

**SAN FERNANDO CITY COUNCIL
MINUTES**

**APRIL 16, 2012 – 6:00 P.M.
REGULAR MEETING**

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

CALL TO ORDER/ROLL CALL

Mayor Brenda Esqueda called the meeting to order at 6:15 p.m.

Present:

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

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

Absent: Councilmember Mario F. Hernández (notified staff that he is out of town on personal business)

PLEDGE OF ALLEGIANCE

Mayor Esqueda

APPROVAL OF AGENDA

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

PUBLIC STATEMENTS – WRITTEN/ORAL

Linda Campanella Jauron (resident) believes that skateboard parks are a good idea in theory but the corner of Fourth St. and Park Ave. is not the best/safest location and, at this time, is not practical.

Adriana Serrano (resident) Event Co-Chair for the American Cancer Society Relay for Life talked about the upcoming Paint San Fernando Purple Event (May 12-19) which will include a film festival, children's work shop, and she said that areas such as City Hall, First St./Maclay Ave., and Maclay Ave./Eighth St. will be lit up with purple lights.

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Renato Lira (resident) said: 1) it was important to stop any funding cuts for schools; 2) a skatepark will cost a lot of money; 3) three Councilmembers are on the hot seat; and 4) a Councilmember told his aunt to not sign a petition in which a gay person (he) was gathering signatures.

Mayor Esqueda stated (for the record) that she never said such a thing and has nothing against people of any sexual preference.

Councilmember De La Torre also stated that she has never made those comments to anyone and has never had a conversation attacking anyone based on their sexual orientation.

Norma Virgen talked about a business owner which was given a parking citation for unloading a vehicle in a shopping center and asked if that was appropriate (Mayor Esqueda said that the Police Department would address her question).

Margie Carranza, candidate for 39th Assembly District, said she has never supported nor endorsed Councilmembers and she is now being criticized and threatened. She said that instead of the three Councilmembers stepping down, they're telling people to not sign the recall petitions.

Jesse Avila (resident): 1) said the skatepark does not make sense (gang members that go the Paxton Skatepark will still come to the San Fernando Skatepark); and 2) asked why don't Standing Committees have authority to make decisions?

Robert Ortega (resident) said Councilmembers are supposed to be working together and he talked about them having a meeting without two members present. He asked why they haven't got the hint to step down instead of costing the City more money.

Laura Olivares said she was an advocate on behalf of adult education and believes it is detrimental to the community that education centers remain open.

David Ortiz spoke in favor of the resolution supporting adult education and how various courses he has taken have changed his life for the better (closing schools will do more damage than save money).

Patty Lopez (resident) asked that the City Council support the resolution regarding adult education and said that decisions that the Los Angeles Unified School District is making will negatively affect over 1,000 families.

David Hernández, candidate for 29th Congressional District, also spoke in support of the resolution regarding adult education and thanked everyone that came here tonight.

Lionel Mares, North Valley Occupational Center student, believes it is vital that LAUSD keep adult education centers open (they help improve the economy and provide hands-on training), and LAUSD needs to not mismanagement its money.

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Ricardo Benitez said that adult education benefits families (because he received adult education, he is now a licensed contractor).

Samuel Beltran (resident): 1) asked what happened to the money President Obama sent to this City; and 2) was upset that he called the Police Department twice and was told there wasn't a police unit in the area.

Carolina Perez: 1) said that Councilmembers' body language show they are unhappy with what residents are saying; and 2) she spoke in support of adult education (it's unfortunate that LAUSD wants to cut funding).

Jennifer Gutierrez, North Valley Occupational Center student, said that adult education benefits children too and asked that the City Council support the resolution.

Candida De La Rosa said she is taking accounting classes at the North Valley Occupation Center and asked for Council support of the resolution which will not only benefit her, but the entire community.

Julie Cuellar (resident): 1) congratulated Recreation and Community Services Operations Manager Ismael Aguila for his work and the programs at the parks; 2) asked everyone to vote on the City's "100 Citizens: Role Models for the Future" national contest; 3) supports the Skatepark Plaza; and 4) said that parking issues need to be addressed in that area.

Fred Alberto said that adult education has helped him with his English and he asked that the schools not be closed.

Aracely Gomez spoke in support of adult education which is beneficial to children too and said she is currently studying English and loves the other classes that are offered in these schools.

CONSENT CALENDAR

Councilmember Ballin pulled Item No. 2, Mayor Pro Tem Lopez pulled Item No. 4, and City Administrator Hernández pulled Item No. 5, 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 29, 2012 – SPECIAL MEETING
 - b) APRIL 2, 2012 – REGULAR MEETING

- 3) RECLASSIFICATION OF PAVEMENT IMPACT FEES

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- 6) ADOPT A RESOLUTION APPROVING THE EXECUTION OF A COOPERATIVE AGREEMENT BY AND BETWEEN THE CITY AND THE SUCCESSOR AGENCY TO THE SAN FERNANDO REDEVELOPMENT AGENCY

By consensus, the motion carried.

Items Removed for Further Discussion:

- 2) APPROVAL OF WARRANT REGISTER NO. 12-042

In response to Councilmember Ballin's question, City Administrator Hernández said that the refunds in question are for water accounts that were closed (checks are mailed to the last known addresses) and he will provide her with a copy of the City's policy.

Motion by Councilmember Ballin, seconded by Councilmember De La Torre, to approve Warrant Register No. 12-042. By consensus, the motion carried.

- 4) ADOPT A RESOLUTION APPROVING AN ALLOCATION OF QUIMBY FUNDS FOR THE SAN FERNANDO SKATE PLAZA CONSTRUCTION

Discussion ensued and Recreation and Community Services Operations Manager Aguila replied to various questions from Councilmembers.

Motion by Councilmember De La Torre, seconded by Councilmember Ballin to adopt a Resolution approving an allocation of Quimby Funds for the construction costs of the San Fernando Skate Plata

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

- 5) METRO CALL FOR PROJECTS GRANT FUNDS

Public Works Director Ron Ruiz replied to questions from Councilmembers.

Motion by Councilmember De La Torre, seconded by Councilmember Ballin, to approve the de-obligation of the 2007 Call for Projects/San Fernando Road Downtown Pedestrian Improvement Project and direct staff to work with the MRCA to identify additional matching funds for the 2007 Call for Projects/San Fernando Pacoima Wash Bike Path Project. By consensus, the motion carried.

NEW BUSINESS

7) **AWARD OF CONTRACT FOR PURCHASE AND INSTALLATION OF WATER PUMP**

Public Works Director Ruiz presented the staff report and replied to questions from Councilmembers.

Motion by Councilmember Ballin, seconded by Mayor Pro Tem Lopez, to:

- a) Find that the purchase and installation of a water pump that is custom designed and built for Well 7A is not a public work, and qualifies for a bidding exception under San Fernando City Code Section 2-806; and
- b) Authorize entering into agreement with General Pump Company (GPC), consistent with the terms of the proposal, for the purchase and installation of a water pump for Well 7A for an amount not to exceed \$181,196.64 with an additional 10% contingency.

By consensus, the motion carried.

8) **RECOMMENDATION TO INCREASE WATER AND SEWER RATES**

Public Works Director Ruiz presented the staff report and responded to questions from Councilmembers.

Motion by Councilmember Ballin, seconded by Mayor Pro Tem Lopez, to approve Recommendation B – Defer effective date of rates introduced on November 7, 2011 (defer the rate increases until July 1, 2012). By consensus, the motion carried.

Motion by Councilmember Ballin, seconded by Mayor Pro Tem Lopez, to introduce for first reading, in title only, and waive further reading of “An Ordinance of the City of San Fernando Amending Division 3 of the Article III of Chapter 94 of the San Fernando City Code Relating to Water Utility Service Charges”. By consensus, the motion carried.

Motion by Councilmember Ballin, seconded by Mayor Pro Tem Lopez, to introduce for first reading, in title only, and waive further reading of “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”. By consensus, the motion carried.

CITY COUNCIL ITEMS

9) **RESOLUTION IN SUPPORT OF ADULT EDUCATION**

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Mayor Pro Tem Lopez said this is something close to his heart and it is very important to the City and surrounding community.

Councilmember De La Torre asked why the resolution does not address early childhood education, and if Council chooses to support it, then where is the money coming from (it is necessary to support the parcel tax increase in November).

Motion by Mayor Pro Tem Lopez, seconded by Councilmember Ballin, to adopt the Resolution and include reference (as suggested by the City Attorney) to support early childhood education too, and not support a parcel tax increase at this time. The motion carried with the following vote:

AYES: Lopez, Ballin, Esqueda – 3

NOES: De La Torre – 1

ABSENT: Hernández – 1

STANDING COMMITTEE UPDATES

No. 1 Budget, Personnel and Finance (BPF)

Councilmember De La Torre – reported the Committee will begin Fiscal Year 2012-13 budget discussions.

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

Councilmember De La Torre – no updates.

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

Councilmember Ballin – reported that Public Works Director Ruiz went over NRIW points in the slide show presented earlier.

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

Mayor Pro Tem Lopez – Public Works Director Ruiz requested to agendaize the speed zone study at their next meeting.

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

Mayor Esqueda – Recreation and Community Services Operations Manager Aguila reported that the next meeting will be held on April 24, 2012.

GENERAL COUNCIL COMMENTS

Councilmember De La Torre again stated that she takes offense to the false allegations made against her during public comments and believes it's the City's obligation to take these allegations seriously and make certain that these individuals file police reports.

In response, City Attorney Estrada stated that they can not be forced to file police reports but he and Police Chief Gil Carrillo will look into this.

In response to Councilmember De La Torre's concern regarding providing more sport programs for females, Recreation and Community Services Operations Manager Aguila said he will follow up with his staff.

Councilmember Ballin: 1) said she was very proud of the young ladies that came up to speak in favor of the Resolution Supporting Adult Education; and 2) thanked outgoing employee Senior Accountant Joe Lillio for the great job he has done.

In response to Mayor Esqueda's question regarding a public comment made earlier, Public Works Director Ruiz said that the City did receive some Federal funding for sidewalks, streets, and street lights.

Mayor Esqueda also wants to clear up allegations that are being made and repeated that she did not make any remarks against a certain member of community and his sexual orientation.

Mayor Esqueda thanked her colleagues and staff for all their hard work.

STAFF COMMUNICATIONS

City Administrator Hernández: 1) reminded the City Council about the upcoming special meetings regarding interviews for City Attorney; and 2) thanked Mr. Lillio for all his hard work and assistance (he made a big difference in the City this past year).

Public Works Director Ruiz gave an update on the East San Fernando Valley Transit Corridor meeting that was recently held and notified the City Council that the City must take a position on the project soon.

City Planner Fred Ramirez said there will be a meeting on May 31, 2012, in Sacramento held by the California Cultural and Historical Endowment Board regarding the ancillary building at the Lopez Adobe site. Staff, the consultant, and (possibly) a Councilmember should attend.

Recreation and Community Services Operations Manager Aguila talked about the City's partnership with Dr. Steven Loy and together have submitted the "100 Citizens: Role Models for the Future" program for a national contest and encouraged everyone to vote daily (we are currently in first place).

RECESS TO CLOSED SESSION (8:58 P.M.)

Motion by Councilmember De La Torre, seconded by Councilmember Ballin, to recess to the following Closed Session, thereafter to adjourn.

A) 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.

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

Jaramillo v. City of San Fernando, et al, PC 052711

No reportable action. No motions.

C) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
G.C. 54956.9(b)

A point has been reached where, in the opinion of the City Council on the advice of its legal counsel, based on the below-described existing facts and circumstances, there is a significant exposure to litigation against the City Council:

- 1) Receipt of Claim pursuant to Tort Claims Act from Anthony Esquivel (copy available for public inspection in City Clerk's office).
- 2) Statement made by Milton Grimes outside an open meeting of City regarding potential claim of Daniel Hernandez. A record of the statement was made by the City Attorney prior to the meeting and is available for public inspection in the City Clerk's office.
- 3) The following facts and circumstances known to a potential plaintiff or plaintiffs: allegations of potential violations of the right of certain employee.

No reportable action. No motions.

I do hereby certify that the foregoing is a true and correct copy of the minutes of April 16, 2012 meeting as approved by the San Fernando City Council.

Elena G. Chávez
City Clerk