

**SAN FERNANDO CITY COUNCIL
MINUTES**

**SEPTEMBER 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 6:19 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

PRESENTATION

The following presentations were made:

- A) RECOGNITION OF MISSION CITY TRANSIT DRIVER
- B) NO TEXTING WHILE DRIVING PROCLAMATION

APPROVAL OF AGENDA

Councilmember Ballin requested to move up Item No. 9 on the agenda.

Motion by Councilmember Ballin, seconded by Mayor Pro Tem Lopez, to approve the agenda and move up Item No. 9 to after Consent Calendar. By consensus, the motion carried.

SAN FERNANDO CITY COUNCIL

MINUTES – September 4, 2012

Page 2

PUBLIC STATEMENTS – WRITTEN/ORAL

Irwin Rosenberg (San Fernando Police Officers' Association President) announced that they already lost six positions and have given up \$1.2 million in savings and will not support any further reductions of sworn police personnel and an informal proposal has been submitted to the City Council.

Mauricio Vinan, LA Solution Media, talked about an upcoming taco festival event in October and asked if the City could keep the fees the same as last year's. Recreation and Community Services Operations Manager Ismael Aguila was directed to work with Mr. Vinan.

Margie Carranza said that all cities are facing turmoil and none seem to be blaming their City Councils and she said that Mayor Pro Tem Lopez must stop proclaiming that he is the Mayor.

Sam Beltran asked questions about the Brown Act; talked about the SFPOA not wanting layoffs; and said that Mr. Aszkenazy wants to borrow money from the City and why can' he borrow from Holy Cross Hospital.

Linda Campanella Jauron (resident) said it's a privilege to call San Fernando home and (to clarify) no one has offered anyone cash payments to run for Council nor have they knowingly given out false information.

Danitza Pantoja (resident) thanked the City Attorney for addressing the rules of decorum. She said it was both disturbing and embarrassing as she watched the meeting progress and said we all need to respect each other.

Ralph Perez said he feels blessed to live in a country that has freedom of speech, religion, and constitution and said that the Bible says to love and pray for your enemies.

Patty Lopez said shame on those who are attacking member of the audience, and blamed former Councilmember Mario Hernández for the budget crisis.

Renato Lira said it was time that Councilmembers present themselves at the L.A.U.S.D meetings and begin focusing on the children. He asked when the budget is going to be released so residents can look at the accurate numbers.

Carolina Perez said that Patty Lopez had to hire a lawyer because of remarks made about her by speaker Margie Carranza and she suggested that the Mayor study the Brown Act and how to run meetings.

Ricardo Benitez said the reason Council doesn't have respect, is because they don't give it and instead they talk back to the speakers. If they listened to the stakeholders, it would be a better meeting.

Mario Hernandez, former mayor and councilmember, said that many speak of budget shortfalls and point fingers yet no one has come forward with suggestions such as a vacancy tax. He

SAN FERNANDO CITY COUNCIL

MINUTES – September 4, 2012

Page 3

talked about his financial experience, and how he managed his former employer's newspaper financials, properties, receivables and investments. He told Councilmembers Ballin and Lopez to work with the BPF Committee to help bring the City back to its financial stability

Councilmember De La Torre asked to make various points of clarification because a lot of comments made by the public are untrue: 1) she has never brought residents (or asked them come to meetings) for the purpose of attacking other residents/Councilmembers; 2) Mayor Pro Tem Lopez made the motion regarding the water rate increase; 3) said the budget is a public document (available to everyone); 4) said that individuals need to educate themselves on the processes; and 5) as a 12- year Councilmember, it is her responsibility to educate the community on what the facts are and the lies being spread.

Mayor Esqueda stated, that for the record, the rumor regarding she and Councilmember De La Torre trying to find someone to fill former Councilmember Hernández' seat is 100% false.

CONSENT CALENDAR

Councilmember De La Torre pulled Item No.s 2 and 3 for further discussion.

Motion by Councilmember De La Torre, seconded by Mayor Pro Tem Lopez, to approve the remaining Consent Calendar Items:

- 1) APPROVAL OF MINUTES OF JULY 2, 2012
- 4) ADOPTION OF ORDINANCE NO. 1622 – ESTABLISHING A WATER CONSERVATION AND BUILDING SAFETY PROGRAM
- 5) ADOPTION OF ORDINANCE NO. 1623 – REGULATING SMOKING IN OUTDOOR PLACES
- 6) FINANCIAL STATEMENT – MAY 2012

By consensus, the motion carried.

Items Removed for Further Discussion:

- 2) APPROVAL OF WARRANT REGISTER NO.S 12-082 AND 12-091

Councilmember De La Torre inquired about various payments including one for temporary employment services and said that since we are discussing furloughs and layoffs, the City should not be contracting for temporary services.

SAN FERNANDO CITY COUNCIL

MINUTES – September 4, 2012

Page 4

Regarding a \$1,500 payment for music for the JC Penney rally, she said it should have been brought up as a budget resolution (as a Councilmember, she was not told that the City would be paying for the music).

Motion by Councilmember Ballin, seconded by Mayor Pro Tem Lopez, to approve Warrant Register No.s 12-082 and 12-091. The motion carried with the following vote:

AYES: Ballin, Lopez, Esqueda – 3
NOES: De La Torre – 1
ABSENT: None

Councilmember De La Torre Maribel said that, for the record, she wanted to state why she was in opposition – she was not satisfied with the explanation from the City Administrator or City Attorney regarding payment for the JC Penney Rally.

3) ADOPTION OF RESOLUTION FOR EMPLOYER PAID MEMBER CONTRIBUTIONS APPLYING TO POLICE OFFICERS AND SERGEANTS HIRED ON OR AFTER SEPTEMBER 10, 2012

Personnel Manager Michael Okafor replied to Councilmember De La Torre’s question pertaining to the effective date of the Resolution. She requested that, in the future, the agenda reports provide clearer information.

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

- a. Adopt Resolution for Employer Paid Member Contributions that will apply to all police officers and sergeants hired on or after September 10, 2012; and
- b. Report the paid contributions as tax-deferred in accordance with IRS stipulations.

By consensus, the motion carried.

NEW BUSINESS

By consensus, Item No. 15 was moved up on the agenda.

9) BROWN ACT DISCUSSION

City Atty. Medina explained that this item was placed on the agenda to review and discuss the City Council Procedural Manual in an effort to clarify concerns raised regarding Brown Act guidelines.

SAN FERNANDO CITY COUNCIL

MINUTES – September 4, 2012

Page 5

Discussion ensued and she replied to various questions from the Councilmembers. She stated that the Brown Act sets the floor, not necessary the ceiling, but it's good practice to set rules to be applied consistently to everyone and so that members of the community know what they are.

This was an information item only – no action taken.

7) **CO-SPONSORSHIP OF THE FIRST ANNUAL NORTHEAST VALLEY DIABETES EXPO AND AUTHORIZATION FOR USE OF THE CITY SEAL**

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

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

- a. Approve City co-sponsorship of the First Annual Northeast Valley Diabetes Expo with Valley Care Community Consortium (VCCC); and
- b. Approve the use of the City logo on VCCC media print material.

By consensus, the motion carried.

8) **FILLING CITY COUNCIL VACANCY**

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

Motion by Councilmember De La Torre to adopt a Resolution adopting a process to fill the vacancy created by the resignation of former City Councilmember Hernández. There being no second, the motion failed.

City Attorney Medina explained that, from a legal point, there are no legal ramifications for failing to adopt this resolution since the outcome will be the same next March.

No action was taken.

CITY COUNCIL ITEMS

10) **STANDING COMMITTEES APPOINTEES**

Mayor Esqueda presented the staff report, and discussed her changes to the Standing Committees.

By consensus, Councilmembers agreed.

STANDING COMMITTEE UPDATES

No. 1 Budget, Personnel and Finance (BPF)

Councilmember De La Torre – 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.

STAFF COMMUNICATION

City Administrator Hernández talked about the earlier speaker's request for fee waivers pertaining to an October taco festival event.

Mayor Esqueda said that Council was more than fair the last time he requested that fees be waived and she pointed out that the San Fernando Mall merchants have nothing to do with his proposed event.

City Planner Fred Ramirez gave an update regarding California State University, Northridge students that will be working on a design project in the community regarding sidewalks and parkway improvements.

Public Works Director Ron Ruiz requested to agendaize the street maintenance budget issues on both the PVTT and BPF Standing committees.

Recreation and Community Services Operations Manager Aguila reported that the summer swim season is officially over and thanked Councilmembers, staff, and the community for their support.

GENERAL COUNCIL COMMENTS

Councilmember Ballin said that she attended two of the summer JAM sessions and they were a wonderful experience. She would like to work with the City Administrator and send a letter of thanks to the sponsors and invite them to return.

Mayor Esqueda: 1) attended the concert in the park celebrating the City's 101 birthday; 2) asked to recognize (at our next meeting) the Mission City Transit driver for his awesome service; and 3) thanked State Farm for the event they put on with the PUC schools.

RECESS TO SUCCESSOR AGENCY MEETING (8:33 P.M.)

RECONVENE AND RECESS TO CLOSED SESSION (8:49 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 Management Group (SEIU, Local 721)
San Fernando Public Employees' Association (SEIU, Local 721)
San Fernando Police Officers Association
San Fernando Police Officers Association Police Management Unit
San Fernando Police Civilian Association (SEIU, Local 721)
San Fernando Part-time Employees' Bargaining Unit (SEIU, Local 721)

No reportable action. No motions.

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

(1 case)

No reportable action. No motions.

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

*Elena G. Chávez
City Clerk*