being taken to remove the Violating Tenant from the household.
 - ii. Removing the Violating Tenant from the household and providing written notice to the landlord that the Violating Tenant has been removed.
- b. For purposes of this subsection 9, a "Violating Tenant" shall mean an adult Tenant that is indicted by a grand jury or held to answer pursuant to Penal Code Section 872, as amended, for a serious felony as defined by Penal Code Section 1192.7(c), as amended, or a violent felony as defined by Penal Code Section 667.5(c), as amended, which occurred during the tenancy and within 1,000 feet of the premises on which the Rental Unit is located.
- c. The past criminal history of a Tenant shall not be a factor in determining whether the Tenant is a Violating Tenant.
- d. If a Violating Tenant, as defined above, is acquitted from the charges or the charges are dismissed or reduced, he or she may return to the Rental Unit as a Tenant, so long as: 1) the Tenant Household still resides in the Rental Unit; and 2) the Tenant Household consents to the Violating Tenant's return.

B. Relocation Assistance and Deposits.

1. Nothing in this Urgency Ordinance shall operate to relieve a Landlord of any obligation to provide a Tenant Household with relocation assistance to the extent required by State law. Such assistance must be provided to the Tenant Household concurrent with delivery of the Notice of Termination to the Tenant Household where applicable.
2. Refund of Security Deposit. A landlord shall refund to the Tenant Household any security deposit paid by the Tenant Household, provided however, that the Landlord may withhold any properly itemized deductions from the security deposit pursuant to California Civil Code Section 1950.5, as amended.

SECTION 8. Affirmative Defense to Eviction; Penalties and Remedies.

- A. Affirmative Defense. Each Landlord that seeks to terminate a tenancy of an Affected Tenant must comply with this Urgency Ordinance. Non-compliance with any applicable component of this Urgency Ordinance shall constitute an affirmative defense for an Affected Tenant against any unlawful detainer action under California Code of Civil Procedure Section 1161, as amended. To assert this defense and to establish Affected Tenant status, a Tenant shall have first notified the Landlord in writing before rent is due, or within a reasonable period of time afterwards not to exceed thirty (30) calendar days, that the Tenant needs to delay all or some payment of rent attributable to an inability to pay the full amount due to reasons related to the novel coronavirus (COVID-19) pandemic, including but not limited to the following:
1. The Tenant was unable to work because the Tenant (i) was sick with COVID-19 and hospitalized or otherwise required to stay at home and self-quarantine by written order of the Health Department; and (ii) the Tenant was either ineligible to receive or use paid leave; unable to make use of accrued but unused paid vacation time or exhausted all such leave and vacation time before being able to return to work; or
 2. The Tenant experienced a lay-off, work furlough, reduction in work hours or income reduction resulting from the COVID-19 pandemic and/or related emergency responses of governmental entities, including orders and/or declarations of the Governor of the State of California and the Health Department; or
 3. The Tenant needed to miss work (i) to care for a minor child whose school was closed in response to the COVID-19 pandemic or care for a household or family member who was sick with COVID-19; AND (ii) the Tenant was either ineligible to receive or use paid leave; unable to make use of accrued but unused paid vacation time or exhausted all such leave and vacation time before the minor's school was re-opened or the Tenant was otherwise able to return to work; or
 4. For commercial Tenants, the Tenant (i) is commercial business entity or the principal owner or co-owner of a commercial business entity whose name appears on the lease for the Rental Unit occupied by the business entity; (ii) is not a corporation, limited liability company or limited partnership whose business headquarters are located outside of the City or who are otherwise incorporated outside of the State of California; and (iii) is a "Non-Essential Business" within the meaning of the Safer at Home Order for the Control of COVID-19 and was required to cease all commercial operations while said order was in effect. For purposes of this Urgency Ordinance the term "Safer at Home Order for the Control of COVID-19" means that certain order of the same name that was first issued by the Health Department on March 19, 2020 and later revised on March 21, 2020 and all subsequent revisions to the same as may later be issued by the Health Department.

- B. Along with the notification referenced under paragraph A of this section, above, the Affected Tenant must also include true and correct copies of verifiable documentation that reasonably corroborate any or all of the permitted reasons for the non-payment of rent under paragraph A of this section, above. The following documentation shall create a rebuttable presumption that the Affected Tenant has satisfied one or more of the permitted reasons for non-payment of rent set forth under paragraph A of this section, above, but are not necessarily the exclusive form of documentation corroborating such reasons:
1. A written notice or like documentation from the Affected Tenant's employer citing COVID-19 as a reason for reduced work hours, work furlough, or termination; or
 2. Employer paycheck stubs, payroll checks, bank statements, or medical bills or signed letters or statements from the Affected Tenant's employer or supervisor explaining the Affected Tenant's changed financial circumstances; or
 3. Notification from a school declaring a school closure related to COVID-19; or
 4. For an Affected Tenant that is a commercial business, a copy of any governmental order identifying the Affected Tenant as a Non-Essential Business as defined by Health Department order; any notice from a governmental entity ordering the commercial business to close and/or cease operations and/or any governmental license or permit identifying the business' headquarters as being located within the City.
- C. Obligation of Affected Tenant to pay unpaid rent. Nothing in this Urgency Ordinance shall relieve an Affected Tenant of liability for any unpaid rent following the expiration of the moratorium established under this Urgency Ordinance. The foregoing notwithstanding and except as otherwise agreed to in writing by the Affected Tenant and the Landlord, the Affected Tenant shall be given a period of one hundred and twenty (120) calendar days to pay all unpaid back-rent. During the 120-day period, the protections against eviction found in this Urgency Ordinance shall apply for such Affected Tenants and provided the Affected Tenant pays all rent due by this deadline.
- D. Civil Remedies
1. Any Landlord that fail(s) to comply with this Urgency Ordinance may be subject to civil proceedings for displacement of Affected Tenant(s) initiated by the City or the Affected Tenant Household for actual and exemplary damages.
 2. Whoever is found to have violated this Urgency Ordinance shall be subject to appropriate injunctive relief and shall be liable for damages, costs and reasonable attorneys' fees.
 3. Treble damages shall be awarded for a Landlord's willful failure to comply with the obligations established under this Urgency Ordinance.

4. Nothing herein shall be deemed to interfere with the right of a Landlord to file an action against a Tenant or non-Tenant third party for the damage done to said Landlord's property. Nothing herein is intended to limit the damages recoverable by any party through a private action.

SECTION 9. Environmental. This Urgency Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines, as it is not a "project" and has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment. (Cal. Code Regs., tit.14, § 15378, subd. (a).) Further, this Urgency Ordinance is exempt from CEQA as there is no possibility that it or its implementation would have a significant negative effect on the environment. (Cal. Code Regs., tit.14, § 15061, subd. (b)(3).)

SECTION 10. Inconsistent Provisions. Any provision of the San Fernando Municipal Code or appendices thereto inconsistent with the provisions of this Urgency Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to implement the provisions of this Urgency Ordinance.

SECTION 11. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Urgency Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Urgency Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase would be subsequently declared invalid or unconstitutional.

SECTION 12. Construction. The City Council intends this Urgency Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Urgency Ordinance shall be construed in light of that intent. To the extent the provisions of the San Fernando Municipal Code as amended by this Urgency Ordinance are substantially the same as the provisions of that Code as it read prior to the adoption of this Urgency Ordinance, those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 13. Publication and Effective Date. This Urgency Ordinance is enacted pursuant to the authority conferred upon the City Council by Government Code Sections 36934 and 36937 and shall be in full force and effect upon its adoption by a four-fifths (4/5) vote of the City Council. The City Clerk shall cause this Urgency Ordinance to be published once in a newspaper of general circulation within fifteen (15) days after its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of San Fernando at the regular meeting of this ____ day of _____, 2020.

Joel Fajardo, Mayor

ATTEST:

Elena G. Chávez, City Clerk

APPROVED AS TO FORM:

Richard Padilla, Assistant City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF SAN FERNANDO)

I, ELENA G. CHÁVEZ, City Clerk of the City of San Fernando, do hereby certify that the foregoing Ordinance was adopted a regular meeting of the City Council held on the ____ day of _____, 2020 and was carried by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Elena G. Chávez, City Clerk

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**

EXECUTIVE ORDER N-37-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS in a short period of time, COVID-19 has rapidly spread throughout California, necessitating stringent public health emergency orders as well as guidance from federal, state, and local public health officials; and

WHEREAS on March 16, 2020, I issued Executive Order N-28-20, suspending state law limitations on local jurisdictions that impose restrictions on evictions; and

WHEREAS on March 19, 2020, I issued Executive Order N-33-20, ordering all residents to immediately heed the Order of the State Public Health Officer for all residents, unless exempted, to stay home or at their place of residence; and

WHEREAS many Californians are experiencing or will experience substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with their rent, and leaving them vulnerable to eviction; and

WHEREAS minimizing evictions during this period is critical to reducing the spread of COVID-19 in vulnerable populations by allowing all residents to stay home or at their place of residence in compliance with Executive Order N-33-20; and

WHEREAS Chief Justice Tani Cantil-Sakauye issued advisory guidance on March 20, 2020 for superior courts to suspend most civil trials and hearings for at least 60 days, and on March 23, 2020, suspended all jury trials for a period of 60 days, and extended by 60 days the time period for the holding of a civil trial; and

WHEREAS on March 25, 2020 the Department of Business Oversight secured support from national banks, state banks and credit unions for temporary delays in mortgage payments and foreclosure sales and evictions for homeowners who have economic impacts from COVID-19 with the objective of maximizing consistency and minimizing hurdles potentially faced by borrowers.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) The deadline specified in Code of Civil Procedure section 1167 shall be extended for a period of 60 days for any tenant who is served, while

this Order is in effect, with a complaint that seeks to evict the tenant from a residence or dwelling unit for nonpayment of rent and who satisfies all of the following requirements:

- a. Prior to the date of this Order, the tenant paid rent due to the landlord pursuant to an agreement.
 - b. The tenant notifies the landlord in writing before the rent is due, or within a reasonable period of time afterwards not to exceed 7 days, that the tenant needs to delay all or some payment of rent because of an inability to pay the full amount due to reasons related to COVID-19, including but not limited to the following:
 - (i) The tenant was unavailable to work because the tenant was sick with a suspected or confirmed case of COVID-19 or caring for a household or family member who was sick with a suspected or confirmed case of COVID-19;
 - (ii) The tenant experienced a lay-off, loss of hours, or other income reduction resulting from COVID-19, the state of emergency, or related government response; or
 - (iii) The tenant needed to miss work to care for a child whose school was closed in response to COVID-19.
 - c. The tenant retains verifiable documentation, such as termination notices, payroll checks, pay stubs, bank statements, medical bills, or signed letters or statements from an employer or supervisor explaining the tenant's changed financial circumstances, to support the tenant's assertion of an inability to pay. This documentation may be provided to the landlord no later than the time upon payment of back-due rent.
- 2) No writ may be enforced while this Order is in effect to evict a tenant from a residence or dwelling unit for nonpayment of rent who satisfies the requirements of subparagraphs (a)-(c) of paragraph 1.
- 3) The protections in paragraphs 1 and 2 shall be in effect through May 31, 2020.

Nothing in this Order shall prevent a tenant who is able to pay all or some of the rent due from paying that rent in a timely manner or relieve a tenant of liability for unpaid rent.

Nothing in this Order shall in any way restrict state or local governmental authority to order any quarantine, isolation, or other public health measure that may compel an individual to remain physically present in a particular residential property.

IT IS FURTHER ORDERED that this Order supersedes Executive Order N-28-20 to the extent that there is any conflict with that Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 27th day of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

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AGENDA REPORT

To: Vice Mayor Hector A. Pacheco and Councilmembers

From: Mayor Joel Fajardo

Date: April 6, 2020

Subject: Discussion of City's Actions Regarding Coronavirus

RECOMMENDATION:

I have placed this on the agenda for City Council to discuss the City's response efforts and policy initiatives related to the COVID 19 pandemic and provide direction to staff, as appropriate.

This may include discussion of amnesty and/or financial hardship programs related to parking tickets, towing, and other fees and fines.

BUDGET IMPACT:

There is no impact to the budget by discussing this item. Additional future costs to be determined based on City Council direction.

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AGENDA REPORT

To: Mayor Joel Fajardo and Councilmembers

From: Nick Kimball, City Manager

Date: April 6, 2020

Subject: Consideration to Adopt a Resolution Designating Agents to Submit Assurances and Agreements to the Office of Emergency Services for State Disaster Assistance

RECOMMENDATION:

It is recommended that the City Council adopt Resolution No. 7996 (Attachment "A") designating the City Manager, Police Chief, and Director of Finance as Authorized Agents to submit assurances and agreements to the California Governor's Office of Emergency Services for State Disaster Assistance.

BACKGROUND:

1. In late December 2019, several cases of unusual pneumonia began to emerge in the Hubei province of China.
2. On January 7, 2020, a novel coronavirus, now known as COVID-19, was identified as the likely source of the illness.
3. On January 30, 2020, the World Health Organization ("WHO") declared COVID-19 a Public Health Emergency of International Concern.
4. On January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency.
5. On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19.
6. On March 11, 2020, WHO publicly categorized COVID-19 as a pandemic.
7. On March 16, 2020, the San Fernando City Council adopted Resolution No. 7992 (Attachment "B") declaring a local emergency due to the public threat caused by COVID-19.

Consideration to Adopt a Resolution Designating Agents to Submit Assurances and Agreements to the Office of Emergency Services for State Disaster AssistancePage 2 of 3

ANALYSIS:

In accordance with Section 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, eligible emergency protective measures taken to respond to the COVID-19 emergency at the direction or guidance of public health officials may be reimbursed under Category B of Federal Emergency Management Administration's (FEMA) Public Assistance Program. Eligible applicants include state agencies, local governments (e.g., cities, towns, counties, etc.), special districts, federally recognized tribal governments, and certain private non-profit organizations.

Under the COVID-19 Emergency Declaration, FEMA may provide assistance for a number of emergency protective measures, including but not limited to, Emergency Operations Center costs, training specific to the declared event, disinfection of eligible public facilities, security and law enforcement, communications of general health and safety information to the public, and reimbursement of COVID-19 related overtime costs. A more exhaustive list of eligible assistance is included in the FEMA Eligibility Fact Sheet included as Attachment "C."

In order to be considered for reimbursement for eligible expenses, the City needs to complete and submit a number of forms, including a Request for Public Assistance using form FF 009-0-49 (Attachment "D"), Project Assurances for Federal Assistance (Attachment "E") and Request for Public Assistance cover letter (Attachment "F"). The proposed Resolution designates the City Manager, Police Chief, and Director of Finance as Authorized Agents to complete and submit these forms to the appropriate funding agency.

BUDGET IMPACT:

In accordance with strict FEMA and CalOES guidelines, staff submitted an initial damage estimate (IDE) within three days of declaring the local emergency. The IDE included an estimated \$240,000 in response related costs. The Finance Department has created a specific account code to track COVID-19 related costs and staff has been instructed to log all COVID-19 related force labor, equipment costs, and contract services to increase the City's likelihood for cost reimbursement.

CONCLUSION:

It is recommended that the City Council adopt the attached Resolution designating the City Manager, Police Chief, and Director of Finance as Authorized Agents to submit assurances and agreements to the California Office of Emergency Services for State Disaster Assistance.

Consideration to Adopt a Resolution Designating Agents to Submit Assurances and Agreements to the Office of Emergency Services for State Disaster Assistance

Page 3 of 3

ATTACHMENTS:

- A. Resolution No. 7996
- B. Resolution No. 7992 (Declaration of Local Emergency)
- C. FEMA Eligibility Fact Sheet
- D. Federal Request for Public Assistance Form
- E. Project Assurances for Federal Assistance Form
- F. Request for Public Assistance cover letter

STATE OF CALIFORNIA
GOVERNOR'S OFFICE OF EMERGENCY SERVICES
Cal OES 130

Cal OES ID No: _____

**DESIGNATION OF APPLICANT'S AGENT RESOLUTION
FOR NON-STATE AGENCIES**

BE IT RESOLVED BY THE _____ OF THE _____
(Governing Body) (Name of Applicant)

THAT _____, OR
(Title of Authorized Agent)

_____, OR
(Title of Authorized Agent)

(Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the _____, a public entity
(Name of Applicant)

established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

THAT the _____, a public entity established under the laws of the State of California,
(Name of Applicant)
hereby authorizes its agent(s) to provide to the Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.

Please check the appropriate box below:

- ☐ This is a universal resolution and is effective for all open and future disasters up to three (3) years following the date of approval below.
☐ This is a disaster specific resolution and is effective for only disaster number(s) _____

Passed and approved this _____ day of _____, 20____

(Name and Title of Governing Body Representative)

(Name and Title of Governing Body Representative)

(Name and Title of Governing Body Representative)

CERTIFICATION

I, _____, duly appointed and _____ of
(Name) (Title)

_____, do hereby certify that the above is a true and correct copy of a
(Name of Applicant)

Resolution passed and approved by the _____ of the _____
(Governing Body) (Name of Applicant)

on the _____ day of _____, 20____.

(Signature)

(Title)

STATE OF CALIFORNIA
GOVERNOR'S OFFICE OF EMERGENCY SERVICES
Cal OES 130 - Instructions

Cal OES Form 130 Instructions

A Designation of Applicant's Agent Resolution for Non-State Agencies is required of all Applicants to be eligible to receive funding. A new resolution must be submitted if a previously submitted Resolution is older than three (3) years from the last date of approval, is invalid or has not been submitted.

When completing the Cal OES Form 130, Applicants should fill in the blanks on page 1. The blanks are to be filled in as follows:

Resolution Section:

Governing Body: This is the group responsible for appointing and approving the Authorized Agents.

Examples include: Board of Directors, City Council, Board of Supervisors, Board of Education, etc.

Name of Applicant: The public entity established under the laws of the State of California. Examples include: School District, Office of Education, City, County or Non-profit agency that has applied for the grant, such as: City of San Diego, Sacramento County, Burbank Unified School District, Napa County Office of Education, University Southern California.

Authorized Agent: These are the individuals that are authorized by the Governing Body to engage with the Federal Emergency Management Agency and the Governor's Office of Emergency Services regarding grants applied for by the Applicant. There are two ways of completing this section:

1. **Titles Only:** If the Governing Body so chooses, the titles of the Authorized Agents would be entered here, not their names. This allows the document to remain valid (for 3 years) if an Authorized Agent leaves the position and is replaced by another individual in the same title. If "Titles Only" is the chosen method, this document must be accompanied by a cover letter naming the Authorized Agents by name and title. This cover letter can be completed by any authorized person within the agency and does not require the Governing Body's signature.
2. **Names and Titles:** If the Governing Body so chooses, the names **and** titles of the Authorized Agents would be listed. A new Cal OES Form 130 will be required if any of the Authorized Agents are replaced, leave the position listed on the document or their title changes.

Governing Body Representative: These are the names and titles of the approving Board Members.

Examples include: Chairman of the Board, Director, Superintendent, etc. The names and titles **cannot** be one of the designated Authorized Agents, and a minimum of two or more approving board members need to be listed.

Certification Section:

Name and Title: This is the individual that was in attendance and recorded the Resolution creation and approval.

Examples include: City Clerk, Secretary to the Board of Directors, County Clerk, etc. This person **cannot** be one of the designated Authorized Agents or Approving Board Member (if a person holds two positions such as City Manager and Secretary to the Board and the City Manager is to be listed as an Authorized Agent, then the same person holding the Secretary position would sign the document as Secretary to the Board (not City Manager) to eliminate "Self Certification."

RESOLUTION NO. 7992**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, DECLARING A LOCAL EMERGENCY DUE TO THE PUBLIC THREAT CAUSED BY CORONAVIRUS (COVID-19)**

WHEREAS, Coronavirus, also known as COVID-19, was first reported in China in December 2019; and

WHEREAS, in less than three (3) months, COVID-19 has infected over 135,000 people in 120 cases and has caused nearly 5,000 deaths; and

WHEREAS, COVID-19 can take up to 14 days to exhibit symptoms, is highly contagious (even when not showing symptoms), and has no known vaccine; and

WHEREAS, COVID-19 was first identified in the United States on January 21, 2020, and since then, there has been a total of 1,599 confirmed cases and 40 deaths; and

WHEREAS, public facilities, schools, major events, and activities throughout Southern California have been cancelled, closed or postponed; and

WHEREAS, on February 26, 2020, the Centers for Disease Control and Prevention ("CDC"), confirmed the first possible case of community transmission of the COVID-19 in the United States; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom declared a State of Emergency and the County of Los Angeles, City of Los Angeles, City of Long Beach and City of Pasadena all declared Local Emergencies; and

WHEREAS, on March 11, 2020, the World Health Organization ("WHO") publicly characterized COVID-19 as a pandemic; and

WHEREAS, on March 12, 2020, Governor Newsom issued Executive Order N-25-20 in a further effort to confront and contain COVID-19, that among other things suspended certain provisions of the Ralph M. Brown Act providing local agencies with greater flexibility to hold meetings via teleconferencing; and

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency due to the continued spread and the effects of COVID-19; and

WHEREAS, as of the date of this Resolution the City of San Fernando ("City") has taken the following measures to address the COVID-19 outbreak: all community events, recreation and senior programs, except for the Senior Nutrition program, have been cancelled until further notice; the Senior Nutrition program will be take-home until further notice and staff is exploring

expanding the program to provide additional meals; City Hall has limited public access hours and all park facilities are closed to the public; and the City has been constantly updating the website, www.sfcity.org, and social media to provide up to date information to the public; and

WHEREAS, the City Council does hereby find the following:

1. That the above recitals are true and correct and based thereon, hereby finds that the spread and potential further spread of COVID-19 constitutes a situation that severely impairs the public health and safety within the City and constitutes conditions of extreme peril to the safety of persons and property within the City;
2. That these conditions are likely to be beyond the control of the services, personnel, equipment, and facilities of the City; and
3. That the conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency;

WHEREAS, Chapter 26, Section 61 of the San Fernando Municipal Code specifies the City's Emergency Organization Team shall be comprised of all officers, and employees of the City, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under subsection 26-63(a)(6)c be charged with duties incident to the protection of life and property in the City during such emergency; and

WHEREAS, Chapter 26, Section 62 creates the following officers, city administrator shall serve as director of emergency services, the chief of police shall serve as vice director of emergency services, the director of public works shall serve as assistant director of emergency services, and a representative of the City's Police Department shall serve as the coordinator of emergency services; and

WHEREAS, Chapter 26, Section 63 creates all of the powers and duties of the City's Emergency Organization Team.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, DOES HEREBY RESOLVE, FIND, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. At the City Council Regular meeting of March 16, 2020, the City Council declared a Local Emergency due to Coronavirus (COVID-19).

SECTION 2. That during the threatened existence and actual existence of the local emergency, the powers, functions, and duties of the Director of Emergency Services and the emergency organization of the City shall be those prescribed by state law, by ordinances, and resolutions of the City and approved by the City Council.

SECTION 3. That the City of San Fernando's Emergency Organization Team are hereby authorized to exercise their powers and duties as provided in § 26.63 of the San Fernando Municipal Code.

SECTION 4. To ensure that City vendors are paid in a timely manner, the City Manager and the City Treasurer are authorized and directed to approve the claims and demands, make payments thereon, and finally to bring those claims and demands to the City Council at future meetings for ratification of the payments made.

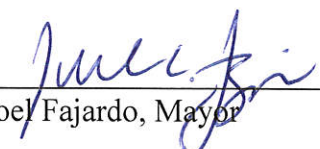
SECTION 5. That the City Council will utilize, to the extent reasonably feasible and appropriate, the ability to conduct its council meetings via teleconferencing and other electronic means to permit councilmembers and members of the public to adopt social distancing to the greatest extent possible while still proceeding with the efficient handling of the City's business, in compliance with California Executive Order N-25-20.

SECTION 6. To the full extent ordered by the County of Los Angeles Public Health Department and the State of California, all business establishments for which members of the public typically congregate for eating, recreation or exercise (e.g., restaurants, bars, nightclubs, gymnasiums and the like) shall adhere to the operational restrictions established by declaration, proclamation or executive order of the County of Los Angeles Public Health Department; the State of California and the federal government of the United States of America, including the office of the President of the United States.

SECTION 7. To the fullest extent permitted by applicable law, declaration or executive order of the State of California or as may otherwise be provided under the San Fernando Municipal Code or collective bargaining agreement, the City Manager shall be authorized to make such urgency expenditures as may be necessary to preserve the public health safety and welfare and make such personnel assignments as may be necessary for the orderly and effective functioning of City government, including but not limited to services that directly impact the health and safety of the public.

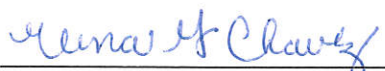
SECTION 8. That the City Clerk shall certify to the adoption of this Resolution which shall be effective upon its adoption.

PASSED, APPROVED, AND ADOPTED this 16th day of March, 2020.



Joel Fajardo, Mayor

ATTEST:



Elena G. Chávez, City Clerk

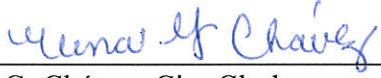
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF SAN FERNANDO)

I HEREBY CERTIFY that the foregoing Resolution was approved and adopted at a regular meeting of the City Council held on the 16th day of March, 2020, by the following vote to wit:

AYES: Fajardo, Pacheco, Ballin, Gonzales, Mendoza – 5

NOES: None

ABSENT: None



Elena G. Chávez, City Clerk

CALIFORNIA COVID-19 (EM-3428)

FEMA Eligibility Fact Sheet

In accordance with section 502 of the [Robert T. Stafford Disaster Relief and Emergency Assistance Act](#), eligible emergency protective measures taken to respond to the COVID-19 emergency at the direction or guidance of public health officials may be reimbursed under Category B of FEMA's Public Assistance Program.

Eligible Applicants

- State Agencies
- Local Governments (e.g., Cities, Towns, Counties, etc.)
- Special Districts (e.g., School Districts, Sanitation Districts, Community Services Districts, etc.)
- Federally Recognized Indian Tribal Governments
- Private non-profit organizations which own or operate a private nonprofit facility as defined in [44 CFR, section 206.221\(e\)](#)

For-profit organizations are not eligible.

Eligible Assistance

Under the COVID-19 Emergency Declaration, FEMA may provide assistance for emergency protective measures including, but not limited to, the following*:

- Management, control and reduction of immediate threats to public health and safety:
 - Emergency Operation Center costs
 - Training specific to the declared event
 - Disinfection of eligible public facilities
 - Technical assistance to state, tribal, territorial or local governments on emergency management and control of immediate threats to public health and safety
- Emergency medical care:
 - Non-deferrable medical treatment of infected persons in a shelter or temporary medical facility
 - Related medical facility services and supplies
 - Temporary medical facilities and/or enhanced medical/hospital capacity (for treatment when existing facilities are reasonably forecasted to become overloaded in the near term and cannot

CALIFORNIA COVID-19 (EM-3428)

FEMA Eligibility Fact Sheet

- accommodate the patient load or to quarantine potentially infected persons)
- Use of specialized medical equipment
- Medical waste disposal
- Emergency medical transport
- Medical sheltering (e.g. when existing facilities are reasonably forecasted to become overloaded in the near future and cannot accommodate needs)
 - All sheltering must be conducted in accordance with standards and/or guidance approved by HHS/CDC and must be implemented in a manner that incorporates social distancing measures
 - Non-congregate medical sheltering is subject to prior approval by FEMA and is limited to that which is reasonable and necessary to address the public health needs of the event, is pursuant to the direction of appropriate public health officials and does not extend beyond the duration of the Public Health Emergency
- Household pet sheltering and containment actions related to household pets in accordance with CDC guidelines
- Purchase and distribution of food, water, ice, medicine, and other consumable supplies, to include personal protective equipment and hazardous material suits
- Movement of supplies and persons
- Security and law enforcement
- Communications of general health and safety information to the public
- Search and rescue to locate and recover members of the population requiring assistance
- Reimbursement for state, tribe, territory and/or local government force account overtime costs

*If not funded by the Health and Human Services (HHS), Center for Disease Control (CDC), or other federal agency. While some activities listed may be eligible for funding through HHS/CDC, final reimbursement determinations will be coordinated by HHS and FEMA. **FEMA will not duplicate any assistance provided by HHS/CDC.**

Further information about eligible emergency protective measures can be found in the **[Public Assistance Program and Policy Guide \(FP 104-009-2 /April 2018\)](#)**

For more information, visit the following federal government websites:

- **[Coronavirus \(COVID-19\) \(CDC\)](#)**
- **[Centers for Medicare & Medicaid Services](#)**

If you have any questions, please send an email with your contact information to **DisasterRecovery@caloes.ca.gov**.

DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency
REQUEST FOR PUBLIC ASSISTANCE

ATTACHMENT "D"

OMB Control Number 1660-0017
Expires December 31, 2019

Paperwork Burden Disclosure Notice

Public reporting burden for this data collection is estimated to average 15 minutes per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and submitting this form. This collection of information is required to obtain or retain benefits. You are not required to respond to this collection of information unless a valid OMB control number is displayed in the upper right corner of this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, Paperwork Reduction Project (1660-0017) **NOTE: Do not send your completed form to this address.**

Privacy Act Statement

Authority: FEMA is authorized to collect the information requested pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, §§ 402-403, 406-407, 417, 423, and 427, 42 U.S.C. 5170a-b, 5172-73, 5184, 5189a, 5189e; The American Recovery and Reinvestment Act of 2009, Public Law No. 111-5, § 601; and "Public Assistance Project Administration," 44 C.F.R. §§ 206.202, and 206.209.

APPLICANT (Political subdivision or eligible applicant)			DATE SUBMITTED	
DUNS NUMBER		FEDERAL TAX ID NUMBER		
COUNTY (Location of Damages. If located in multiple counties, please indicate)				
APPLICANT PHYSICAL LOCATION				
STREET ADDRESS				
CITY	COUNTY	STATE	ZIP CODE	
MAILING ADDRESS (If different from Physical Location)				
STREET ADDRESS				
POST OFFICE BOX	CITY	STATE	ZIP CODE	
Primary Contact/Applicant's Authorized Agent			Alternate Contact	
NAME		NAME		
TITLE		TITLE		
BUSINESS PHONE		BUSINESS PHONE		
FAX NUMBER		FAX NUMBER		
HOME PHONE (Optional)		HOME PHONE (Optional)		
CELL PHONE		CELL PHONE		
E-MAIL ADDRESS		E-MAIL ADDRESS		
Did you participate in the Federal/State Preliminary Damage Assessment (PDA)? <input type="checkbox"/> YES <input type="checkbox"/> NO Private Non-Profit Organization? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, which of the facilities identified below best describe your organization? _____ Title 44 CFR, part 206.221(e) defines an eligible private non-profit facility as: "... any private non-profit educational, utility, emergency, medical or custodial care facility, including a facility for the aged or disabled, and other facility providing essential governmental type services to the general public, and such facilities on Indian reservations." "Other essential governmental service facility means museums, zoos, community centers, libraries, homeless shelters, senior citizen centers, rehabilitation facilities, shelter workshops and facilities which provide health and safety safety services of a governmental nature. All such facilities must be open to the general public." Private Non-Profit Organizations must attach copies of their Tax Exemption Certificate and Organization Charter or By-Laws. If your organization is a school or educational facility, please attach information on accreditation or certification.				
OFFICIAL USE ONLY: FEMA - _____ -DR- _____ - _____ FIPS# _____ DATE RECEIVED _____				

STATE OF CALIFORNIA
GOVERNOR'S OFFICE OF EMERGENCY SERVICES
Cal OES 89

Disaster No: _____

Cal OES ID No: _____

DUNS No: _____

PROJECT ASSURANCES FOR FEDERAL ASSISTANCE

SUBRECIPIENT'S NAME: _____
(Name of Organization)

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

TELEPHONE: _____ FAX NUMBER: _____

AUTHORIZED AGENT: _____ TITLE: _____

EMAIL ADDRESS: _____

ASSURANCES – CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to all of your projects. If you have questions, please contact the California Governor's Office of Emergency Services. Further, certain federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the subrecipient named above:

1. Has the legal authority to apply for federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-federal share of project costs) to ensure proper planning, management, and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, Federal Office of Inspector General 2 CFR 200.336, and if appropriate, the state, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with federal assistance funds to assure nondiscrimination during the useful life of the project.
4. Will comply with the requirements of the assistance-awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or state.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gains.
8. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.), which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

9. Will comply with all federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color, or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C §§ 1681-1683 and 1685-1686) which prohibits discrimination on the basis of sex; (c) Section 504 of the rehabilitation Act of 1973, as amended (29 U.S.C. § 794) which prohibit discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107) which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 93-255) as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616) as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3) as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental, or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) which may apply to the application.
10. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal and federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchases.
11. Will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$5,000 or more.
12. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.O. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.O. 93-205).
13. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
14. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and preservation of historic properties), and the Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
15. Will comply with Standardized Emergency Management (SEMS) requirements as stated in the California Emergency Services Act, Government Code, Chapter 7 of Division 1 of Title 2, Section 8607.1(e) and CCR Title 19, Sections 2445, 2446, 2447, and 2448.
16. Subrecipients expending \$750,000 or more in federal grant funds annually are required to secure an audit pursuant to OMB Uniform Guidance 2 CFR Part 200, Subpart F. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 and the Single Audit Act Amendments of 1996.
17. Will disclose in writing any potential conflict of interest to the Federal awarding agency or pass-through entity in accordance with §200.112.
18. Will comply with all applicable requirements of all other federal laws, Executive Orders, regulations and policies governing this program.
19. Has requested through the State of California, federal financial assistance to be used to perform eligible work approved in the subrecipient application for federal assistance. Will, after the receipt of federal financial assistance, through the State of California, agree to the following:
 - a. The state warrant covering federal financial assistance will be deposited in a special and separate account, and will be used to pay only eligible costs for projects described above;
 - b. To return to the State of California such part of the funds so reimbursed pursuant to the above numbered application, which are excess to the approved actual expenditures as accepted by final audit of the federal or state government.
 - c. In the event the approved amount of the above numbered project application is reduced, the reimbursement applicable to the amount of the reduction will be promptly refunded to the State of California.

20. The non-Federal entity for a Federal award must disclose, in a timely manner, in writing to the Federal awarding agency or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award §200.113. Failure to make required disclosures can result in any of the remedies described in §200.338 Remedies for noncompliance, including suspension or debarment.
21. Will not make any award or permit any award (subaward or contract) to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549 and 12689, "Debarment and Suspension."

"I, the official named below, CERTIFY UNDER PENALTY OF PERJURY that I am duly authorized by the above named subrecipient to enter into this agreement for and on behalf of the said subrecipient, and by my signature do bind the subrecipient to the terms thereof."

PRINTED NAME

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

TITLE

DATE

THE CITY OF SAN FERNANDO

CITY COUNCIL

March 17, 2020

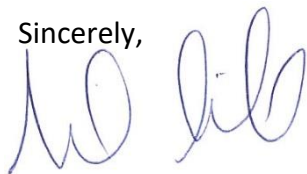
MAYOR
JOEL FAJARDOVICE MAYOR
HECTOR A. PACHECOCOUNCILMEMBER
SYLVIA BALLINCOUNCILMEMBER
ROBERT C. GONZALESCOUNCILMEMBER
MARY MENDOZALeslie Luke, Deputy Director
County of Los Angeles
Office of Emergency Management
1275 N. Eastern Avenue
Los Angeles, CA 90063

As a result of the Novel Coronavirus (COVID-19) global outbreak, on March 16, 2020, the City of San Fernando City Council declared the existence of an emergency situation and local emergency due to the worldwide spread of the Coronavirus (COVID-19). Resolution No. 7992 was adopted unanimously on March 16, 2020 by the City of San Fernando City Council.

Though the Response and Recovery phases of operation is still fluid, we are anticipating the response and recovery will be beyond the control of local resources and require the combined financial assistance and resources from the local, State and Federal governments and their partners.

The City of San Fernando is requesting, in accordance to the California Disaster Assistance Act and the Stafford Act, financial Public Assistance to assist in response and recovery efforts. The City of San Fernando is requesting the State expedite access to State and Federal resources and any other appropriate federal disaster relief programs. The City desires this request be forwarded to the State Director of Emergency Services as well as the Federal Emergency Management Agency.

Sincerely,

Nick Kimball
City Manager
Director of Emergency Services
(818) 898-1202ADMINISTRATION
DEPARTMENT117 MACNEIL STREET
SAN FERNANDO
CALIFORNIA
91340OFFICE OF THE
CITY MANAGER
(818) 898-1202PERSONNEL DIVISION
(818) 898-1220

WWW.SFCITY.ORG

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AGENDA REPORT

To: Mayor Joel Fajardo and Councilmembers

From: Nick Kimball, City Manager
By: Richard Padilla, Assistant City Attorney
Elena G. Chávez, City Clerk

Date: April 6, 2020

Subject: Adoption of Resolution Declaring the Results of the General Municipal Election and Confirmation/Final Adoption of Ordinance 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

RECOMMENDATION:

It is recommended that the City Council approve the following by separate vote:

- a. Adopt Resolution No. 7995 declaring the results of the March 3, 2020, Special Municipal Election (Attachment "A"); and
- b. Confirm and ratify adoption of Ordinance No. 1690 (second reading), entitled: "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." (Attachment "B").

BACKGROUND:

1. On November 4, 2019, the City Council discussed the Cannabis Ad Hoc Committee's (Mayor Fajardo and Vice Mayor Pacheco) recommendation to place a measure on the March ballot and directed staff to return with a number of possible ballot questions to ban certain marijuana business activities in the City, ranging from banning retail sales only, to banning all marijuana related business activities.
2. On November 18, 2019, the City Council approved two election-related actions:
 - a) Adopted Resolution No. 7965 calling for a Special Municipal Election on Tuesday, March 3, 2020, to submit to the voters a question relating to the ban of certain

**Adoption of Resolution Declaring the Results of the General Municipal Election and Confirmation/
Final Adoption of Ordinance 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**

Page 2 of 3

marijuana business activity in the City, requesting consolidation with the County-administered Presidential Primary Election, requesting full election services from the Registrar-Recorder/County Clerk (RR/CC), and setting rules and deadlines for arguments and rebuttals for and against the ordinance; and

- b) Introduced for first reading Ordinance No. 1690 entitled: "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." Ordinance 1690 was subject to voter approval of the ballot measure submitted to San Fernando voters by way of Resolution No. 7995 referenced above.
- 6. On March 3, 2020, the Special Municipal Election was held and the Los Angeles County RR/CC continued counting ballots during the Official Election Canvass period through the end of March.
 - 7. On March 27, 2020, the City Clerk's office received the Certificate of the Canvass of the Election Returns completed and certified by the Los Angeles County RR/CC for the March 3, 2020, Presidential Primary Election including the City's Special Municipal Election (Exhibit "A" to Attachment "A").

ANALYSIS:

Per Elections Code Section 10262(b), the City Clerk is required to certify election results to the City Council. In turn, the City Council, as required by Elections Code Section 10263, must meet to declare the results of the election.

BUDGET IMPACT:

Budget Resolution No. 7966 approved on November 18, 2019, appropriated \$65,000 in funding into the Fiscal Year 2019-2020 adopted budget. Therefore, sufficient funds are appropriated to cover the cost of the election.

CONCLUSION:

It is recommended that the City Council adopt Resolution No. 7995 declaring the results of the March 3, 2020, Special Municipal Election and confirm and ratify adoption of Ordinance No.

**Adoption of Resolution Declaring the Results of the General Municipal Election and Confirmation/
Final Adoption of Ordinance 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**

Page 3 of 3

1690 (second reading), entitled: "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."

ATTACHMENTS:

- A. Resolution No. 7995
- B. Ordinance No. 1690

ATTACHMENT “A”**RESOLUTION NO. 7995**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SAN FERNANDO, CALIFORNIA, RECITING THE FACT OF
THE SPECIAL MUNICIPAL ELECTION ON TUESDAY,
MARCH 3, 2020, DECLARING THE RESULT AND SUCH
OTHER MATTERS AS PROVIDED BY LAW**

WHEREAS, at its regular meeting of November 18, 2019, the City Council of the City of San Fernando (“City Council”) approved Resolution No. 7965 which called a Special Municipal Election (“City Election”) to be held on March 3, 2020, for the submission to the qualified voters of a proposed ordinance prohibiting all adult-use and medicinal commercial cannabis activity throughout the City, except as allowed by State Law; requesting consolidation of said City Election with the County-administered Presidential Primary Election of the same date; requesting full election services from the Registrar-Recorder/County Clerk (“County Registrar”) for the County of Los Angeles to conduct said special election; and setting rules and deadlines for arguments and rebuttals for and against the ordinance; and

WHEREAS, a Special Municipal Election was held and conducted in the City of San Fernando, California (the “City”), on Tuesday, March 3, 2020; as required by law; and

WHEREAS, the purpose of the Special Municipal Election was to submit to the voters a proposed ordinance prohibiting all adult-use and medicinal commercial cannabis activity throughout the City, except as allowed by State law, and the ballot measure was given designation of Measure MJ; and

WHEREAS, Measure MJ presented the following question to San Fernando voters:

Ban All Marijuana/Cannabis Business Activities	YES
Shall the City ban marijuana storefront dispensaries and all other cannabis business activities in the City?	NO

WHEREAS, notice of the election was given in time, form and manner as provided by law; the candidates were nominated to fill the vacancies as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the City Election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form, and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in general law cities.

BASED UPON THE ABOVE RECITALS, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

SECTION 1. The Recitals stated above are true and correct and incorporated herein by this reference.

SECTION 2. On March 3, 2020, the City conducted a Special Municipal Election, which was administered by the County Registrar.

SECTION 3. Pursuant to Elections Code Section 15300 et seq., the County Registrar canvassed the returns of the City Election. On March 27, 2020, the County Registrar certified the results and issued a *Certificate of Canvass of the Election Returns*, for the City Election (hereinafter, the “Canvass”). A true and correct copy of the Canvass is attached hereto as **Exhibit “A”** and is incorporated by this reference as though fully set forth herein.

SECTION 4. Upon completion of the Canvass, the City Council must adopt a Resolution reciting the fact of the City Election and the City Clerk shall enter on the records of the City Council, a statement of the results of the election, showing, among other things: (a) the whole number of ballots cast in the City for the Measure MJ election contest; and (b) the number of ballots cast “in favor of” and “in opposition to” Measure MJ.

SECTION 5. At the City Election, Measure MJ was passed and approved by a majority of those voting on the measure. San Fernando voters approved Measure MJ by the following vote count: 2,000 votes cast in favor and 1,674 votes cast in opposition out of a total of 3,836 ballots cast.

SECTION 6. This Resolution shall take effect immediately upon its adoption by the City Council and the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of San Fernando at a regular meeting held on the 6th day of April 2020.

Joel Fajardo, Mayor

ATTEST:

Elena G. Chávez, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF SAN FERNANDO)

I, Elena G. Chávez, City Clerk of the City Council of the City of San Fernando, do hereby certify that the foregoing Resolution was duly adopted by the City Council at its meeting held on the 6th day of April, 2020, by the following vote to wit:

AYES:

NOES:

ABSENT:

Elena G. Chávez, City Clerk

EXHIBIT “A”

**LOS ANGELES COUNTY
REGISTRAR-RECORDER/COUNTY CLERK**

CERTIFICATE OF THE CANVASS OF THE ELECTION RETURNS

AND

OFFICIAL STATEMENT OF VOTES CAST

Los Angeles County
Registrar-Recorder/County Clerk

Exhibit "A"
to Resolution 7995

Certificate of the Canvass of the Election Returns

I, DEAN C. LOGAN, Registrar-Recorder/County Clerk of the County of Los Angeles, of the State of California, DO HEREBY CERTIFY that pursuant to the provisions of Section 15300 et seq. of the California Elections Code, I did canvass the returns of the votes cast for each elective office and/or measure(s) for

San Fernando City

at the Presidential Primary Election, held on the 3rd day of March, 2020.

I FURTHER CERTIFY that the Statement of Votes Cast, to which this certificate is attached, shows the total number of ballots cast in said jurisdiction, and that the whole number of votes cast for each candidate and/or measure(s) in said jurisdiction in each of the respective precincts therein, and the totals of the respective columns and the totals as shown for each candidate and/or measure(s) are full, true and correct.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 27th day of March, 2020.



Dean C. Logan

DEAN C. LOGAN
Registrar-Recorder/County Clerk
County of Los Angeles

[illegible]

[illegible]

ATTACHMENT “B”**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**

WHEREAS, the Federal Controlled Substances Act (21 U.S.C., § 801 et seq.) makes it unlawful under federal law for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute, or dispense marijuana; and

WHEREAS, in 1996, the California Legislature approved Proposition 215, also known as the Compassionate Use Act (“CUA”), which was codified under Health and Safety Code Section 11262.5 et seq. and was intended to enable persons in need of medical marijuana for specified medical purposes, such as cancer, anorexia, AIDS, chronic pain, glaucoma and arthritis, to obtain and use marijuana under limited circumstances and where recommended by a physician. The CUA provides that “nothing in this section shall be construed or supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of marijuana for non-medical purposes”; and

WHEREAS, in 2004, the California Legislature enacted the Medical Marijuana Program Act (Health & Saf. Code, § 11362.7 et seq.) (“MMP”), which clarified the scope of the CUA, created a state-approved voluntary medical marijuana identification card program, and authorized cities to adopt and enforce rules and regulations consistent with the MMP. Assembly Bill 2650 (2010) and Assembly Bill 1300 (2011) amended the MMP to expressly recognize the authority of counties and cities to “[a]dopt local ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective” and to civilly and criminally enforce such ordinances; and

WHEREAS, in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.* (2013) 56 Cal.4th 729, the California Supreme Court held that “[n]othing in the CUA or the MMP expressly or implicitly limits the inherent authority of a local jurisdiction, by its own ordinances, to regulate the use of its land” The Court held that cities have the authority to ban medical marijuana land uses. Additionally, in *Maral v. City of Live Oak* (2013) 221 Cal.App.4th 975, the Court of Appeal held that “there is no right - and certainly no constitutional right - to cultivate medical marijuana” The Court in *Maral* affirmed the ability of a local governmental entity to prohibit the cultivation of marijuana under its land use authority; and

WHEREAS, on October 9, 2015, Governor Brown signed three bills into law (AB 266, AB 243, and SB 643), which are collectively known as the “Medical Marijuana Regulation and Safety Act” (“MMRSA”). The MMRSA set up a State licensing scheme for commercial medical marijuana activities while protecting local control by requiring that all such businesses must have

a local license or permit to operate in addition to a State license. The MMRSA allows the City to completely prohibit commercial medical marijuana activities; and

WHEREAS, pursuant to the MMRSA, on May 16, 2016, the City Council adopted Ordinance No. 1654 to prohibit medical commercial cannabis activities throughout the City, with the exception of medical cannabis deliveries to qualified patients or primary caregivers within the City by licensed dispensaries; and

WHEREAS, the MMRSA was renamed the Medical Cannabis Regulation and Safety Act (the “MCRSA”), under Senate Bill 837 in June 2016, which also made included substantive changes to the applicable state laws, which affect the various state agencies involved in regulating cannabis businesses as well as potential licensees; and

WHEREAS, on November 8, 2016, the Control, Regulate, and Tax Adult Use of Marijuana Act (“AUMA”) was approved by California voters as Proposition 64 and became effective on November 9, 2016, pursuant to the California Constitution (Cal. Const., art. II, § 10(a)). This proposition and subsequent State legislation were intended to permit adults 21 years and older to use, possess, purchase and grow nonmedical cannabis within defined limits, and to allow local governments to reasonably regulate the personal cultivation of nonmedical cannabis for personal use by adults 21 years and older through zoning and other local laws, and to grant local jurisdictions control over all commercial cannabis activity, including but not limited to, outdoor cultivation. The purpose and intent was also to allow local governments to ban nonmedical marijuana businesses. On November 7, 2016, the City Council adopted Ordinance No. 1659 to prohibit outdoor personal marijuana cultivation and establish regulations and a permitting process for indoor personal marijuana cultivation; and

WHEREAS, on June 27, 2017, Governor Brown signed the Legislature-approved Senate Bill 94 (SB 94). SB 94 combined elements of the MCRSA and AUMA to establish a streamlined singular regulatory and licensing structure for both medical and nonmedical cannabis activities given that there were discrepancies between the MCRSA and AUMA. The consolidated provisions under SB 94, known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”), are governed by the California Bureau of Cannabis Control. MAUCRSA refers to medical cannabis as “medicinal cannabis” and nonmedical/recreational cannabis as “adult-use cannabis”; and

WHEREAS, MAUCRSA allows local jurisdictions to wholly or partially ban or regulate adult-use or medicinal commercial cannabis activities within its jurisdiction. Subdivision (a) of Business and Professions Code Section 26200 observes that State law “shall not be interpreted to supersede or limit the authority of a local jurisdiction to adopt and enforce local ordinances to regulate businesses licensed under this division, including, but not limited to local zoning and land use requirements, business license requirements, and requirements related to reducing exposure to secondhand smoke, or to completely prohibit the establishment or operation of one or more types of businesses licensed under this division within the local jurisdiction”; and

WHEREAS, MAUCRSA limits local bans on cannabis transportation such that the City cannot “prevent the transportation of cannabis or cannabis products on public roads by a licensee transporting cannabis or cannabis products in compliance” with State law, and this limit is designed to allow the free flow of commerce on City roads despite a City ban on the conduct of such business within the City; and

WHEREAS, on September 18, 2017, the City Council adopted Urgency Ordinance No. 1669 to expressly prohibit all medicinal and adult-use commercial cannabis activities throughout the City, excluding medicinal-only cannabis deliveries originating from qualified licensed retailers located outside of the City’s boundaries; and

WHEREAS, this Ordinance intends to prohibit all adult-use and medicinal commercial cannabis activity within the City limits, including, but not limited to, storefront sales, delivery services, cultivation, manufacturing, distribution, and laboratory testing.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF SAN FERNANDO, CALIFORNIA DO HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The facts set forth in the recitals above are true and correct.

SECTION 2. San Fernando Urgency Ordinance No. 1669, entitled “An Urgency Ordinance of the City Council of the City of San Fernando, California, Amending Chapter 22 (Businesses) and Chapter 106 (Zoning) to Expressly Prohibit all Medicinal and Adult-Use Commercial Cannabis Activities Throughout the City, Excluding Medicinal-Only Cannabis Deliveries Originating from Qualified Licensed Retailers Located Outside of the City’s Boundaries, and Declaring the Urgency Thereof, in Accordance with Government Code Sections 36934 and 36937,” is hereby repealed on the effective date of this Ordinance.

SECTION 3. Subject to the approval of a majority of the voters of the City of San Fernando at the Special Municipal Election so designated by the City Council in a separate resolution placing the proposal on the ballot for such election, Section 22-64 (Unlawful business not authorized) of Division 1 (Generally) of Article II (Licensing) of Chapter 22 (Businesses) of the San Fernando Municipal Code is amended in its entirety to read as follows:

“Sec. 22-64 Unlawful business not authorized.

- (a) No license issued under this article shall be construed as authorizing the conduct or continuance of any illegal or unlawful business or the provision or sale of any service or product that is illegal under the laws of the United States or the State of California, or any ordinance of the city. Notwithstanding any provision of this Code to the contrary, no business license shall be issued for any use of land, operation, or business in all planning areas, districts, or zones within the city that is in violation of local, state and/or federal law.
- (b) No license shall be issued under this article relating to the establishment and/or operation of any business or the provision or sale of any service or product relating to adult-use or medicinal “commercial cannabis activity,” as such term is defined in Subdivision (k) of

California Business and Professions Code Section 26001 and as the same may be amended from time to time.”

SECTION 4. Subject to the approval of a majority of the voters of the City of San Fernando at the Special Municipal Election so designated by the City Council in a separate resolution placing the proposal on the ballot for such election, Division 18 (Medical Marijuana/Cannabis Prohibitions) of Article VI (General Regulations) of Chapter 106 (Zoning) of the San Fernando Municipal Code is hereby amended in its entirety to read as follows:

“Division 18 – Prohibition on Commercial Cannabis Activity

Sec. 106-1411 Definitions.

“Cannabis” shall have the same meaning as set forth in California Business and Professions Code Section 26001(f), as amended from time to time, and which states that “cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. “Cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the California Health and Safety Code.

“Cannabis accessories” shall have the same meaning as set forth in California Health and Safety Code Section 11018.2, as amended from time to time, and which states that “cannabis accessories” means any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis or cannabis products into the human body.

“Cannabis concentrate” shall have the same meaning as set forth in California Business and Professions Code Section 26001(h), as amended from time to time, and which states that “cannabis concentrate” means cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product’s potency. Resin from granular trichomes from a cannabis plant is a concentrate for purposes of this Division.

“Cannabis events” means any planned public or social occasion which is advertised, designed to have the effect of or having the effect of gathering people, in or on any public property for any purpose where the use, purchase, exchange, display, or advertisement of cannabis, cannabis accessories, cannabis concentrate, or cannabis products occur.

“Cannabis products” shall have the same meaning as set forth in California Health and Safety Code Section 11018.1, as amended from time to time, and which states that “cannabis products” means

cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

“Caregiver” or “primary caregiver” shall have the same meaning as set forth in California Health and Safety Code Section 11362.7(d), as amended from time to time, and which states that “primary caregiver” means the individual, designated by a qualified patient, who has consistently assumed responsibility for the housing, health, or safety of that patient, and may include any of the following:

(1) In a case in which a qualified patient or individual with an identification card receives medical care or supportive services, or both, from a clinic licensed pursuant to Chapter 1 (commencing with Section 1200) of Division 2, a health care facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2, a residential care facility for individuals with chronic life-threatening illness licensed pursuant to Chapter 3.01 (commencing with Section 1568.01) of Division 2, a residential care facility for the elderly licensed pursuant to Chapter 3.2 (commencing with Section 1569) of Division 2, a hospice, or a home health agency licensed pursuant to Chapter 8 (commencing with Section 1725) of Division 2, the owner or operator, or no more than three employees who are designated by the owner or operator, of the clinic, facility, hospice, or home health agency, if designated as a primary caregiver by that qualified patient or individual with an identification card.

(2) An individual who has been designated as a primary caregiver by more than one qualified patient or individual with an identification card, if every qualified patient or individual with an identification card who has designated that individual as a primary caregiver resides in the same city or county as the primary caregiver.

(3) An individual who has been designated as a primary caregiver by a qualified patient or individual with an identification card who resides in a city or county other than that of the primary caregiver, if the individual has not been designated as a primary caregiver by any other qualified patient or individual with an identification card.

“City” shall mean the City of San Fernando.

“Commercial cannabis activity” shall have the same meaning as set forth in California Business and Professions Code Section 26001(k), as amended from time to time, and which states that “commercial cannabis activity” includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis and cannabis products.

“Cultivation” or “Cultivate” shall have the same meaning as set forth in California Business and Professions Code Section 26001(l), as amended from time to time, and which states that “cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

“Delivery” shall have the same meaning as set forth in California Business and Professions Code Section 26001(p), as amended from time to time, and which states that “delivery” means the commercial transfer of cannabis or cannabis products to a customer. “Delivery” also includes the use by a retailer of any advertising platform or technology platform.

“Distribution” shall have the same meaning as set forth in California Business and Professions Code Section 26001(r), as the same may be amended from time to time, and which states that “distribution” means the procurement, sale, and transport of cannabis and cannabis products between licensees.

“Manufacture” shall mean and refer to the activities as set forth in California Business and Professions Code Section 26001(ag), as the same may be amended from time to time, and which states that “manufacture” means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

“Medicinal cannabis” or “medicinal cannabis product” shall have the same meaning as set forth in California Business and Professions Code Section 26001(ai), as the same may be amended from time to time, and which states that “medicinal cannabis” or “medicinal cannabis product” means cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the California Health and Safety Code, by a medicinal cannabis patient in California who possesses a physician’s recommendation.

“Medicinal and Adult-Use Cannabis Regulation and Safety Act” or “MAUCRSA” shall mean and refer to California Senate Bill 94, as may be amended from time to time.

“Microbusiness” means a person holding a license issued under paragraph (3) of subdivision (a) of Section 26070 of the California Business and Professions Code, which allows a person to engage in the cultivation of cannabis on an area less than 10,000 square feet and to act as a licensed distributor, Level 1 manufacturer (Type 6), and retailer, as specified in an application.

“Non-Storefront Retailer” means a person that sells cannabis, cannabis accessories, cannabis concentrate, or cannabis products, to customers exclusively through delivery.

“Nursery” shall have the same meaning as set forth in California Business and Professions Code Section 26001(aj), as amended from time to time, and which states that a “nursery” means a person that produces only clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis.

“Person” shall have the same meaning as set forth in California Business and Professions Code Section 26001(an), as amended from time to time, and which states that a “person” includes an individual, firm, partnership, joint venture, cooperative, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

“Qualifying patient” or “qualified patient” shall have the same meaning as set forth in California Health and Safety Code Section 11362.7(f), as amended from time to time, and which states that “qualified patient” means an individual who is entitled to the protections of Section 11362.5, but who does not have an identification card issued pursuant to California Health and Safety Code Section 11362.7 et seq.

“Sell,” “sale,” and “to sell” is defined under Section 26001(as) of the California Business and Professions Code to include any transaction whereby, for any consideration, title to cannabis or cannabis products is transferred from one person to another, and includes the delivery of cannabis or cannabis products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of cannabis or cannabis products by a licensee to the licensee from whom the cannabis or cannabis product was purchased.

“Storefront Retailer” means a person that sells cannabis, cannabis accessories, cannabis concentrate, or cannabis products to customers at its premises or by delivery.

“Testing Laboratory” shall have the same meaning as set forth in California Business and Professions Code Section 26001(at), as amended from time to time, and which states that a “testing laboratory” means a laboratory, facility, or entity in the state that offers or performs tests of cannabis or cannabis products and that is both of the following:

- (1) Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state; and
- (2) Licensed by the Bureau of Cannabis Control within the Department of Consumer Affairs.

Sec. 106-1511 Prohibitions.

- (a) All adult-use and medicinal commercial cannabis activity is prohibited anywhere within the City. Such activities include, but are not limited to:
 1. Cultivation
 2. Nursery
 3. Testing laboratory
 4. Manufacture
 5. Non-storefront retailer and storefront retailer
 6. Distribution
 7. Microbusiness
 8. Cannabis events

- (b) Notwithstanding subdivision (a) of this Section 106-1511, the prohibitions set forth in this Section 106-1511 shall apply to all activities for which a commercial cannabis activity license is required by the State of California under MAUCRSA so that no local approval shall be given to any proposed state license issuance of any license listed under California Business and Professions Code Section 26050, as may be amended from time to time.
- (c) If any provision of this Division conflicts with State law, such State law shall supersede the conflicting provision of this Division until such State law is either repealed or no conflict exists.

Sec. 106-1513 Limited Medicinal-Only Cannabis Deliveries Permitted to Qualified Patients or Primary Caregivers.

- (a) Notwithstanding the prohibitions set forth in Section 106-1511, medicinal-only cannabis deliveries may be permitted only to a qualified patient or primary caregiver in possession of a valid physician's recommendation or county-issued identification card, issued pursuant to Health and Safety Code Section 11362.712, by a legally operating, retailer possessing a valid state-issued M-Type 10 license that is located outside of the City of San Fernando. Such retailers must possess a current and valid City permit issued in accordance with this Section 106-1513, as specified below.
- (b) Deliveries of adult-use cannabis is strictly prohibited.
- (c) Application. The form and content of the application for a permit shall be approved by the Chief of Police. The application shall be signed under penalty of perjury, and the following standards constitute the minimum application standards to qualify for a permit to deliver medicinal cannabis pursuant to this Section 106-1513:
 - (1) Name, address, and contact information of the applicant; if the applicant is a corporation, the names and addresses of its directors;
 - (2) Name, address, and contact information of the applicant's business;
 - (3) Current and valid proof of their license(s) or permit(s) to conduct medicinal commercial cannabis deliveries from the outside licensing city and/or county in which such dispensary is located;
 - (4) Upon commencement of the State of California's issuance of licenses under the California Medicinal and Adult-Use Cannabis Regulation and Safety Act, current and valid state-issued M-Type 10 license;
 - (5) Acor insurance forms indicating applicant's ability to comply with the insurance requirements set forth in this Section 106-1513;
 - (6) Listing of all vehicles, devices, and platforms used by the applicant for delivery of medicinal cannabis, pursuant to this Section 106-1513, including the vehicle's make, model, year, license plate number and vehicle identification number;

- (7) Proof of current and valid California Department of Vehicle registration for all vehicles applicant shall use for delivery of medicinal cannabis, pursuant to this Section 106-1513;
- (8) Copies of a valid physician's recommendation or county-issued identification card, issued pursuant to Health and Safety Code Section 11362.712, for all persons that the applicant will use to delivery medicinal cannabis pursuant to this Section 106-1513. All such persons much be at least 21 years of age at the time of submittal of the application for medicinal cannabis delivery.
- (d) Review of the Application. The Chief of Police shall consider the application, as well as the criminal records, if any, and personal references, if demanded by the Chief of Police, of individuals identified in the application, and any other results from investigation into the application, as deemed necessary by the Chief of Police.
- (e) Disapproval of the Application. If the Chief of Police disapproves of an application sought under this Section 106-1513, he or she shall notify the applicant in writing, stating the reasons for the disapproval. Notification of the disapproval shall be delivered by first class mail to the applicant.
- (f) Appeal of Disapproval.
 - (1) Within fifteen (15) calendar days of transmittal of the Chief of Police's notice of disapproval of an application, the applicant denied approval may appeal the disapproval by notifying the City Clerk in writing of the appeal, the reasons for the appeal, and payment of any accompanying fees.
 - (2) The City Clerk shall set a hearing on the appeal and shall fix a date and time certain, within thirty (30) calendar days after the receipt of the applicant's appeal, unless the City and the applicant agree to a longer period of time to consider the appeal. The City Clerk shall provide notice of the date, time, and place of the hearing, at least seven (7) calendar days prior to the date of the hearing.
 - (3) The City Manager shall appoint a hearing officer to hear the appeal and determine the order of procedure, and rule on objections to the admissibility of evidence. The applicant and the Chief of Police shall each have the right to submit documents, call and examine witnesses, cross-examine witnesses, and argue their respective positions. The proceedings shall be informal, free of application of the strict rules of evidence. All evidence shall be admissible if it is of the type that a reasonably prudent person would rely upon in making a determination on the matter.
 - (4) The hearing officer shall issue a written decision within fifteen (15) days after the close of the hearing. The decision of the hearing officer shall be final.
- (g) Grounds for Denial, Revocation, or Suspension of Permit. The granting of a permit or a renewal thereof may be denied and an existing permit revoked or suspended if the applicant, permittee, or any individual employed or acting as an agent for an applicant or permittee to deliver cannabis in the City does any of the following:

- (1) Knowingly makes a false statement in the application or in any other reports or other documentation furnished to the City;
- (2) Engages vehicles for delivery that are not maintained or operated in a manner and in a condition required by law and applicable regulations;
- (3) Has been convicted of any offense relating to the use, sale, possession, or transportation of a controlled substance;
- (4) Has been convicted of any felony, convicted of any offense involving moral turpitude, convicted of driving under the influence of alcohol or drugs, or does not possess a driver's license;
- (5) Has been involved in three (3) or more motor vehicle collisions within the year preceding the application;
- (6) Utilizes vehicles or delivery personnel for deliveries, which are not identified to the City in its application;
- (7) Fails to pay required City fees and taxes; or
- (8) Violates any provision of this Section 106-1513.

(h) Suspension and Revocation.

- (1) If the Chief of Police determines that the activities of a holder of a permit issued under this Section 106-1513 are constituting a significant threat to the public health, safety, and/or welfare, the Chief of Police may suspend such permit and the rights and privileges thereunder until a hearing officer renders a written decision on the revocation of such permit.
- (2) The Chief of Police shall give notice of his or her intent to revoke a permit in the same manner as a notice of disapproval and provide the City Clerk with a copy of such notice.
- (3) The hearing for the revocation of the permit shall be set and conducted in the same manner as an appeal of disapproval. The decision of the hearing officer shall be final.

(i) Permittee Obligations. Individuals issued permits under this Section 106-1513 shall have all of the following duties and obligations:

- (1) Comply with all applicable federal, state, and local laws;
- (2) Obtain and maintain a business license from the City;
- (3) Maintain, at all times, all licenses and permits required by state and local laws and provide immediate notification to the Chief of Police if any such state and/or local license and/or permit is revoked or suspended;
- (4) All deliveries must be packaged in compliance with state law;

- (5) Any person who delivers cannabis pursuant to a permit issued under this Section 106-1513 shall keep a copy of such permit in his or her possession while effectuating any and all deliveries pursuant to such permit and shall make such permit copy available to law enforcement, upon request;
- (6) Deliveries shall not advertise cannabis, the name of the permittee, nor any other commercial cannabis activities;
- (7) Deliveries shall be made directly to the residence or business address of the qualified patient or the qualified patient's primary caregiver, upon proof of a valid physician's recommendation or county-issued identification card, issued pursuant to Health and Safety Code Section 11362.712. All other deliveries are prohibited;
- (8) Deliveries shall occur only between the hours of 6:00 a.m. and 6:00 p.m.;
- (9) No permittee shall transport or cause to be transported cannabis in excess of the limits established by the state. Until such limits are established, the limit shall be two (2) pounds of dried marijuana or its cannabis product equivalent;
- (10) All orders to be delivered shall be packaged by the name of the qualified patient or qualified patient if the delivery is made directly to him or her or by the name of both the qualified patient and primary caregiver if the delivery is made to the primary caregiver. All orders shall include a copy of the request for delivery with each package;
- (11) Maintain at all times Comprehensive Automobile Liability (owned, non-owned, hired) providing coverage at least as broad as ISO Form CA 00 01 on an occurrence basis for bodily injury, including death, of one or more persons, property damage, and personal injury, with limits of not less than One Million Dollars (\$1,000,000). Failure to maintain such insurance shall be a ground for denial of an application, suspension of a permit, and or revocation of a permit; and
- (12) By accepting a permit issued under this Section 106-1513, each permittee agrees to indemnify, defend and hold harmless to the fullest extent permitted by law, the City, its officers, agents and employees from and against any all actual and alleged damages, claims, liabilities, costs (including attorney's fees), suits or other expenses resulting from and arising out of or in connection with permittee's operations, except such liability causes by the active negligence, sole negligence of willful misconduct of City, its officers, agents and employees.
- (j) Fees. Applicants and permittees shall pay all applicable fees as set forth by resolution of the City Council. Applicants and permittees shall also pay the amount as prescribed by the Department of Justice of the State of California for the processing of fingerprinting. None of the above fees shall be prorated or refunded in the event of a denial, suspension, or revocation of the application or permit.
- (k) Term. All permits issued pursuant to this Section 106-1513 shall only be valid from the date of issuance through December 31 of the calendar year in which they are issued. The

renewal process for the permit shall be processed in the same manner as the initial application.

- (l) Chief of Police or Designee. Any action required by the Chief of Police under this Section 106-1513 may be fulfilled by the Chief of Police's specified designee.

Sec. 106-1514 Nuisance.

Any use or condition caused, or permitted to exist, in violation of any provision of this Division 18 shall be, and is hereby declared to be, a public nuisance and may be summarily abated by the City pursuant to California Code of Civil Procedure Section 731, Article V (Nuisances) of Chapter 1 (General Provisions and Penalties) of the San Fernando City Code, and/or any other remedy available at law.

Sec. 106-1515 Civil Penalties.

In addition to any other enforcement remedies available under the San Fernando Municipal Code, the City Attorney may bring a civil action for injunctive relief and civil penalties against any person who violates any provision of this Division 18. In any civil action that is brought pursuant to this Division 18, a court of competent jurisdiction may award civil penalties and costs to the prevailing party."

SECTION 5. CEQA. This Ordinance is not subject to CEQA under the general rule set forth in Section 15601(b)(3) of the CEQA Guidelines that CEQA only applies to projects which have the potential for causing a significant effect on the environment. This Ordinance merely establishes prohibitions on commercial cannabis activities in the City.

SECTION 6. Inconsistent Provisions. Any provision of the San Fernando Municipal Code or appendices thereto that conflicts with the provisions of this Ordinance, to the extent of such conflict and no further, is hereby repealed or modified to the extent necessary to affect the provisions of this Ordinance.

SECTION 7. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase would be subsequently declared invalid or unconstitutional.

SECTION 8. Construction. This Ordinance is intended to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent. To the extent the provisions of the San Fernando Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as it read prior to the adoption of this Ordinance, those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 9. Pursuant to Elections Code Section 9217, this Ordinance shall take effect only if approved by a majority of the eligible voters of the City of San Fernando voting at the Special Municipal Election to be held on March 3, 2020, and shall take effect ten (10) days after the City Council has certified the results of the Special Municipal Election by resolution.

SECTION 10. The City Clerk shall certify the adoption of this Ordinance and shall cause the same to be published pursuant to California Government Code Section 36933.

PASSED, APPROVED AND ADOPTED by the City Council of the City of San Fernando at a regular meeting held on this 6th day of April, 2020.

Joel Fajardo, Mayor

ATTEST:

Elena G. Chávez, City Clerk

APPROVED AS TO FORM:

Richard Padilla, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF SAN FERNANDO)

I, ELENA G. CHAVEZ, City Clerk of the City of San Fernando, do hereby certify that the foregoing Ordinance No. 1690 was introduced for a first reading on the 18th day of November, 2019 and approved for a second reading and adopted by said Council at a regular meeting held on the ____ day of _____, 2020 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Elena G. Chávez, City Clerk

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AGENDA REPORT

To: Mayor Joel Fajardo and Councilmembers

From: Councilmember Mary Mendoza

Date: April 6, 2020

Subject: Consideration of a Letter in Support Regarding AB 1862 - Providing Two Years of Tuition-Free Education at Any California State University (CSU) Campus

RECOMMENDATION:

I have placed this on the agenda for discussion and recommend that the City Council provide direction to staff to prepare a letter in support of AB 1862.

BACKGROUND:

This bill would provide two years of tuition-free education at any California State University (CSU) campus for any student who has received an associate degree for transfer from a California Community College and received a fee waiver through the California College Promise program.

The Santa Maria Group serves as the local advocate for the Los Angeles Community College District (LACCD). On behalf of the LACCD, the Santa Maria Group has requested that the City of San Fernando consider supporting AB 1862 through the submission of a letter. The item is scheduled to be heard by the Assembly in early April 2020.

BUDGET IMPACT:

There is no impact to the budget by discussing this item. Additional future costs to be determined based on City Council direction.

ATTACHMENTS:

- A. Sample Support Letter
- B. Bill Language
- C. Fact Sheet

The Honorable [Insert Name and Title]

AB 1862 (Santiago, Bonta, Cervantes, Friedman and Quirk-Silva)

Position: **SUPPORT**

Dear [Insert Name and Title]:

On behalf of [insert name of organization], I am writing in support of AB 1862 (Santiago). This bill would provide two years of tuition-free education at any California State University (CSU) campus for any student who has received an associate degree for transfer (ADT) from a California Community College (CCC) and received a fee waiver through the California College Promise (Promise) program.

California is facing a college affordability crisis. Bachelor's degree students who attend public four-year universities graduate with an average student debt of \$17,400 and total student debt in California is over \$10 billion.

Additionally, according to recent economic projections, California will be facing a shortage of over 1 million bachelor's degree-holding workers by 2030. This shortage will create a workforce skills gap – a problem that cannot be addressed even by an influx of educated workers from other states or countries. The only viable option to avoid this economic disaster is for California to expand access to higher education institutions and graduate more students.

To help meet this demand, AB 1862 will bring California one step closer to establishing debt-free higher education. This bill expands upon the California College Promise program, which provides two years of free community college, by providing two years of tuition-free education at any CSU for students who transfer from a CCC with an ADT and who received a fee waiver through the Promise program. This bill will encourage and incentivize more students to enroll in four-year institutions following community college, help more students graduate with less debt, and will grow the number of workers with undergraduate degrees needed to compete in the global economy.

As advocates for access to higher education and student success, [insert name of organization] is proud to support AB 1862. It is imperative that four-year institutions in California are accessible and affordable for all. AB 1862 is a modest – yet effective – step toward completely debt-free higher education in California.

Sincerely,

[Insert Name and Title]

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL**No. 1862**

**Introduced by Assembly Members Santiago, Bonta, Cervantes, and
Quirk-Silva
(Principal coauthor: Assembly Member Carrillo)**

January 7, 2020

An act to add Section 89700.2 to the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1862, as introduced, Santiago. Public postsecondary education: California State University: tuition.

Existing law establishes the California State University, under the administration of the Trustees of the California State University, as one of the segments of public postsecondary education in this state. The California State University comprises 23 institutions of higher education located throughout the state. Existing law authorizes the trustees to require the payment of fees, rents, deposits, and charges for services, facilities, or materials provided by the trustees. Existing law establishes the California Promise, which requires at least 20 individual campuses of the California State University to establish a California Promise program through which each campus would enter into a pledge with a student who satisfies specified criteria to support the student in earning a baccalaureate degree in limited time.

Existing law establishes the California College Promise, under the administration of the Chancellor of the California Community Colleges, to provide funding, upon appropriation by the Legislature, to each community college meeting prescribed requirements. Existing law

AB 1862

— 2 —

authorizes a community college to use that funding to waive some or all of the fees for 2 academic years for certain first-time students.

This bill would prohibit the charging of tuition or mandatory systemwide fees for enrollment at a campus of the California State University for any academic year, up to 2 academic years, to a California Community College resident transfer student who has completed an associate degree for transfer or has received a fee waiver pursuant to the California College Promise. Upon appropriation by the Legislature, the bill would require the Chancellor of the California State University to distribute funding to each campus participating in the California Promise to offset the costs of waiving tuition and mandatory systemwide fees to transfer students pursuant to this bill.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 89700.2 is added to the Education Code,
- 2 to read:
- 3 89700.2. (a) The California State University shall not charge
- 4 tuition or mandatory systemwide fees for enrollment at a campus
- 5 of the university for any academic year, up to two academic years,
- 6 to a California Community College transfer student who has
- 7 satisfied either of the following:
- 8 (1) The student has completed an associate degree for transfer.
- 9 (2) The student has received a fee waiver pursuant to subdivision
- 10 (b) of Section 76396.3.
- 11 (b) Upon appropriation by the Legislature, the chancellor shall
- 12 distribute funding to each campus participating in the California
- 13 Promise established pursuant to Part 40.2 (commencing with
- 14 Section 67430) of Division 5 to offset the costs of waiving tuition
- 15 and mandatory systemwide fees pursuant to subdivision (a). It is
- 16 the intent of the Legislature that sufficient funding be allocated to
- 17 each participating campus to offset the cost of all tuition and
- 18 mandatory systemwide fee waivers granted pursuant to subdivision
- 19 (a).

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AB 1862 (Santiago, Bonta, Cervantes, Friedman and Quirk-Silva)

Tuition-Free Bachelor's Degree

Bill Summary

AB 1862 provides two years of tuition-free education at any California State University (CSU) campus for any student who has received an associate degree for transfer (ADT) from a California Community College (CCC) and received a fee waiver through the California College Promise (Promise) program.

Existing Law

Establishes the California College Promise program, which provides tuition-free education at a CCC for up to two academic years for all first time, full-time students (Education Code Section 76396).

Establishes the Student Transfer Achievement Reform Act, which requires that a student who earns an ADT be accepted for transfer into a CSU bachelor's program. To earn an ADT, a student must complete the CSU General Education Transfer requirements and a minimum of 18 semester units or 27 quarter units in a major or area of emphasis (Education Code Section 66745).

Background

In 2017, AB 19 (Santiago) established the Promise program, which waived fees for first-time, full-time students during their first academic year at a CCC. The bill created a framework for CCCs to maximize students' access to financial aid, implement evidence-based student success strategies, and collaborate with school districts to increase outreach and education regarding college access and affordability. Participating schools are required to implement guided pathways to help students graduate faster. In 2019, AB 2

(Santiago) expanded upon the Promise program by adding a second academic year of waived tuition. Over 39,000 CCC students participated in the Promise program in the 2018-19 academic year.

For the 2019-20 school year, 111 of 114 CCCs will have a Promise program established.¹ As of fall 2018, 61,000 CCC students transferred to a CSU. The number of students transferring to CSU with an ADT has rapidly increased every year since 2013. For example, in 2017, 21,000 transfer students held an ADT, an 11 percent increase from 2016.² In anticipation of this continued trend, it is imperative that the Legislature take steps to create a pathway to an affordable bachelor's degree.

Need for AB 1862

According to recent economic projections, California will be facing a shortage of over 1 million bachelor's degree-holding workers by 2030. This shortage will create a workforce skills gap – a problem that cannot be addressed even by an influx of educated workers from other states or countries.³ The only viable option to avoid this economic disaster is for California to expand access to higher education institutions and graduate more students.

To help meet this demand, AB 1862 will bring California one step closer to establishing debt free higher education. This bill expands upon the Promise program by providing two years of tuition-free education at any CSU for students who transfer from a CCC with an ADT and who received a fee waiver through the Promise program. Providing two years of tuition-free CSU will significantly reduce financial burdens

for students, which will allow them to focus on their studies and graduate faster.

AB 1862 will encourage and incentivize more students to enroll in four-year institutions following community college, help more students graduate with less debt, and will grow the number of workers with undergraduate degrees needed to compete in the global economy.

Support

Los Angeles Community College District (Co-sponsor)

Rise (Co-sponsor)

Swipe Out Hunger (Co-sponsor)

For More Information

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Stephanie Gerstle, Assemblymember Santiago
916.319.2053 | Stephanie.Gerstle@asm.ca.gov

¹ Castañeda, Irma. 2019. "California College Promise Program – Understanding Current Practices." *CCC Chancellor's Office*, September 2019.

² Ruble, Alisia. 2019. "CSU Campuses Lauded for Transfer Student Success." *California State University*, January 25, 2019. <https://www2.calstate.edu/csu-system/news/Pages/CSU-Campuses-Lauded-for-Transfer-Student-Success.aspx>

³ Johnson, Hans, Marisol Cuellar Mejia and Sarah Bohn. 2015. "Will California Run Out of College Graduates?" *Public Policy Institute of California*, October 2015. <https://www.ppic.org/publication/will-california-run-out-of-college-graduates/>