

**SAN FERNANDO CITY COUNCIL
MINUTES**

**MAY 7, 2012 – 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 Antonio Lopez called the meeting to order at 6:12 p.m.

Present:

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

Staff: City Administrator Al Hernández, City Attorney Maribel S. Medina (took a seat with staff after the approval of Item No. 10), and City Clerk Elena G. Chávez

Absent: Mayor Brenda Esqueda (notified staff that she would not be able to attend the meeting)

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Lopez

PRESENTATION

The following presentations were made:

- A) MAY – OLDER AMERICANS MONTH
- B) HEALTHY CITY ACKNOWLEDGEMENT

APPROVAL OF AGENDA

Mayor Pro Tem Lopez requested to move up (as first item on the agenda) Item No. 10, Approval of Agreement for City Attorney Services with the Law Firm Meyers Nave.

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

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PUBLIC STATEMENTS – WRITTEN/ORAL

Mayor Pro Tem Lopez stated that public comments would be taken for Item No. 10 only.

There were no public comments.

CONTINUED BUSINESS

10) APPROVAL OF AGREEMENT FOR CITY ATTORNEY SERVICES WITH THE LAW FIRM OF MEYERS NAVE

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

Councilmember Ballin expressed her concerns that, of the law firms interviewed, Meyers Nave was the most expensive and the other firms have long-term experience representing many cities.

Councilmember De La Torre said that the City Attorney, and Deputy, have a wealth of government agency experience (school districts, counties, cities are all governed by the same laws).

Motion by Mayor Pro Tem Lopez, seconded by Councilmember Hernández, to approve an Agreement for City Attorney Services with the Law Firm of Meyers Nave and appoint Maribel S. Medina as the City Attorney. The motion carried with the following vote:

AYES: Lopez, Hernandez, De La Torre – 3

NOES: Ballin – 1

ABSENT: Esqueda – 1

At this time, City Clerk Chávez administered the Oath of Office to City Attorney Medina and she took her seat with staff.

PUBLIC STATEMENTS – WRITTEN/ORAL

Irwin Rosenberg (San Fernando Police Officers Association (SFPOA) President) stated that they are (obviously) in favor of agenda Item No.s 5 and 6 and are available to answer questions.

Henry Romero (resident) talked about current ongoing issues with the City regarding his property and hopes the matter can be resolved (staff was directed to assist Mr. Romero).

Renato Lira (resident) said: 1) that the Cesar Chávez Memorial is not maintained and now Council wants a skatepark; 2) Councilmember De La Torre does not have respect for her colleagues; and 3) it was time (residents want their City back).

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Rick Combs, Los Angeles Fire Department, invited everyone to join them at their Annual Fire Service Recognition Day on May 2, 2012, at Recreation Park to be held in conjunction with San Fernando Police Dept.

Councilmember De La Torre asked various questions, stated this is the first she had heard of event, and wants to make sure that City staff is prepared.

Robert Gonzales (resident) talked about Quimby Funds that were recently allotted for a skatepark. He suggested upgrading snack bars at the parks for the 500+ Little League players and concentrating on the amazing facilities we already have in place.

Robert Ortega (resident) apologized for his outburst at the last meeting (he didn't like seeing people pushed around and cut off from speaking), he talked about manners and that kids watching would have asked why are people being interrupted.

Samuel Beltran (resident) talked about when he was stationed in England, quoted from Patrick Henry and said that enough signatures were being gathered for the recall.

City Attorney Medina announced that public comment has to be limited to subject matters within this City Council's jurisdiction and issues related to political campaigns are not appropriate in the Council Chambers during public comment.

Mr. Beltran (continued) asked then what is the meeting for? and he quoted Dr. Martin Luther King, Jr.

Patty Lopez (resident) said: 1) she's not related to Councilmember Lopez; 2) although they only have three minutes here, they have 24 hours a day to communicate with those interested in what's happening in the City; 3) people are upset that Councilmember De La Torre voted against the education resolution; and 4) instead of building new programs, money should be used for programs already in place (i.e., Little League snack bars).

Margie Carranza: 1) hopes she doesn't get interrupted by the new City Attorney; 2) said everyone knows there's chaos in the City; 3) asked Councilmembers to step down; 4) inquired about a 2010 stimulus payment to the City; and 5) talked about the store vacancies.

In response to Councilmember De La Torre's question, both Public Works Director Ron Ruiz and City Planner Fred Ramirez reported that all stimulus dollars are accounted for.

Carolina Perez: 1) thanked Councilmembers Lopez and Ballin for the resolution regarding education; 2) suggested that the new City Attorney place something on the agenda as to what the public can comment on; and 3) said they are working hard to make sure "it" happens.

Paul Luna (resident): 1) said it seems like Council will comment when they feel like it, and other times, say they can't answer questions; 2) asked what is planned for the Lopez Adobe?; 3) said that the Cesar Chávez Memorial has been allowed to drift into its current condition; and 4) said that Heritage Park looks like it's going south and now the Council is bringing in a new skatepark.

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Paulino Guevara: 1) doesn't know what it takes for them (Council) to understand what leadership is; 2) said they've caused, pain, suffering, and financial distress for people; 3) asked them what are their feelings and values?; and 4) do they experience compassion and whether they're thinking about their kids or families?

City Atty. Medina said to focus on subject matters within the Council's jurisdiction and Mayor Pro Tem Lopez gave Mr. Guevara a warning.

Mr. Guevara (continued) asked what would they feel in their position and what is it going to take for them to understand?

Eddie Marquez stated: 1) (since 2008) Santa Rosa Little League has been paying impacts fees yet the snack bar issue is not handled; and 2) said he doesn't oppose new projects (they're just asking for their fair share) but suggests that Council finish projects before starting new ones.

Ricardo Benitez thanked Mayor Esqueda and Mayor Pro Tem Lopez for giving their "okay" on adult education.

Paul Martinez (resident) stated he too (like everyone in the City) is fed up and done with all of this stuff, and he is willing to see "all three" step down and see this campaign go through.

At this point, City Attorney Medina and Mayor Pro Tem Lopez interjected and Mr. Martinez was given warnings and then asked to leave the facility.

Ray Esparza, President of Santa Rosa Baseball League: 1) said they've been asking for help from the City to upgrade the snack bar at Las Palmas Park; 2) the League has been with the City for 30 years and paying impact fees since 2008; and 3) the League maintains the fields (the grass is cut but doesn't get picked up).

CONSENT CALENDAR

Councilmember Hernández removed Item No.s 5 and 6 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) NOVEMBER 7, 2011 – REGULAR MEETING
 - b) MARCH 15, 2012 – ADJOURNED SPECIAL MEETING
 - c) APRIL 16, 2012 – REGULAR MEETING
 - d) APRIL 19, 2012 – SPECIAL MEETING
 - e) APRIL 26, 2012 – SPECIAL MEETING
 - f) MAY 2, 2012 – SPECIAL MEETING

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- 2) APPROVAL OF WARRANT REGISTER NO. 12-051
- 3) ADOPTION OF ORDINANCE NO. 1613 – AMENDING SAN FERNANDO CITY CODE RELATING TO WATER UTILITY SERVICE CHARGES
- 4) ADOPTION OF ORDINANCE NO. 1614 – AMENDING SAN FERNANDO CITY CODE RELATING TO SEWERS AND SEWER DISPOSAL UTILITY SERVICE CHARGES
- 7) APPROVAL OF PSYCHIC PERMIT: THE MYSTIC’S ALTAR (120 N. MACLAY AVENUE “D”)
- 8) APPROVAL OF PRIVATE PATROL PERMIT: TYAN INC – SECURITY SPECIALISTS (1500 GLENOAKS BOULEVARD)

By consensus, the motion carried.

Items Removed for Further Discussion:

- 5) CONSIDER APPROVAL OF A MEMORANDUM OF UNDERSTANDING WITH THE SAN FERNANDO POLICE OFFICERS ASSOCIATION

City Administrator Hernández replied to various questions from Councilmember Hernández.

Councilmember Hernández said he could not support the contract because he had received information that it was negotiated in bad faith (he read from an email from SFPOA President Rosenberg to certain police officers).

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

- a) Approve a Memorandum of Understanding between the City of San Fernando and the San Fernando Police Officers Association (Police Officers and Sergeants), authorize the City Administrator to execute the Agreement, and direct staff to implement the provisions therein; and
- b) Approve a Side Letter regarding Retiree Medical Insurance between the City of San Fernando and the San Fernando Police Officers Association, authorize the Mayor to execute the Agreement, and direct staff to implement the provisions therein.

AYES: De La Torre, Ballin, Lopez – 3

NOES: Hernández – 1

ABSENT: Esqueda – 1

By consensus, the motion carried.

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- 6) APPROVAL OF CALPERS RESOLUTION FOR COST SHARING OF EMPLOYER PAID MEMBER CONTRIBUTIONS WITH SAN FERNANDO POLICE OFFICERS ASSOCIATION

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

- a) Adopt Resolution to cost-share the Employer Paid Member Contributions with members of the San Fernando Police Officers' Association; and
- b) Report the paid contributions as tax-deferred in accordance with IRS stipulations.

AYES: De La Torre, Ballin, Lopez – 3

NOES: Hernández – 1

ABSENT: Esqueda – 1

By consensus, the motion carried.

By consensus, Item No. 9 was moved up on the agenda.

PUBLIC HEARING

- 9) ADOPTION OF THE 2010 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODES WITH LOCAL CITY OF LOS ANGELES AMENDMENTS AND ADOPTION OF THE CITY OF LOS ANGELES ELEVATOR CODE

City Planner Ramirez presented the staff report.

Mayor Pro Tem Lopez declared the Public Hearing open and called for public testimony in favor or opposition.

There being no comments, Mayor Pro Tem Lopez closed the public comment portion of the Hearing.

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

- a) Introduce for first reading, in title only, and waive further reading of Ordinance No. 1615, titled: "An Ordinance of the City of San Fernando Amending Article VII of Chapter 18 of the San Fernando City Code, Adopting by Reference (1) Division II of Chapter 1 of the 2010 edition of the California Building Code, which is codified in part 2 of title 24 of the California Code of Regulations, (2) the City of Los Angeles Building Code, as in Effect on August 8, 2011, (3) the City of Los Angeles Electrical Code, as in Effect on March 22, 2011, (4) the City of Los Angeles Mechanical Code, as in Effect May 2, 2011, (5) the City of Los Angeles Plumbing Code, as in Effect

July 6, 2011, (6) the City of Los Angeles Residential Code, as in Effect July 6, 2011, (7) the City of Los Angeles Green Building Code, as in Effect January 1, 2011, and (8) the City of Los Angeles Elevator Code, as in effect December 10, 2007, which are Codified in Articles 1, 1.5, 2, 3, 4, 5 and 9 of Chapter IX of the City of Los Angeles Municipal Code, Including Appendices, Amendments, Additions and Deletions Thereto, and Amending the San Fernando City Code; and

- b) Direct staff to provide for notice of a Public Hearing on the proposed adoption of Ordinance No. 1615 at the City Council’s June 4, 2012 meeting.

By consensus, the motion carried.

NEW BUSINESS

12) APPROVAL OF PRIMA FACIE SPEED LIMITS

Public Works Director Ruiz introduced the City’s Engineering Consultant, Tom Brohard.

Mr. Brohard presented the staff report and replied to questions from Councilmember De La Torre.

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

- a) Adopt a Resolution approving the Engineering and Traffic Survey Report for Speed Limits, 2012 and the Prima Facie Speed Limits Recommended to be Established on the Highway Segments Included in the Engineering and Traffic Speed Survey Report for Speed Limits, 2012, with the exception of the speed limit on Maclay Ave. (from north city limits to Glenoaks Blvd.) to remain at 30 MPH (not increase to 35 MPH);
- b) Approve a three-year extension, to March 11, 2015, of the 2005 Traffic Speed Zone Study with respect to the 23 road segments identified in the Engineering and Traffic Survey Report for Speed Limits, 2012, that have not experienced any significant changes in roadway or traffic conditions within the last seven years; and
- c) Introduce for first reading, in title only, and waive further reading of “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 (SFCC) Relating to Speed Limits”.

By consensus, the motion carried.

11) APPROVAL OF SAFE ROUTES TO SCHOOL CONCEPTS

Public Works Director Ruiz presented the staff report and replied to questions from Councilmembers (i.e., whether emergency vehicles can be accommodated, additional public

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input will take place over the next month, follow up with all schools that will be impacted, and visiting nearby cities that have gone through this).

Motion by Councilmember De La Torre, seconded by Councilmember Ballin, to approve the project concepts for the Safe Routes to Schools Cycle 7 Project as included in the report. By consensus, the motion carried.

CITY COUNCIL ITEMS

13) **DISMISSED PARKING TICKETS FOR ALL OF 2011**

Councilmember Hernández said he was prompted to agendize this due to a comment made at a public meeting and findings by City auditors (it was noted that anyone could dismiss/void parking citations and there were no checks and balances, or procedures, in place).

City Administrator Hernández reported that a procedure was immediately implemented and the Chief of Police will now provide final approval for dismissed/voided citations.

Discussion only – no action was taken.

STANDING COMMITTEE UPDATES

No. 1 Budget, Personnel and Finance (BPF)

Councilmember Hernandez – reported that they met earlier today to discuss RDA and revenue issues (another meeting will be held next week).

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

Councilmember De La Torre – requested that HCEP (and BPF) meetings be held after the next Oversight Board Committee meeting. She also reminded Councilmembers that items which are not part of the established goals and objectives, should be brought before the Council (during this portion of the meeting) so that Committees may address those items.

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

Councilmember Ballin – no updates.

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

Mayor Pro Tem Lopez – reported that they discussed various items (some addressed on this Council agenda).

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

Mayor Esqueda – Recreation and Community Services Operations Manager Aguila reported that they met on April 24, 2012, and discussed summer programs and sponsorship opportunities.

GENERAL COUNCIL COMMENTS

Councilmember De La Torre wanted to clarify public comments that were made earlier: 1) her vote on the education resolution was not a “no” vote, she said if we are going to support that programs continue, the funding needs to be addressed too; 2) regarding the Cesar Chávez Memorial Park, money is set aside during budget discussions (her vote is only 20%); 4) suggested agendizing (for the next Council meeting) issues pertaining to snack bars; and 5) stated that the skatepark has been on-going since 2001.

Councilmember Hernández requested an update (for the next meeting) regarding Park Ave. street paving (between First and Fourth Streets).

At the request of Mayor Pro Tem Lopez, City Planner Ramirez gave an update on the Lopez Adobe.

STAFF COMMUNICATIONS

City Administrator Hernández: 1) said that the outcome of the Oversight Board Committee meeting may impact the General Fund; and 2) reported that a screening committee meeting, regarding labor attorney services, will take place tomorrow.

Public Works Director Ruiz informed the Council about an upcoming meeting regarding the Pacoima Wash Project with the County Supervisor’s Office and other interested groups (he will distribute a memo with additional information).

Recreation and Community Services Operations Manager Aguila reported that he has scheduled a meeting with staff to discuss the LAFD Annual Fire Service Recognition Day event (mentioned during public comments).

Councilmember Hernández welcomed City Attorney Medina.

RECESS TO CLOSED SESSION (8:38 P.M.)

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

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

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City Negotiator: City Administrator Al Hernandez
Employee Organizations: San Fernando Public Employee Association (SEIU Local 721)
San Fernando Part-time Employees' Association (SEIU, Local 721)

By consensus, City Council approved two-year extensions to the current Memorandums of Understanding and include a Side Letter regarding Retiree Medical Insurance (with both Associations).

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

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: 1 potential case

A point has been reached where, in the opinion of the City Council on the advice of its legal counsel, based on the receipt of a letter from Lackie, Dammeier & McGill transmitting a DFEH Complaint and Notice of Right to Sue on behalf of Paul Ventimiglia, there is a significant exposure to litigation against the City.

No reportable action. No motions.

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

Name of Case: Hanchett v. City of San Fernando, et al
Case No.: BC 477897

No reportable action. No motions.

I do hereby certify that the foregoing is a true and correct copy of the minutes of May 7, 2012 meeting as approved by the San Fernando City Council.

*Elena G. Chávez
City Clerk*