

**SAN FERNANDO CITY COUNCIL  
MINUTES**

**JULY 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 Maribel S. Medina, and City Clerk Elena G. Chávez

Absent: (Vacant)

**PLEDGE OF ALLEGIANCE**

Mayor Esqueda

**RECESS (6:16 P.M.)**

Mayor Esqueda called for a brief five-minute recess to allow for the recipients of the scheduled presentation to arrive.

**RECONVENE (6:21 P.M.)**

**APPROVAL OF AGENDA**

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

**CONSENT CALENDAR**

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

- 1) APPROVAL OF WARRANT REGISTER NO. 12-072
- 2) RESOLUTION AUTHORIZING CITY PARTICIPATION IN THE INDEPENDENT CITIES RISK MANAGEMENT AUTHORITY (ICRMA) CRIME INSURANCE PROGRAM

By consensus, the motion carried.

**NEW BUSINESS**

- 3) RESOLUTION OF INTENTION AND ORDINANCE TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CalPERS) AND THE CITY

Personnel Manager Michael Okafor presented the staff report.

City Atty. Medina announced that audience members wishing to make a statement regarding this item should do so before the City Council takes a formal vote.

Irwin Rosenberg (San Fernando Police Officers' Association President) reported that Police Officers made concessions during negotiations in which they took a 4.5% pay cut to assist the City in meeting its financial obligations and they urge a "yes" vote on this item.

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

- a) Adopt a Resolution of Intention to approve an Amendment to Contract between the Board of Administration California Public Employees' Retirement System and the City;
- b) Authorize the City Clerk to execute the Certification of Governing Body's Action;
- c) Authorize the City Clerk to execute the Certification of Compliance with Government Code Section 7507;
- d) Authorize the City Clerk to execute the Certification of Compliance with Government Code Section 20475; and
- e) Introduce for first reading, in title only, and waive further reading of "An Ordinance Authorizing Amendment to the Contract between the City Council of the City of San

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Fernando and the Board of Administration of the California Public Employees' Retirement System".

By consensus, the motion carried.

City Atty. Medina suggested (since the award recipients had not yet arrived) moving on to Item No. 6.

**CITY COUNCIL ITEMS**

- 6) APPOINTMENT OF COUNCILMEMBER SYLVIA BALLIN TO THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG)

Motion by Councilmember De La Torre to approve this item by consensus.

Councilmember Ballin said that she is appointed to a number of boards that meet several times per month at various locations (i.e., downtown Los Angeles, Santa Fe Springs) and she recommends Councilmembers that have to go to meetings 15 miles outside the City limits be authorized to use the City vehicle to attend.

City Atty. Medina said that a resolution, ordinance, or policy could be brought before the City Council to address Councilmember Ballin's suggestion. For this item, the motion can be amended to allow her to use the City car because the SCAG meetings are more than 15 miles away.

Councilmember De La Torre accepted Councilmember Ballin's amendment.

Again, City Atty. Medina stated that before the City Council vote is taken, members of the audience that wish to speak regarding this item, may do so at this time. (There were no comments.)

The motion to appoint Councilmember Ballin as the City's representative to SCAG, and amendment to authorize her to use the City vehicle to attend the meetings, was seconded by Mayor Pro Tem Lopez, and carried by consensus.

**RECESS (6:26 P.M.)**

Mayor Esqueda again called for a brief recess to allow for the recipients of the scheduled presentation to arrive.

**RECONVENE (6:32 P.M.)**

**PRESENTATION**

The following presentation was made:

A) July – Parks and Recreation Month

**PUBLIC STATEMENTS – WRITTEN/ORAL**

Oscar Garay (resident) said that people should use their energy on positive things and he talked about the media, vacant buildings, food programs and youth.

Renato Lira (resident) said the City is on the news every day and has become a “novela”, and asked both Mayor Esqueda and Councilmember De La Torre to resign and leave the City.

Julian Ruelas (resident) said (in response to an earlier comment) he is not running for Council. He said it’s a crucial time for the City and its image, and asked why would JC Penney stay if we have a dysfunctional government?

Dee Akemon (resident): 1) asked what’s going on in the City (it’s crazy); 2) said that certain Councilmembers have shown hatred for the Police and Fire Departments; and 3) said if Councilmembers were to step down now, they would deny citizens the pleasure of seeing them thrown out of City Hall.

Irwin Rosenberg (San Fernando Police Officers’ Association President) requested that, when Council goes into the Closed Session, they not retaliate against the Police Department (the Department has already taken budget cuts of \$2 million over the last couple of years).

Robert Ortega (resident) said he was sorry for Mayor Esqueda’s loss and residents are looking for leadership and want to know what’s going on.

Patty Lopez (resident) said she was sorry for Mayor Esqueda’s loss and, for the record, she is not running for Council. She asked if that’s how Councilmembers deal with their personal lives, she can only imagine how they manage the City.

Mike Majers (business owner) wants to point out that the Police Department has the finest professionals in the state and is upset to hear the Council accusing them of being corrupt. He talked about the vacant car lots and businesses, deplorable condition of properties, and said let’s wake up and do something about it.

Samuel Beltran (resident) said Councilmember De La Torre is always in the media, the City is going broke, and JC Penney didn’t want to leave (it was the landlord).

Carolina Perez said she was sorry for Mayor Esqueda’s loss and said both Mayor Esqueda and Councilmember De La Torre have to leave.

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- 4) CONSIDERATION OF A RESOLUTION CALLING A SPECIAL MUNICIPAL ELECTION TO FILL THE VACANT POSITION OF A CITY COUNCILMEMBER AND CONSOLIDATING SAID ELECTION WITH THE RECALL ELECTION OF MARIO F. HERNÁNDEZ

City Atty. Medina presented the staff report. She stated that this item is regarding the vacancy created as a result of Councilmember Mario Hernández' resignation (submitted on July 10, 2012). She reported that Council has two options to fill the remainder of the term: 1) either fill the position by appointment; or 2) call for a special election.

Motion by Mayor Pro Tem Lopez to adopt a Resolution calling a Special Municipal Election to fill the vacant position of a City Councilmember and consolidating said Election with the Recall Election of Mario F. Hernández; requesting that the County Board of Supervisors consolidate the Election with the Statewide General Election to be held on November 6, 2012. The motion died due to lack of a second.

Discussion ensued and City Atty. Medina explained that Council has 60 days from the day they received the resignation to act. If Council chooses to do nothing before September 7, 2012, the vacancy will be filled on November 6, 2012 regardless (next item on the agenda).

*No action was taken on this item.*

- 5) ADOPTION OF RESOLUTIONS REGARDING CITY CLERK CERTIFICATION OF RECALL PETITION SIGNATURES, GIVING NOTICE OF CALLING A SPECIAL MUNICIPAL ELECTION, AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE WITH THE GENERAL ELECTION ON NOVEMBER 6, 2012

City Clerk Chávez presented the staff report.

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

- a) Adopt a Resolution accepting the City Clerk's Certification of Results of Examination of Signatures on Recall Petitions for Councilmembers Brenda Esqueda, Mario F. Hernández, and Maribel De La Torre; and
- b) Adopt a Resolution Calling and Giving Notice of a Special Municipal Election on November 6, 2012; and
- c) Adopt a Resolution Requesting that the Board of Supervisors of the County of Los Angeles Consolidate the City of San Fernando's Special Municipal Election with the Statewide General Election on November 6, 2012.

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The motion carried with the following vote:

AYES: Lopez, Ballin, De La Torre, Esqueda – 4

NOES: None

ABSENT: None

ABSTAIN: None

**STANDING COMMITTEE UPDATES**

No. 1 Budget, Personnel and Finance (BPF)

City Administrator Hernández – no updates.

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.

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**

Councilmember Ballin said it was a very challenging time for all (i.e., the City, businesses, residents) and she is committed to working with everyone to focus on City business and continue to move it forward (her personal agenda is taking care of the City first).

Mayor Pro Tem Lopez said that Council owes those who elected them stability and should abide to higher standards of the law and they cannot function effectively without the respect of the community and City staff. He encouraged both Mayor Esqueda and Councilmember De La Torre to resign.

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**STAFF COMMUNICATION**

Recreation and Community Services Operations Manager Ismael Aguila reported that the City's healthy lifestyle video won the Most Popular Choice Award on the Let's Move Campaign promoted by First Lady Michelle Obama.

**ADJOURNMENT (7:41 P.M.)**

Mayor Esqueda requested that the meeting adjourn in memory of her mother Jenny Perez who always supported her 100%.

Motion by Councilmember De La Torre, seconded by Councilmember Ballin, to adjourn the meeting. By consensus, the meeting was adjourned (the scheduled Closed Session did not take place).

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

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*Elena G. Chávez*  
*City Clerk*