

**SAN FERNANDO CITY COUNCIL
MINUTES**

**MAY 21, 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 6:07 p.m.

Present:

Council: Mayor Brenda Esqueda, Mayor Pro Tem Antonio Lopez (arrived at 6:20 p.m.), and Councilmembers Maribel De La Torre, Sylvia Ballin, and Mario F. Hernández

Staff: City Administrator Al Hernández, City Attorney Maribel S. Medina, and City Clerk Elena G. Chávez

PLEDGE OF ALLEGIANCE

Mayor Esqueda

PRESENTATION

The following presentations were made:

A) PUBLIC WORKS WEEK (MAY 20-27, 2012)

APPROVAL OF AGENDA

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

PUBLIC STATEMENTS – WRITTEN/ORAL

Doude Wysbeek (resident and former Councilmember/Mayor) read a letter from the Kaufman Legal Group (attorneys for the recall proponents), regarding “Illegal Speech Restrictions During the May 7, 2012, City Council Meeting.” The letter addressed the public comment period of the

SAN FERNANDO CITY COUNCIL

MINUTES – May 21, 2012

Page 2

meeting in which speakers were interrupted and told that their comments were not within the subject matter jurisdiction of the City Council (the letter stated that the City Council and City Attorney must cease and desist from such Brown Act violations).

Julian Ruelas (resident): 1) said he was incredibly disturbed by what was going on; 2) said the City Council should provide leadership that allows every resident the freedom to speak their mind and not feel intimidated; and 3) is elated that residents of the City have stood up (the recall petitions were filed today).

City Atty. Medina interjected and said that political campaigning was not permitted during the public comment period.

Mr. Ruelas (continued) said: 4) that the City Council needs to do what's right and act responsible; and 4) he is blown away that we are talking about freedom of speech in a city council chambers, in the state of California, in the most fantastic nation on the planet.

Renato Lira (resident) said: 1) it was time that the three (Councilmembers) leave the City; 2) they brought in an expensive attorney; 3) residents are going to fight and will not accept corruption; and 4) Councilmember De La Torre has been attacking him on Facebook and he can't wait until she is no longer here.

City Atty. Medina interjected by stating that public comments cannot be disruptive and must be focused on issues related to the City Council's business.

Robert Ortega (resident) began by addressing audience members and Mayor Esqueda reminded him (several times) that his comments should be directed to the City Council.

At this time, Mr. Ortega was escorted out of the Council Chambers.

RECESS (6:30 P.M.)

At this time, Mayor Esqueda called for a brief recess.

RECONVENE (6:35 P.M.)

Mayor Esqueda asked that everyone not be disruptive, there were lots of items on the agenda, and we would like to get to business.

Norma Virgen apologized for comments she made at a prior meeting and said Mayor Esqueda is a nice person and a good Mayor. Directing her comments to Councilmember De La Torre, Ms. Virgen said that if she really wanted to be disrespectful she would bring up "stuff" she knows.

Paul Luna (resident) expressed concerns about: 1) awarding the pool operations contract to Mission Ambulance; 2) the disregard for competitive bidding procedures and awarding contracts

SAN FERNANDO CITY COUNCIL

MINUTES – May 21, 2012

Page 3

to the preferred bidders; and 3) Mission Ambulance (nothing on their webpage that indicates pool staffing services) and are they actually San Fernando Fire and Rescue?

Samuel Beltran (resident): 1) told a story about George Putman and how he sued the Federal Government regarding First Amendment rights; and 2) asked if it was true that Alex Padilla let City Atty. Medina go?

Margie Carranza: 1) said that every meeting she has been to has been “unlawful assembly”; 2) talked about violation of rights and freedom to assemble; and 3) asked Mayor Esqueda to step down.

David Hernández talked about: 1) exercising one’s rights without the fear of reprisal or intimidation; and 2) a story he read in the local paper and he asked for a transparent process to either dispel the story or take the appropriate action so it doesn’t happen again.

Noelia Prado (resident) said that Police Officers and the City Inspector went into her home (saying they were looking for someone), took pictures, was fined, and she felt her rights were violated (Mayor Esqueda asked that she meet with Police Chief Gil Carrillo).

Alicia Cruz (resident) said she was not home when the Police Department went into her house and was cited for a garage conversion, a renter, and for having a chick.

Patty Lopez (resident): 1) said it was a “happy day” for all residents; 2) thanked Mayor Esqueda for listening; 3) said it was true how these residents were treated; 4) applauds those that will not vote in favor of agenda Item No. 9; and 5) for the record, “someone” has been intimidating her and she had to go to the Police Department.

Carolina Perez said: 1) it was disturbing what occurred at the last meeting; 2) it wasn’t right for the City Attorney to say “you can’t say this or that”; 3) it’s not right that residents only have three minutes to speak but have to listen to Councilmembers for 40 minutes; 4) agreed it was a very “happy day” for the residents; and 5) thanked Mayor Esqueda.

CONSENT CALENDAR

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

- 1) APPROVAL OF MINUTES OF MAY 7, 2012 – REGULAR MEETING
- 2) APPROVAL OF WARRANT REGISTER NO. 12-052
- 3) FISCAL YEAR 2012-13 STREET LIGHTING ASSESSMENT DISTRICT APPROVAL OF ENGINEER’S REPORT AND SETTING A DATE FOR THE PUBLIC HEARING

SAN FERNANDO CITY COUNCIL

MINUTES – May 21, 2012

Page 4

- 4) AMENDMENT TO FACILITY USE AND TRANSPORTATION AGREEMENT WITH LOS ANGELES UNIFIED SCHOOL DISTRICT

By consensus, the motion carried.

PUBLIC HEARING

- 5) APPROVAL OF MITIGATED NEGATIVE DECLARATION AND CONCEPTUAL DESIGN FOR LOPEZ ADOBE ANCILLARY BUILDING PROJECT

Assistant Planner Edgar Arroyo presented the staff report.

Mayor Esqueda declared the Public Hearing open and called for public testimony in favor (there were none).

Mayor Esqueda then asked for public testimony against.

Doude Wysbeek (resident and former Councilmember/Mayor): 1) said he was involved with the Lopez Adobe in the 70's (the building was supposed to be restored to its family quality); 2) urged the City Council to not put restroom facilities in this historic monument (they would attract vagrants and will be difficult/expensive to maintain); and 3) asked that building and property be restored to its original form.

Julian Ruelas (resident): 1) said it is a historical monument and modernizing it for (what we think is) current day usage would rob it of its history; 2) is also concerned about the maintenance (if we currently can't take care of our parks, then how will we take care of this new building?).

Paul Luna (resident): 1) said this is the only building that is reflective of the old California heritage and it needs to be restored back to what it was 100+ years ago; and 2) agreed how are we going to maintain the restroom facilities?

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

Assistant Planner Arroyo replied to the public's comments and questions from Councilmembers.

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

- a) Approve a Resolution adopting the Initial Study and Mitigated Negative Declaration, and approving the conceptual design for the Lopez Adobe Ancillary Building Project to allow for the construction of an ancillary building that includes public restrooms and storage/office room at the Casa de Lopez Adobe site pursuant to the City-approved Lopez Adobe Preservation Plan; and

SAN FERNANDO CITY COUNCIL

MINUTES – May 21, 2012

Page 5

- b) Direct staff to submit the City-approved concept for the Lopez Adobe ancillary building to the California Cultural and Historical Endowment Board for their consideration and approval for project funding.

The motion carried with the following vote:

AYES: De La Torre, Hernández, Ballin, Esqueda – 4
NOES: Lopez – 1
ABSENT: None

CONTINUED BUSINESS

6) RE-INTRODUCTION OF ORDINANCE FOR PRIMA FACIE SPEED LIMITS

Public Works Director Ron Ruiz presented the staff report. He stated that the Ordinance has to be re-introduced and suggested also adopting the *Resolution.

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

- a) Re-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”; and
- b) Adopt a *Resolution of the City Council of the City of San Fernando Approving the Engineering and Traffic Study Report for Speed Limits, 2012 and, as Modified, 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.

**Note: This Resolution was previously adopted at the City Council meeting of May 7, 2012.*

By consensus, the motion carried.

NEW BUSINESS

7) APPROVAL OF SERVICE AGREEMENT WITH MISSION AMBULANCE FOR THE LIFEGUARD STAFFING SERVICES AT THE SAN FERNANDO REGIONAL POOL FACILITY

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

SAN FERNANDO CITY COUNCIL

MINUTES – May 21, 2012

Page 6

Discussion ensued regarding various topics including: suspended corporation status (San Fernando Fire and Rescue), part-time employees (and if they work beyond 1,000 hour limit), wages, worker's comp costs, social security, liability insurance, and the need for a cost analysis.

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

- a) Approve a Service Agreement with Mission Ambulance to provide staffing services (including lifeguards, senior lifeguards, and pool attendants) for the San Fernando Regional Pool Facility; and
- b) Authorize the Mayor and the City Administrator to execute the Agreement.

The motion failed with the following vote:

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

Mayor Esqueda would like to see cost comparisons (i.e., City vs. Mission Ambulance).

By consensus, Councilmembers agreed to agendaize for the Special Meeting already scheduled for May 29, 2012.

8) PARK AVENUE PROJECT UPDATE

Public Works Director Ruiz gave the staff report. He and Assistant Planner Edgar Arroyo responded to questions from Mayor Pro Tem Lopez.

By consensus, the report was received and filed.

9) ADOPTION OF ORDINANCE ESTABLISHING RULES AND DECORUM FOR MEETINGS

City Attorney Medina gave the staff report and replied to questions from Councilmembers.

Discussion ensued regarding penalties and fines, whether other cities have similar ordinances, consequences for Councilmembers' behavior, and educating the City Council and the public regarding the Brown Act.

Motion by Councilmember De La Torre, seconded by Councilmember Hernández, 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, California Amending the San Fernando Municipal Code by Adding a

SAN FERNANDO CITY COUNCIL

MINUTES – May 21, 2012

Page 7

New Division 3 – Rules of Decorum for Meetings to Chapter 2 and Amending Section 1-10 (General Penalty; Infraction)”.

The motion carried with the following vote:

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

STANDING COMMITTEE UPDATES

No. 1 Budget, Personnel and Finance (BPF)

Councilmember Hernandez – they recently met regarding the preliminary budget and a joint study session will be scheduled in the near future.

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

Councilmember De La Torre – met regarding the winding down of the Redevelopment Agency (i.e., loans and properties) and said staff is waiting to hear back from State on what’s going to get approved (or not).

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

Councilmember Ballin – (Mayor Pro Tem Lopez covered the topics under his update.)

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

Mayor Pro Tem Lopez – reported that they met and discussed Safe Routes to School, and bike paths (will be discussed in the near future).

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

Mayor Esqueda – no update.

GENERAL COUNCIL COMMENTS

Councilmember Hernández: 1) acknowledged Public Works Week and personally thanked Public Works employees for their extraordinary work and the wonderful job they do; 2) also thanked staff members who participated in the American Cancer Society Relay for Life Paint Your Town Purple event; and 3) wished everyone a restful Memorial Day weekend.

SAN FERNANDO CITY COUNCIL

MINUTES – May 21, 2012

Page 8

Mayor Esqueda said she wanted to give City Atty. Medina an opportunity to comment on a statement made earlier by a public speaker.

City Atty. Medina stated that she has never been fired from any job and has not had the pleasure of working for Senator Alex Padilla (although he has been very supportive of her endeavors). She thanked Mayor Esqueda for the opportunity to clarify.

Mayor Esqueda: 1) stated that since all five Councilmembers could not attend the Town Hall meeting tomorrow, it would be rescheduled; 2) requested that City Council meetings be held at different locations; and 3) thanked staff for a great job during the recent bomb scare.

Councilmember Hernandez asked if staff could provide an update (at the next meeting) regarding the Pacoima Wash and funding sources/requirements.

STAFF COMMUNICATIONS

City Administrator Hernández: 1) reported that interviews for a Labor Attorney are scheduled for May 31 and June 7, 2012; and 2) gave an update on the audit firm proposals.

Recreation and Community Services Operations Manager Aguila reported: 1) that staff is currently working with Subway for concession stand services; 2) on upcoming aquatics and water polo club classes; and 3) said that the deadline is nearing for Fourth of July event fundraising.

Public Works Director Ruiz reported that there will be a workshop regarding Safe Routes to School at Gridley St. Elementary (another workshop will be scheduled for the south side of the City soon).

RECESS TO CLOSED SESSION (9:30 P.M.)

By consensus, Councilmembers recessed 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 Public Employee Association (SEIU Local 721)
San Fernando Part-time Employees' Association (SEIU, Local 721)

No reportable action. No motions.

I do hereby certify that the foregoing is a true and correct copy of the minutes of May 21, 2012 meeting as approved by the San Fernando City Council.

Elena G. Chávez
City Clerk