

**SAN FERNANDO CITY COUNCIL
MINUTES**

**JANUARY 17, 2012 – 6:00 P.M.
REGULAR MEETING**

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

CALL TO ORDER/ROLL CALL

Mayor Mario F. Hernández called the meeting to order at 6:20 p.m.

Present:

Council: Mayor Mario F. Hernández, Mayor Pro Tem Brenda Esqueda,
Councilmembers Sylvia Ballin, Maribel De La Torre, and Antonio Lopez

Staff: City Administrator Al Hernández, City Attorney Michael Estrada, and
City Clerk Elena G. Chávez

PLEDGE OF ALLEGIANCE

Mayor Hernández

APPROVAL OF AGENDA

Motion by Councilmember De La Torre, seconded by Councilmember Ballin, to approve the agenda. By consensus, the motion carried.

PUBLIC STATEMENTS – WRITTEN/ORAL

Mike Majers (resident and business owner) said that businesses refused to donate toward the City's Centennial because of what's going on, there is a high vacancy rate in the City, the Redevelopment Agency is losing money, and the pool is a joke. He said City Council should take notice and do the right thing.

Dee Akemon (resident) said that the City Council majority was asked to step down, she is embarrassed by questions asked wherever she goes, at one time or another has voted for each Councilmember, and would like to see them voluntarily step down and not spend money on a recall election.

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Jesse Avila (resident) in response to his question regarding the proposed water and sewer rate increases; he was referred to the City Clerk and the Public Works Director.

Linda Jauron (resident) reported that a list of demands had been presented to City Council and a recall committee has been formed. She said there has been a lack of focus by certain Councilmembers (decisions have been questionable) and urged the City Council majority to save the City from further embarrassment and resign.

Jose Diaz stated that he had been falsely arrested by Officer Marshall Mack and that he (Officer Mack) is yet to be disciplined. He said that information he and his supporters mailed to San Fernando Police officers was stolen and he's requesting a third-party independent investigation regarding the matter (he provided Mayor Hernández a packet of information).

Carolina Perez (resident) said it has been shameful that San Fernando is everywhere in the media, she has volunteered for San Fernando schools and parks, and if there is a recall, she will be working even harder.

Patty Lopez (resident) said that Councilmember De La Torre has brought shame to the City and it was time for her to go while she still has some dignity.

Julian Ruelas (resident) said that his coworkers think San Fernando is a joke and no one in the real estate world will look at our City. He said that people need to change and do the right thing so that the City can move forward.

Samuel Beltran said that he visited his nephew in Seattle, Washington, who asked him if it was true what is going on in San Fernando. He asked that certain Councilmembers to do the right thing and step down with pride and dignity.

Antonio Adame (resident) talked about a recent incident regarding problems with neighbors in which Mayor Pro Tem Esqueda and Police Sgt. Alvaro Castellon assisted his family. He said that people need to wake up (the recall is a joke), not worry about gossip; instead worry about the corruption at the Police Department.

Florita Hernández said that San Fernando Police officers arrested and beat up her son (he was unarmed and not on drugs).

Ray Esparza, Santa Rosa Baseball League, said it is difficult to run a league without a snack bar, and would like more information regarding options (said that he is aware this item is on the agenda for discussion).

CONSENT CALENDAR

Councilmember De La Torre removed Item No. 3, and Councilmember Ballin removed Item No. 1 (November 21, 2011 minutes) for further discussion.

Motion by Councilmember De La Torre, seconded by Councilmember Ballin, to approve the remaining Consent Calendar Items:

- 2) APPROVAL OF WARRANT REGISTER NO'S 11-122, 12-011, AND 12-012
- 4) RESOLUTION PURSUANT TO ASSEMBLY BILL 936 CONCERNING FORGIVENESS OF LOANS, ADVANCES, OR OTHER INDEBTEDNESS

By consensus, the motion carried.

Items Removed for Further Discussion:

- 1) APPROVAL OF MINUTES OF:
 - a) NOVEMBER 21, 2011 – REGULAR MEETING
 - b) DECEMBER 5, 2011 – REGULAR MEETING
 - c) DECEMBER 19, 2011 – SPECIAL MEETING

Councilmember Ballin asked for an update regarding a comment in the November 21, 2011 minutes by Mayor Hernández. Police Lt. Eley said that he did not receive the information from Mayor Hernández (regarding a complaint about parking citations) but he did remind his rank and file of the “do’s and don’ts”.

In response to Councilmember Ballin’s question, Mayor Hernández said he would provide her the information regarding the person that made the complaint.

Motion by Councilmember Ballin, seconded by Mayor Pro Tem Esqueda, to approve Consent Calendar Item No. 1. By consensus, the motion carried.

- 3) RESOLUTION ADOPTING PROCEDURES IN CONNECTION WITH PROPOSED INCREASES TO UTILITY SERVICE CHARGES

Councilmember De La Torre provided contact information for the City Clerk’s office and Public Works Director Ron Ruiz briefly explained the procedure regarding the proposed increases.

Motion by Councilmember De La Torre, seconded by Councilmember Ballin, to adopt a Resolution adopting procedures in connection with proposed increases to utility service charges. By consensus, the motion carried.

NEW BUSINESS

- 5) J. P. MORGAN CHASE BANK, N. A. BANKING LOAN PROPOSAL TO REFINANCE THE NITRATE REMOVAL SYSTEM LOAN

City Administrator Hernández presented the staff report and responded to questions from Councilmembers.

Motion by Councilmember De la Torre, seconded by Councilmember Ballin, to:

- a) Authorize the City Administrator and City Attorney to negotiate with J. P. Morgan Chase Bank, N. A. (Chase) to determine the terms of a financing arrangement to refinance the Envirogen Technologies, Inc. lease for the Nitrate Removal System; and
- b) Direct the City Administrator to schedule final approval of the financing arrangement with Chase for a future City Council meeting.

By consensus, the motion carried.

- 6) MID YEAR PROGRESS REPORT ON CITY PRIORITIES

City Administrator Hernández presented the staff report.

Motion by Councilmember De La Torre, seconded by Councilmember Ballin, to receive and file the Mid Year Progress Report on the Fiscal Year (FY) 2011-12 Priorities. By consensus, the motion carried.

CONTINUED BUSINESS

- 7) UPDATE ON AB X1 26 AND AB X1 27 AND CALIFORNIA SUPREME COURT OPINION

City Administrator Hernández presented the staff report.

Motion by Councilmember De La Torre, seconded by Councilmember Lopez, to receive and file the update on AB X1 26 and AB X1 27. By consensus, the motion carried.

- 8) CONCESSION STANDS UPDATE

Recreation and Community Services Operations Manager Ismael Aguila presented the staff report and responded to questions from Councilmembers.

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Discussion ensued regarding the leagues' budgets, revenues vs. costs, retrofitting the snack bars (bring them up to code) and making certain that health code requirements are met. It was suggested that staff continue to work with the leagues and, whenever necessary, place this item back on the agenda.

Motion by Councilmember De La Torre, seconded by Councilmember Lopez, to receive and file the update. By consensus the motion carried.

CITY COUNCIL ITEMS

8) **DISSOLVE STANDING COMMITTEES**

Discussion ensued regarding ad hoc committees versus standing committees.

Motion by Mayor Hernández, seconded by Councilmember Lopez, to table this until the next meeting (staff to provide the pros and cons). By consensus, the motion carried.

STANDING COMMITTEE UPDATES

No. 1 **Budget, Personnel and Finance (BPF)**

Mayor Hernández – no updates.

No. 2 **Housing, Community & Economic Development and Parking (HCEP)**

Councilmember De La Torre – City Planner Fred Ramirez gave updates regarding the Lopez-Villegas house, Sustainable Communities Initiative and Planning Grant process, and the smoking ban ordinance.

No. 3 **Natural Resources, Infrastructure, Water, Energy and Waste Management (NRIW)**

Councilmember Ballin – Public Works Director Ruiz gave an update regarding the refuse procurement process (approximately four months behind). Councilmember De La Torre suggested the need to proceed with a consultant (by consensus, this item would be agendaized for the next meeting).

No. 4 **Public Safety, Veteran Affairs, Technology and Transportation (PVTT)**

Councilmember Lopez – Public Works Director Ruiz said the committee talked about replacing bus shelters (grant funds only cover specific bus shelters that relate to the trolleys) and structured

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fees for advertising in the trolleys. PVTT members requested to change their meeting date to the third Thursday of the month.

No. 5 Education, Parks, Arts, Health and Aging (EPAH)

Mayor Pro Tem Esqueda – reported there will be an upcoming meeting will be to discuss Skate Plaza and Snack Bars.

GENERAL COUNCIL COMMENTS

Councilmember Lopez: 1) thanked residents; 2) said we have a great community that has lots to offer; 2) said he, too, has suffered in his profession due to things happening in the City; and 3) said it's time to set aside personal issues, be respectful of each other, and move forward.

Councilmember Ballin read a prepared statement expressing various concerns including Mayor Hernández' comments and actions during the meeting of November 21, 2011. She said that if the City Council does not publicly take a position, they are complicit. She believes that the City Council must take proactive steps to begin the process of healing and restoring the public's confidence in its leadership.

Motion by Councilmember Ballin, seconded by Councilmember Lopez, to censure Mayor Hernández for his conduct during the meeting of November 21, 2011.

In response to Councilmember Ballin's question, City Atty. Estrada agreed that the Mayor Pro Tem should run this portion of the meeting (since this motion pertains to the Mayor).

City Atty. Estrada requested a recess to look into whether this special motion was in order.

Councilmember Ballin continued to read her statement.

Motion by Councilmember Ballin, seconded by Councilmember Lopez, to relieve Mayor Hernandez from his duties as presiding officer of the City Council.

Motion by Councilmember Ballin to nominate Councilmember Lopez to serve as Mayor of San Fernando. The motion was not seconded.

City Atty. Estrada reported that the last two motions must be agendized (the safest answer would be to agendize all three of the motions at the next City Council meeting). Again, he requested a brief recess to look into Roberts Rules of Order.

Motion by Councilmember De La Torre to agendize all three items on the next meeting agenda (no recess). The motion was not seconded.

RECESS (8:07 P.M.)

RECONVENE (8:16 P.M.)

City Atty. Estrada reported that his colleagues advised him that the person being censured is entitled to due process. Therefore, he concluded that the matter can not be considered tonight; it would need to be noticed at a subsequent City Council meeting.

Councilmember Ballin requested that her three motions be agendized for the next meeting.

Mayor Pro Tem Esqueda turned the meeting over to Mayor Hernández.

Mayor Pro Tem Esqueda (addressing the community and residents) said we have had stormy days but the rain can't last forever and she wants to move this community forward instead of divided.

Mayor Hernández said that Councilmember Ballin is making false accusations and broad assumptions and wants to set the record straight. He has done a great job as Mayor and wants to make a motion to censure Councilmember Ballin's comments (to be agendized for the next agenda).

STAFF COMMUNICATIONS

None.

RECESS TO CLOSED SESSION (8:23 P.M.)

By consensus, Councilmembers recessed to the following Closed Session, thereafter to adjourn.

Mayor Pro Tem Esqueda and Councilmember Ballin did not attend the Closed Session.

- A) PUBLIC EMPLOYEE PERFORMANCE EVALUATION
G.C. 54957

Title: City Administrator

No reportable action.

I do hereby certify that the foregoing is a true and correct copy of the minutes of January 17, 2012 meeting as approved by the San Fernando City Council.

Elena G. Chávez
City Clerk