

**SAN FERNANDO CITY COUNCIL  
MINUTES**

**MARCH 5, 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 6:05 p.m.

Present:

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

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

Absent: Councilmember Sylvia Ballin (notified staff that she was in Washington,  
D.C. meeting with legislators)

**PLEDGE OF ALLEGIANCE**

Mayor Hernández

**PRESENTATIONS**

The following presentations were made:

- a) DENTAL ASSISTANT RECOGNITION WEEK (MARCH 4 – 10)
- b) PRESENTATION BY CicLAvia REGARDING UPCOMING EVENTS

**APPROVAL OF AGENDA**

Motion by Councilmember De La Torre, seconded by Mayor Pro Tem Esqueda, to approve the agenda. By consensus, the motion carried.

**SAN FERNANDO CITY COUNCIL**

**MINUTES – March 5, 2012**

**Page 2**

**PUBLIC STATEMENTS – WRITTEN/ORAL**

Mayor Hernández read the Rules of Decorum and Order reminding the public that they must observe the same rules applicable to the City Council. He also addressed comments that were made at the last meeting.

Esther Schiller, Smokefree Air For Everyone (SAFE), said that they work with communities regarding the problems of drifting tobacco smoke (from apartments and condos) and she distributed information including a list of cities in L.A. County that have passed smoking ordinances addressing this issue.

Dee Akemon (resident) said she has been working on the recall for the last two weeks and (even though they do not come to the meetings) residents know what is going on. She said she would prefer they (Councilmembers) step down in a dignified manner, and said that, at the last meeting, an elderly person was escorted out of the Chambers but Council proceeded to be offensive to the speakers.

Irwin Rosenberg (San Fernando Police Officers Association (SFPOA) President) implored Council to do the right thing for the right reasons (not destroy the community and Police Department). He said that at the last meeting, Council tried to ram through the appointment of the former Desert Hot Springs Police Chief who ran the department so inefficiently that the Sheriff's Department was brought in. He asked if the only criteria for Police Chief is that they must be willing to do what the Council majority and City Administrator want? He said the Police Department is down seven officers and that hiring a Police Chief will not fix that (we need working officers to keep streets safe).

Renato Lira (resident) said that he is ashamed that she (Councilmember De La Torre) would attack him as a sex offender (he almost lost his job because of her comment) and asked what happened to the architect money regarding the swimming pool.

Councilmember De La Torre said that if the residents want to know, they can pull up various incident reports (all is public record).

Jackie Izarraraz (resident) said she was speaking on behalf of high school students that attend North Valley Occupational Center (benefitting by the adult education offered). She said that the proposed education cuts are final and asked that Council issue support letters or make phone calls to stop the budget cuts.

Patty Lopez (resident) said that if Council wants the community to have respect, then they need to show respect as well. She talked about her concerns regarding LAUSD facing elimination of 30 schools in the area and said that San Fernando did not send any representation at their (LAUSD) recent meeting. She asked Council to stop their personal agendas and focus on the community.

Doude Wysbeek (resident) said that one of Council's jobs as elected officials is to do their homework. He made phone calls, ran Frank Robles on the Internet and saw there were problems

**SAN FERNANDO CITY COUNCIL**

**MINUTES – March 5, 2012**

**Page 3**

in Riverside, and placing him as a temporary Police Chief for a temporary time, can be damaging. Council has gone too far and he said shame on Mr. Hernández for bringing a man like this forward.

Julian Ruelas (resident) talked about his concerns regarding leadership; Mayor Pro Tem Esqueda's attendance at meetings; there is no budget to consider a skatepark; residents are requested to be responsible citizens in the Chambers, yet Councilmembers are speaking out of turn, and (to Councilmember De La Torre) putting the City at liability for lawsuits by her public defamation of character comments concerns him.

Paul Luna (resident) said there is much irresponsibility going on at the dais, it is ridiculous and unfathomable. He believes that Councilmember De La Torre should be censured for her comments made at the last meeting which exposed the City to liability. He talked about the violations and fines levied against her by the Fair Political Practices Commission (FPPC), and said that City projects consistently go over budget.

Councilmember De La Torre stated for the record (regarding the FPPC comment), that she had gone through a separation at the time and she (and her Treasurer) had not been allowed access into her home (files). The FPPC took all that into account, lowered the fines, and she updated her documentation.

Ana Barrosa (resident) said we should not focus on the past, the criticism needs to stop, she is not in favor of what is going on in the City (need to look into how we can make it better) and our children are our future.

Christine Provencio (resident) wants to see a skate ramp for the kids (they are being denied the American dream), and said we can raise the money.

Estelle Garcia said we have to examine our hearts, talked about respecting each other, her son was beat up in Pacoima (another son died in Pacoima), asked what are we going to do with the youth, and said that parents are the first teachers in their homes.

Angel Sosa said it is unfair that other cities get a skate park (many of his friends get beat up and nearly killed for skating somewhere else), skating keeps kids out of drugs and gangs, and it's unfair what the Council is doing.

Richard Martinez (business owner) stated that he takes the kids to surrounding cities to skate. They need a skatepark which can also be a general activities place to keep the kids busy.

Victor Melendez said he was here because Council promised them a skate park; it would help bring people together and asked if Council would rather they be doing drugs and graffiti?

Santiago Navarro agreed we need a skatepark; kids won't get into trouble and can have fun after school.

**SAN FERNANDO CITY COUNCIL**

**MINUTES – March 5, 2012**

**Page 4**

Juan Alcazar said he was here with his fellow skaters and they need somewhere to hang out, why build a parking lot instead have their own skatepark.

Carolina Perez said she is happy about the recall, Council needs to familiarize themselves with Roberts Rules of Order, reported that LAUSD is cutting adult education and asked why the City did not send a representative to speak out against the cuts; and asked why the Council waited so long on the skatepark.

Albert Hernández spoke in favor of the skatepark, said he can use his business to help raise money; we don't need a huge skate area, just somewhere that the kids can stay out of trouble.

Mike Majers (resident) talked about the skateplaza, the number of vacancies is disgusting, and said Council does not realize what they're doing to the City.

Samuel Beltran (resident) asked who would investigate the new Chief of Police, mentioned he speaks seven languages, and said that he helped Councilmember De La Torre's sister and Rosa Chacon get appointed to the Council.

(Male speaker - did not state name) apologized for speaking out of turn at the last meeting and was escorted out by the police (said he's at least man enough to apologize for his interruptions), said that anyone making a threat "you can disappear" should be investigated, and asked why the baseball team had not been acknowledged (Mayor Pro Tem Esqueda confirmed they had been acknowledge at a prior meeting).

Tony Vairo (SFPD Sgt. and SFPOA Treasurer) talked about the proposed skatepark and reported that the SFPOA would donate \$500 toward the skateplaza.

Julie Cuellar (resident) said it is very important to give the skaters their place to skate. They are all over the City and some are even trespassing to use private property. A skateplaza would be a great asset and safe environment and asked that Council not disappoint them.

Adrian Placencia reported that a car flipped over near the Paxton St. skatepark and if one is created here, there will not be tragic accidents or gang problems.

**CONSENT CALENDAR**

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

- 1) APPROVAL OF MINUTES OF FEBRUARY 21, 2012 – REGULAR MEETING
- 2) APPROVAL OF WARRANT REGISTER NO 12-031
- 3) FINANCIAL STATEMENT – JANUARY 2012

**SAN FERNANDO CITY COUNCIL**

**MINUTES – March 5, 2012**

**Page 5**

- 4) CITY ANNUAL FINANCIAL REPORTS
- 5) CONCESSION STANDS – REQUEST FOR QUIMBY FUNDS

By consensus, the motion carried.

**NEW BUSINESS**

- 6) MAKING AN ELECTION WITH RESPECT TO HOUSING ASSETS AND FUNCTIONS OF THE FORMER REDEVELOPMENT AGENCY

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

Motion by Councilmember De La Torre, seconded by Councilmember Lopez, to adopt a Resolution electing not to retain the responsibility for performing housing functions previously performed by the San Fernando Redevelopment Agency, and determining that all of the rights, powers, assets, liabilities, duties, and obligations associated with the housing activities of the former San Fernando Redevelopment Agency be transferred to the County of Los Angeles Housing Authority. By consensus, the motion carried.

**CONTINUED BUSINESS**

- 7) AUTHORIZATION TO PROCEED WITH SAN FERNANDO SKATE PLAZA DESIGN

Recreation and Community Services Operations Manager Ismael Aguila presented the staff report.

Discussion ensued and staff responded to various questions from Councilmembers.

Motion by Councilmember De La Torre, seconded by Mayor Pro Tem Esqueda, to:

- a. Approve the Letter of Commitment from the Rob Dyrdek Foundation, committing to reimburse the City \$25,000 for the design work (estimated total cost is \$50,000) of the proposed Skate Plaza and direct staff to submit the letter for the required Foundation signatures;
- b. Authorize the City Administrator to execute the Professional Service Agreement between the City and California Skateparks, Inc. to prepare construction documents and bid specifications to facilitate the development of the San Fernando Skate Plaza, subject to receiving the signed Letter of Commitment from the Rob Dyrdek Foundation; and

**SAN FERNANDO CITY COUNCIL**

**MINUTES – March 5, 2012**

**Page 6**

- c. Commit \$300,000 (in addition to the \$4,500) of the Quimby Funds for the construction of the Skate Plaza.

The motion carried with the following vote:

AYES: De La Torre, Esqueda, Hernández – 3  
NOES: Lopez – 1  
ABSENT: Ballin – 1

- 8) REQUEST TO FORM AN AD HOC COMMITTEE TO EVALUATE THE RESPONSES TO THE REQUEST FOR PROPOSAL FOR CITY ATTORNEY SERVICES
- 9) REQUEST TO FORM AN AD HOC COMMITTEE TO EVALUATE THE RESPONSES TO THE REQUEST FOR PROPOSAL FOR LABOR AND EMPLOYMENT LEGAL SERVICES

Mayor Hernández requested to combine both (No.s 8 and 9) items.

Motion by Mayor Hernández to move these items into the Budget, Personnel, and Finance Standing Committee.

Discussion ensued regarding Standing Committees versus appointing this to an Ad Hoc Committee and Mayor Hernández withdrew his motion.

Both Mayor Pro Tem Esqueda and Councilmember Lopez volunteered to be on this Ad Hoc Committee to evaluate the responses to the Request for Proposals for City Attorney and Labor and Employment legal services.

By consensus, Councilmembers agreed to form this Ad Hoc Committee and appoint both Mayor Pro Tem Esqueda and Councilmember Lopez as members.

**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 – have been working on housing and redevelopment agency issues.

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

Councilmember Ballin – Public Works Director Ruiz reported they have a meeting coming up.

**SAN FERNANDO CITY COUNCIL**

**MINUTES – March 5, 2012**

**Page 7**

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

Councilmember Lopez – no updates.

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

Mayor Pro Tem Esqueda – Recreation and Community Services Operations Manager Aguila reported that they met to discuss the Facility Use Agreement with Valley Regional High School No. 5; and met with the little leagues regarding concession stands; discussed a marketing banner program proposal; and pool operations items will be agendized soon for a City Council meeting.

**GENERAL COUNCIL COMMENTS**

Councilmember De La Torre said: 1) she doesn't appreciate there is an allegation of "Council majority"; 2) she has never been asked by a member of the Council how she intends to vote; 3) the SFPOA does not run the Police Department (they will not dictate what the selection process should be); 4) the sole intent of the SFPOA President is to incite and divide the town; 4) said residents can communicate with her at any time; 5) statements made by The Sun newspaper (i.e., the Sheriff's Dept. and jail hanging, the City on its way to bankruptcy, Jeff Eley's leave, and Nichole Hanchett) are incorrect/lies; 6) it's the first time things are taken seriously and is glad that at least two other members of the Council do not fear political retribution; 7) people should check the incident reports numbers she gave earlier (those are not lies); 8) she was blindsided the day that Mayor Hernández reported their relationship (they were two single adults that decided to get into a relationship - it was not an affair); and 9) residents have asked that she continue to set the record straight and continue to represent the community.

Mayor Pro Tem Esqueda: 1) regarding the jail hanging, she said that Jeff Eley was the Chief at the time (not Ruelas); 2) she disagrees with the term "Council majority"; 3) apologized when she interrupts people but said it's difficult when you have to hear people say things that are not true; and 4) thanked staff for their assistance regarding the skateplaza.

Mayor Hernández: 1) reiterated that Councilmember De La Torre was blindsided by his comments in November (he meant no disrespect to her); 2) regarding comments made by Officer Rosenberg about "secret" meetings being held and parking tickets, he said he would like to agendize for the next meeting this issue (i.e., tickets being dismissed, how many, the reasons, and who requested them).

Councilmember De La Torre asked that Lt. Parks make certain that Renato Lira file a police report regarding the allegations he made against her so that she can go after him for false claims.

Mayor Hernández talked about an email he was expecting from former residents inquiring about liability issues concerning the skatepark (Recreation and Community Services Operations Manager Aguila will research).

**STAFF COMMUNICATIONS**

City Administrator Hernández reminded everyone of the Town Hall Meeting (regarding the proposed water and sewer rate increases) to be held on Monday, March 12, 2012 (6:00 p.m.).

**RECESS TO CLOSED SESSION (8:37 P.M.)**

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

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

Title: City Administrator

No reportable action. No motions.

- B) PUBLIC EMPLOYEE APPOINTMENT  
G.C. 54957

Title: Chief of Police

No reportable action. No motions.

- C) PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE  
G.C. 54957

No reportable action. No motions.

- D) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
G.C. 54956.9(a)

Name of Case: Barajas v. City of San Fernando, et al

Case No.: BC 459915

No reportable action. No motions.

- E) CONFERENCE WITH LABOR NEGOTIATOR  
G.C. 54957.6

City Negotiator: City Administrator Al Hernandez

Employee Organizations: San Fernando Police Officers Association

San Fernando Public Employee Association (SEIU Local 721)

No reportable action. No motions.

**SAN FERNANDO CITY COUNCIL**

**MINUTES – March 5, 2012**

**Page 9**

*I do hereby certify that the foregoing is a true and correct copy of the minutes of March 5, 2012 meeting as approved by the San Fernando City Council.*

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*Elena G. Chávez*  
*City Clerk*