

**SAN FERNANDO CITY COUNCIL
MINUTES**

**JUNE 4, 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 6:25 p.m.

Present:

Council: Mayor Brenda Esqueda, 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, and City Clerk Elena G. Chávez

PLEDGE OF ALLEGIANCE

Mayor Brenda Esqueda

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

Renato Lira (resident) said: 1) Council should have respect for residents and not attack one another at the meetings; 2) Councilmember De La Torre attended an LAUSD Board Meeting and made accusations about him; and 3) she needs to step down if she doesn't respect residents.

Councilmember De La Torre reported that she has not attended an LAUSD board meeting in the last eight to 10 months and wants this on the record because Mr. Lira's allegations are false.

Samuel Beltran (resident) said: 1) everyone knows that this City is in a mess and is a joke; 2) asked what was the count for the recall; and 3) said he was going to run for Council and not collect a penny.

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City Atty. Medina interjected and said that campaigning cannot take place during public comments.

Mr. Beltran (continued) said his constitutional rights were being taken away and asked then what is a Council meeting?

Jesse Avila (resident) said: 1) City Council chose an attorney with limited experience and from a very expensive law firm; 2) decorum goes both ways; 3) there are already rules regarding decorum and civil disobedience; and 4) the City Attorney allows Councilmembers to respond during public comments and where is that addressed in the ordinance?

Patty Lopez (resident): 1) asked who is going to help the residents that were cited (Council should look into grants to help these families); 2) said residents don't need clarification on how to handle meetings, she believes Councilmembers need the training; and 3) said the downtown mall is embarrassing (what is Council doing for the businesses – they're all closing).

Noelia Prado (resident) said she was one of the residents that received a citation from Code Enforcement and asked what is Council going to do for them (she doesn't have money to pay for the ticket). (City Administrator Hernández was instructed to meet with the residents).

Margie Carranza: 1) is very upset at what's going on with Council; and 2) (directing her comments to Mayor Esqueda and Councilmember Hernández) said that are being used and misled.

Robert Ortega (resident): 1) feels that his freedom of speech is being taken away; 2) asked what happened with the City's 100th anniversary celebration; 3) said they (Councilmembers) are not working with residents or listening; and 4) said he spoke with a former Councilmember who said that when residents spoke out against him, he didn't impose fines on them.

Isabel Rodriguez (resident) said that the police came to her home, she allowed them access, and was cited \$2,300. She believes it was an illegal search and seizure and asked if the City Council can help her because she has eight children and can't afford the fines. (City Administrator Hernández was instructed to meet with residents).

Carolina Perez: 1) said the proposed ordinance regarding rules of decorum was disturbing and asked what would happen in specific circumstances (i.e., those with disabilities); and 2) asked that Council think twice before passing this ordinance.

Julie Cuellar (resident) believes that the police searches of these homes is due to a lack of communication/education and suggested this be addressed at Neighborhood Watch meetings.

CONSENT CALENDAR

Motion by Councilmember De La Torre, seconded by Councilmember Hernández, to approve Consent Calendar Items.

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Councilmember Ballin removed Item No.s 2 and 4 for further discussion.

Councilmember De La Torre stated that she does not accept the “amendment” and would like to call for the question.

At this time, Mayor Esqueda began to take a vote and Councilmember Ballin inquired whether this was appropriate.

City Atty. Medina stated that pursuant to the information printed on the agenda “*If a Councilmember wishes to discuss any item, it should first be removed from the Consent Calendar*”, the proper procedure is to remove the item/s prior to voting.

Motion by Mayor Pro Tem Lopez to remove Item No.s 2 and 4 from the Consent Calendar.

City Atty. Medina again clarified that the procedure does not require a motion to remove the items – Councilmembers have the ability to remove items if they wish.

Mayor Pro Tem Lopez withdrew his motion.

Motion by Councilmember Ballin, seconded by Mayor Pro Tem Lopez, to approve the remaining Consent Calendar items.

- 1) APPROVAL OF WARRANT REGISTER NO. 12-061
- 3) ADOPTION OF ORDINANCE NO. 1616 – APPROVING PRIMA FACIE SPEED LIMITS
- 5) REQUEST FOR AN EXTENSION OF THE TERM OF CALIFORNIA HOUSING FINANCE AGENCY LOAN AGREEMENT

By consensus, the motion carried.

Items Removed for Further Discussion:

- 2) ADOPTION OF ORDINANCE NO. 1615 – 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

Both City Planner Fred Ramirez and City Attorney Medina replied to questions from Councilmember Ballin.

Motion by Councilmember Ballin, seconded by Mayor Pro Tem Lopez, to adopt the Ordinance.
By consensus, the motion carried.

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4) **ADOPTION OF ORDINANCE NO. 1617 – ESTABLISHING RULES AND DECORUM FOR MEETINGS**

Councilmember Ballin: 1) asked for clarification regarding the fine and jail time; 2) believes that the public should have the freedom to speak on whatever concerns they have (whether on the agenda or not); and 3) asked whether the rules go both ways (i.e., Councilmembers making slanderous statements and being disrespectful to the public).

City Atty. Medina: 1) clarified that a violation would be an infraction subject to an administrative penalty; 2) this ordinance is not intended to censor anyone’s speech, only monitor disruptive/boisterous conduct; 3) stated that the City Council is legally required (at their regular meetings) to allow for public comment on any item within their subject matter jurisdiction; 4) said there are certain restrictions (i.e., using public resources for political campaigns); and 5) said that these rules apply to the Councilmembers, staff, and the public.

Mayor Esqueda said she wanted to make it clear that Council is not trying to punish anyone for voicing their opinions.

Motion by Councilmember Hernández to approve Item No. 4.

City Atty. Medina pointed out that Councilmember Ballin had suggested an amendment. She said it would be in Section 2-93, subparagraph 4, under “Penalty”. The amendment would read “Violation of this section is not a misdemeanor” for further clarification.

Councilmember Hernández accepted the amendment. The motion (and amendment) was seconded by Councilmember De La Torre and carried with the following vote:

The motion, and amendment, carried with the following vote:

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

NEW BUSINESS

6) **PACOIMA WASH (INCLUDING FUNDING SOURCE)**

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

Discussion only – no action was taken.

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7) **CONCESSION STANDS AND LOCAL LITTLE LEAGUES UPDATE**

Recreation and Community Services Operations Manager Ismael Aguila gave the staff report and responded to questions from Councilmembers.

Discussion ensued including the use of VEDC loans (to assist the leagues) and Quimby Funds (staff was requested to report back with additional information).

By consensus, the update was received and filed.

8) **AWARD OF CONTRACT FOR PROFESSIONAL AUDITING SERVICES**

City Administrator Hernández gave the staff report and responded to questions from Councilmembers.

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

- a) Award a three-year Contract Agreement, with an option to renew for an additional two years, to Teaman, Ramirez & Smith, Inc. in the amount of \$135,300 to provide professional auditing services; and
- b) Direct the City Administrator to negotiate an Agreement with Teaman, Ramirez & Smith, Inc. to provide professional auditing services and report back with the final Agreement at a future meeting for City Council review and approval.

By consensus, the motion carried.

STANDING COMMITTEE UPDATES

No. 1 Budget, Personnel and Finance (BPF)

Councilmember Hernandez – reported that a meeting has been scheduled for tomorrow to discuss the JC Penney store closure and viable options.

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 – no updates.

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

Mayor Pro Tem Lopez – no updates.

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

Mayor Esqueda – no updates.

GENERAL COUNCIL COMMENTS

Mayor Esqueda: 1) would like to set up a meeting with the City Administrator and Griswold Ave. residents that were cited; and 2) reported that the centennial celebration did not take place due to businesses pulling their money out (politics played a role).

STAFF COMMUNICATIONS

City Administrator Hernández: 1) reported that, at the request of Mayor Esqueda, the next meeting would be held at Recreation Park; and 2) the funding deadline for the 4th of July event has approached and it's in danger of being cancelled.

Recreation and Community Services Operations Manager Aguila announced that the American Red Cross blood drive would be held on June 11, 2012.

City Administrator Hernández reported that the League of California Cities has requested that cities write letters of support for Perez and Steinberg Assembly and Senate Bills (regarding AB 1x26) and staff will be following up.

ADJOURNMENT (8:36 P.M.)

Motion by Councilmember Ballin, seconded by Mayor Pro Tem Lopez, to adjourn the meeting, By consensus, the motion carried.

I do hereby certify that the foregoing is a true and correct copy of the minutes of June 4, 2012 meeting as approved by the San Fernando City Council.

*Elena G. Chávez
City Clerk*