

**SAN FERNANDO CITY COUNCIL  
MINUTES**

**MARCH 19, 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 6:09 p.m.

Present:

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

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**

Mayor Hernández reminded everyone of the Rules of Decorum and Order.

Doude Wysbeek (resident and former Mayor/Councilmember) said he reviewed the City's financial statements which show a history of the City writing IOUs and borrowing large amounts of money from the Water and Sewer Funds, running a deficit since 2006, and he suggested that the Hearing be tabled (there are many unanswered questions).

Robert Ortega (resident) said Councilmembers are not listening and asked whether they care? There are lots of things going wrong.

Renato Lira (resident) said that three Councilmembers are taking advantage and doing their own thing, they lied and did not give residents a chance to select their own Police Chief (he hopes the

**SAN FERNANDO CITY COUNCIL**

**MINUTES – March 19, 2012**

**Page 2**

new Chief will be positive for the residents), and he would like Councilmember Lopez to be the next Mayor.

Samuel Beltran (resident) said he is sure that Councilmember De La Torre is a good person but people don't want her here. He also mentioned the female officer that was fired for "cause" and asked what is the definition of "cause".

Patty Lopez (resident) said that Councilmember De La Torre has sat on the City Council for 10 years (why wait until the last minute for this 45% increase). She has an issue that Council approved a skatepark just to make a few residents happy, and said that Council cannot ignore residents (they have to be held accountable to the citizens).

Carolina Perez said it's unbelievable, certain Councilmembers need training on how to conduct meetings (they always ask the City Attorney for advice), and she said we are all human and make mistakes but at least she admits to hers.

Benita Rivera expressed concern about the proposed water increases, asked about programs for kids and seniors, and she hopes things get better (and not worse).

Ana Garzas (resident) said her parents are elderly (they can't make higher payments for water and sewer services) and it upsets her.

Ray Esparza, Santa Rosa Baseball Little League, supports the marketing banner program on tonight's agenda (will help get money to the leagues).

Paul Luna (resident) talked about the \$300,000 that was recently allocated to the skatepark leaving no money for the other park facilities. He said it was an irresponsible move and asked that Council reconsider their action.

Ernestina Dominick (26-year resident) said she is ashamed to be here (San Fernando), Council needs to listen to the people and step down, the rate hikes are ridiculous and residents can't afford them because of Council's mismanagement.

Julian Ruelas (resident) said that residents are being ignored, Councilmembers are not listening, the decision to earmark \$300,000 to a skatepark is robbing the rest of the parks in the City, we are not progressing as a City (poor leadership), and said he wished they would wake up and allow new leadership to come in and take control.

Javier Benites (resident) said residents deserve better leadership and asked Council to step down and give residents an opportunity to start again (they deserve a second chance).

Luis Diaz (25-year resident) spoke against the proposed water rate increases (lots of people are affected by the economy).

Sev Aszkenazy said it is a packed agenda and the item regarding Fermore St. and Harding Ave. must be heard tonight (they have a deadline to meet).

**SAN FERNANDO CITY COUNCIL**

**MINUTES – March 19, 2012**

**Page 3**

Eddie Marquez, Santa Rosa Baseball League, said they have kept up with their bills, the City Council has forgotten about the people that have been here for years and have worked hard to make the City what it is (they were not aware of the skatepark issue).

**CONSENT CALENDAR**

Councilmember Ballin pulled Item No. 2 for further discussion.

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

- 1) APPROVAL OF MINUTES OF:
  - a) MARCH 5, 2012 – REGULAR MEETING
  - b) MARCH 13, 2012 – SPECIAL MEETING
  
- 3) FISCAL YEAR (FY) 2012-13 LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT, RESOLUTION INITIATING PROCEEDINGS AND ORDERING THE ENGINEER'S REPORT

By consensus, the motion carried.

**Items Removed for Further Discussion:**

- 2) APPROVAL OF WARRANT REGISTER NO. 12-032

In response to Councilmember Ballin's question, Senior Accountant Joe Lillio reported that the City is currently in negotiations with Los Angeles Fire Department regarding payments for the current (and subsequent) year, and is in line with agreed upon payments.

Motion by Councilmember Ballin, seconded by Councilmember Lopez, to approve Item No. 2.  
By consensus, the motion carried.

**PUBLIC HEARING**

- 4) PUBLIC HEARING TO INCREASE WATER RATE

Mayor Hernández announced that this was the time and place for the Public Hearing.

City Clerk Chávez reported that the notice of the Hearing was given as required by law.

Public Works Ron Ruiz gave a presentation.

**SAN FERNANDO CITY COUNCIL**

**MINUTES – March 19, 2012**

**Page 4**

Mayor Hernández called for public testimony for interested persons to testify for, or against, the proposed water rate increase.

Amber Gil (resident) said the City should have been putting money away for these projects and wants to be assured that the money will be handled properly (how will it be spent).

Sev Aszkenazy suggested a cost analysis be done regarding doing business (and residing) in San Fernando.

Diane Oscera (resident) spoke against the proposed increases. Said she lives in a townhome and her home owner's association will be increasing her water rates 18% off the bat.

Maria Mireles (resident) spoke against the proposed increases and submitted protest letters against the proposed water and sewer increases.

Luz Demara (resident) spoke against the increases and said that senior citizens can not afford the proposed rates.

Renato Lira (resident) asked how secure will the money be and how will residents know that the money will stay in the water fund and not go to other projects?

Benita Rivera said the increases are not fair to seniors that receive \$600 a month social security, believes many will become homeless and will not be able to bathe or water their lawns, San Fernando will look like a desert (there must be another solution).

Miliano Gil (resident) believes there are lots of unanswered questions, staffing and nitrate concerns and issues, and if (according to staff) the average users bill will be reduced, then how is the City going to make money?

Virginia Ruiz (resident) stated that her neighbor was told by the City to break up cement on his property and create more green space or he would be fined and she said that was not fair.

Sonia Diaz (25-year resident) said it's a sad situation with what's going on and suggested perhaps lowering employee salaries or maybe voting for a better Council.

Robert Gonzales (resident) asked how will this affect the General Fund (staff responded that this would be a challenge).

Julie Cuellar (resident) said she was not in favor of proposed increases, it is very important to educate residents regarding conservation but most importantly we need to begin with the City parks and facilities (i.e., checking sprinkler systems, etc.).

There being no further comments, Mayor Hernández closed the public comment portion of the Hearing.

**SAN FERNANDO CITY COUNCIL**

**MINUTES – March 19, 2012**

**Page 5**

City Clerk Chávez announced that the City has not received written protests from one-half or more of the owners of property, or of the record customers (the City received 843).

Motion by Mayor Hernández, seconded by Councilmember Ballin, to table the proposed increase, staff to go back and study/analyze all the numbers and come back with creative ways to keep these increases down (bring back options/projections).

Discussion ensued amongst Councilmembers including: educating the community regarding conservation; looking at different rates/scenarios; two-year versus five-year proposals; staffing concerns/costs; Nitrate System; status regarding the Voluntary Based Assistance Program for low-income customers; concerns that if the rate increases do not go through, the City will hit a deficit as soon as July 1<sup>st</sup>; potential financing issues with other agencies; and infrastructure concerns.

The (above) motion carried with the following vote:

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

Mayor Hernández asked that this be brought back to Council preferably the first meeting in April, if not, the second meeting in April.

**5) PUBLIC HEARING TO INCREASE SEWER RATES**

Mayor Hernández announced that this was the time and place for the Public Hearing.

City Clerk Chávez reported that the notice of the Hearing was given as required by law.

Mayor Hernández called for public testimony for interested persons to testify for, or against, the proposed water rate increase.

There being no comments, he closed the public comment portion of the Hearing.

City Clerk Chávez announced that the City has not received written protests from one-half or more of the owners of property, or of the record customers (the City received 763).

Motion by Mayor Hernández to adopt Ordinance No. 1611 “An Ordinance of the City of San Fernando amending Division 2 of Article II of Chapter 94 of the San Fernando City Code Relating to Sewers and Sewer Disposal Utility Service Charges”. There being no second, the motion failed.

Motion by Councilmember Ballin, seconded by Councilmember Lopez, to direct staff to come back with options (i.e., possibly a two-year proposal). The motion carried with the following vote:

**SAN FERNANDO CITY COUNCIL**

**MINUTES – March 19, 2012**

**Page 6**

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

6) **ADOPTION OF INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION AND APPROVAL OF GENERAL PLAN MAP AMENDMENT, ZONE MAP AMENDMENT, AND SITE PLAN REVIEW 2012-01 FOR THE FERMOORE STREET/HARDING AVENUE APARTMENT PROJECT**

Mayor Hernández declared the Public Hearing open.

City Planner Fred Ramirez presented the staff report.

Mayor Hernández called for public testimony in favor or opposition.

John Blue suggested that staff use the term “Senate Bill 1880” when referring to projects of this nature since people are more familiar with that term versus the Government Code.

There being no further comments, Mayor Hernández closed the public comment portion of the Hearing.

Motion by Councilmember De La Torre, seconded by Mayor Pro Tem Esqueda, to adopt a Resolution adopting the Mitigated Negative Declaration and Mitigation Monitoring Program, and approving a General Plan Map Amendment and Site Plan Review 2012-01. By consensus, the motion carried.

Motion by Councilmember De La Torre, seconded by Mayor Pro Tem Esqueda, to introduce for first reading, in title only, and waive further reading of "An Ordinance of the City Council of the City of San Fernando Adopting Zone Change 2012-01, Amending the Zoning Map of the City of San Fernando to Rezone 1501 and 1529 First Street and 112 Harding Avenue from the M-1 (Limited Industrial) Zone to the R-3 (Multiple Family) Zone”.

Councilmember Lopez stated (for the record) that one of the parcels on Harps Street is his father’s property (not his) and he has no financial gain.

By consensus, the motion carried.

**NEW BUSINESS**

7) **FISCAL YEAR (FY) 2011-2012 MID-YEAR BUDGET REVIEW**

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

**SAN FERNANDO CITY COUNCIL**

**MINUTES – March 19, 2012**

**Page 7**

Councilmember De La Torre said we need to begin rightsizing departments and the number of employees in departments doing the work. Redevelopment Agency no longer exists and we need to eliminate the shortfall (\$144,000) in the positions. In regards to the Police Department, if there is less business being done due to the courthouse moving its business to Chatsworth and less traffic coming into San Fernando (citation officers issuing less citations), then we need to rightsize that department as well.

In response to Councilmember Ballin's request for organizational charts and dollars tied to those groups, City Administrator Hernández said it would not be a problem to provide that information.

Motion by Councilmember De La Torre, seconded by Mayor Hernández to:

- a) Receive and file the FY 2011-2012 Mid-Year Budget Review report;
- b) Adopt a Resolution amending the FY 2011-2012 City Budget; and
- c) Instruct staff to begin looking at rightsizing the personnel for both the Redevelopment Agency and Police Department.

The motion carried with the following vote:

AYES: De La Torre, Hernández, Esqueda – 3  
NOES: Lopez, Ballin – 2

In response to Mayor Hernández' question, City Administrator Hernández stated that all departments will be looked into (will be going over the structure of each department) for the next fiscal year.

**8) MARKETING BANNER PLAN**

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

Motion by Councilmember De La Torre, seconded by Councilmember Ballin, to approve:

- a) A Concession Agreement between the City of San Fernando and Parks & Rec Marketing to manage the sales, ordering (if necessary), installation, maintenance, removal and disposal of banner advertising in specified locations in the baseball fields or on field facilities in City-owned parks; and
- b) The use of the City's portion of the revenues generated by the proposed Banner Advertising Program to:
  - i. Offset yearly impact fees for baseball field usage; and

**SAN FERNANDO CITY COUNCIL**

**MINUTES – March 19, 2012**

**Page 8**

- ii. Subsidize concession stand upgrades.

By consensus, the motion carried.

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

City Clerk Chávez opened nominations for Mayor.

Mayor Hernández nominated Brenda Esqueda for Mayor; the motion was seconded by Councilmember De La Torre.

Councilmember Ballin nominated Antonio Lopez; there being no second, the motion failed.

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

For Brenda Esqueda as Mayor, the motion carried with the following vote:

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

City Clerk Chávez opened nominations for Mayor Pro Tem.

Councilmember De La Torre nominated Antonio Lopez for Mayor Pro Tem; the motion was seconded by Councilmember Ballin.

\*Mayor Esqueda nominated Sylvia Ballin for Mayor Pro Tem; the motion was seconded by Councilmember Lopez.

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

For Antonio Lopez as Mayor Pro Tem, the motion carried with the following vote:

AYES: De La Torre, Lopez, Ballin – 3  
NOES: Esqueda, Hernández – 2  
ABSTAIN: None

*\*City Clerk conducts a roll call vote in the order in which nominations are received until the Mayor Pro Tem is elected by a majority vote.*

Councilmember De La Torre: 1) thanked former Mayor Hernández for having served the City (he did a great job in taking the lead and putting things into place so the City can move forward); 2) she looks forward to Mayor Esqueda's leadership (she's a strong woman that speaks her



**SAN FERNANDO CITY COUNCIL**

**MINUTES – March 19, 2012**

**Page 9**

mind); and 3) congratulated Mayor Pro Tem Lopez and is looking forward to his leadership as well.

Councilmember Hernández: 1) thanked staff for their support; 2) said he has done good things for the City (no employees were laid off or furloughed); 3) congratulated Mayor Esqueda for all her work done as Mayor Pro Tem; and 4) wished Mayor Pro Tem Lopez luck in his new position.

Councilmember Ballin said she is truly looking forward to having a great working relationship with all five Councilmembers and putting the community first.

Mayor Pro Tem Lopez thanked former Mayor Hernández, congratulated Mayor Esqueda and looks forwarding to working together.

Mayor Esqueda: 1) said she sits in this seat humbly, it's not easy; 2) said she will give her heart, hopes to gap the bridge that has been created, and move the City forward; 3) thanked Councilmembers De La Torre and Hernández for their support; 4) said she and Councilmember Ballin have always had a friendship and their working relationship will be based on that; 5) congratulated Mayor Pro Tem Lopez and looks forward to working with him; 6) thanked staff and looks forward to working with everyone.

**CITY COUNCIL ITEMS**

By consensus, Councilmembers agreed to hold over Item No.s 10 and 11 to the next meeting.

- 10) GRANTS AND REQUEST FOR PROPOSALS (RFP) UPDATE
- 11) POOL OPERATIONS AND PROGRAMMING UPDATE

**STANDING COMMITTEE UPDATES**

Motion by Councilmember De La Torre, seconded by Councilmember Ballin, to table the Standing Committee updates to the next meeting to allow Mayor Esqueda to make any changes to the committees. By consensus, the motion carried.

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

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

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

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

**SAN FERNANDO CITY COUNCIL**

**MINUTES – March 19, 2012**

**Page 10**

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

**CLOSED SESSION**

By consensus, Councilmember agreed to carry over the following Closed Session items to the next meeting.

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

Title: City Administrator

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

- C) 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

**GENERAL COUNCIL COMMENTS**

Councilmember De La Torre asked that the meeting adjourn in memory of a friend and legendary news anchor Jesus Javier.

Councilmember Hernández also requested that the meeting close in memory of Eva Ortega (SF Relay for Life supporter) who lost her life to cancer too.

Mayor Pro Tem Lopez welcomed new Interim Police Chief Gil Carrillo.

**STAFF COMMUNICATIONS**

None

**ADJOURNMENT (10:21 P.M.)**

*I do hereby certify that the foregoing is a true and correct copy of the minutes of March 19, 2012 meeting as approved by the San Fernando City Council.*

---

*Elena G. Chávez  
City Clerk*