

**SAN FERNANDO CITY COUNCIL
MINUTES**

**NOVEMBER 18, 2013 – 6:00 P.M.
REGULAR MEETING**

City Hall Council Chambers
117 Macneil Street
San Fernando, CA 91340

CALL TO ORDER/ROLL CALL

Mayor Antonio Lopez called the meeting to order at 6:03 p.m.

Present:

Council: Mayor Antonio Lopez, Mayor Pro Tem Sylvia Ballin, and Councilmembers Jesse H. Avila, Joel Fajardo, and Robert C. Gonzales

Staff: Interim City Manager Don Penman, City Attorney Rick R. Olivarez, and City Clerk Elena G. Chávez

PLEDGE OF ALLEGIANCE

Mayor Lopez

APPROVAL OF AGENDA

Motion by Mayor Pro Tem Ballin, seconded Councilmember Gonzales, to approve the agenda. By consensus, the motion carried.

At this time, Mayor Lopez explained that Item No. 5 would be moved up after Item No. 7 and that Public Statements for the item would be heard at that time as well.

PUBLIC STATEMENTS – WRITTEN/ORAL

Theale Haupt said that anyone using City facilities should expect to pay all costs (including those related to the impact and use) and he stated that he does not agree with the City spending money on iPads for the City Council and staff.

Tom Ross, Downtown Mall Association President, invited everyone to food truck night on Thursday (it's their one-year anniversary).

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John Arroyo congratulated those who completed the CERT training, complained about skateboarders, and said that people should be encouraged to buy property in San Fernando.

CONSENT CALENDAR

Motion by Mayor Pro Tem Ballin, seconded by Councilmember Gonzales, to approve the following Consent Calendar Items:

- 1) APPROVAL OF MINUTES OF:
 - a) OCTOBER 21, 2013 – REGULAR MEETING
 - b) OCTOBER 30, 2013 – SPECIAL MEETING
 - c) NOVEMBER 4, 2013 – SPECIAL MEETING
 - d) NOVEMBER 4, 2013 – REGULAR MEETING
- 2) APPROVAL OF WARRANT REGISTER NO. 13-112
- 3) NOTICE OF COMPLETION FOR WATER MAINS INSTALLATION PROJECT
- 4) CONSIDERATION TO ADOPT RESOLUTION NO. 7571 FOR A TITLE VI PLAN FOR THE CITY

By consensus, the motion carried.

NEW BUSINESS

- 6) CONSIDERATION TO ADOPT RESOLUTION NO. 7573 APPROVING A FACILITY FEE WAIVER POLICY

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

Motion by Councilmember Fajardo, seconded by Mayor Pro Tem Ballin, to adopt Resolution No. 7573 establishing procedures for processing fee waivers for city-owned facilities with the provision that the fee waiver shall not exceed \$3,000 (combined) without further City Council approval per fiscal year. By consensus, the motion carried.

- 7) CONSIDERATION TO APPROVE CONTRACT NO 1730 FOR AS-NEEDED PROFESSIONAL SERVICES WITH WILLDAN ENGINEERING

Interim Public Works Director Robert Dickey presented the staff report and replied to questions from Councilmembers.

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

- a. Accept the proposal for As-Needed Professional Services from Willdan Engineering;
and
- b. Authorize the Interim City Manager to execute Contract No. 1730 with Willdan Engineering.

By consensus, the motion carried.

CONTINUED BUSINESS

8) UPDATE REGARDING FISCAL YEAR 2014-2014 CITY PRIORITIES

Interim City Manager Penman presented the staff report. Each Councilmember and department staff members presented their updated priorities.

No formal action was taken. Interim City Manager Penman stated that the list would be revised based on comments and, during the mid-year budget process, this would again be presented to the City Council for an update.

NEW BUSINESS (CONTINUED)

5) CONSIDERATION OF AWARD OF FRANCHISE FOR RESIDENTIAL AND COMMERCIAL REFUSE, RECYCLABLE MATERIALS, AND ORGANIC WASTE COLLECTION SERVICES

Mayor Lopez announced that he wanted to address allegations that have been made. He said that he was recently at an event where he was seated at a table with representatives from Crown Disposal Co., Inc., and at a recent conference he was seated at a table with representatives from Consolidated Disposal Services. He stated that at neither event did they speak about the trash contract. He also stated that after the RFP was issued, he received a call from a representative from Crown Disposal Co., Inc. requesting that he meet with the owner but he told them he could not talk about the issue. Again, he wanted to clarify that he was never lobbied, but due to public perception and out of the abundance of caution, he would recuse himself from voting on this item.

Councilmember Gonzales said he wanted to comment on the same issue. He was also approached by a representative from Crown Disposal Co., Inc. requesting that he meet with the owner but Councilmember Gonzales did not accept the invitation. He said he has been to numerous public events and fundraisers that both companies were part of and/or hosted. Due to public perception, he would also recuse himself from voting on this item.

At this time, both Mayor Lopez and Councilmember Gonzales exited the Council Chambers.

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Mayor Pro Tem Ballin opened Public Comments regarding this item.

Ken Phillips, Sr. Vice President for the Valley Economic Alliance, spoke in favor of Consolidated Disposal Services and stated they are a corporate leader and consistently give back to the community.

Hector Martinez spoke in favor of Crown Disposal Co., Inc. and said they have been doing a great service for the community

Jose Siordia said he has never had issues dealing with Crown Disposal Co., Inc. (at both his residence and business), appreciated that they have kept their fees down, and believes that they have proven and maintained who they are.

Howard Barmazel, Northridge, has had a business in the City for 37 years and is very happy with Crown's response time and rates.

Walt Dragaloski, business owner, said that Crown Disposal Co., Inc. has been doing a fantastic job for 10 years.

Tom Ross, San Fernando Downtown Association, said the relationship they have built with Crown Disposal Co., Inc. over the years is valuable. He appreciates the process and is very pleased with what the City has done moving things in the right direction. Crown does a lot with local businesses in town (they are one of his clients) and appreciates their commitment to local organizations.

Rene Gaudet, 7th grade teacher at Santa Rosa School, said that for the last 11 years, Crown Disposal Co., Inc. has provided excellent service and provide other services such as Wi-Fi structure throughout the campus, recycling education for the students, and are a major sponsors at school fund raisers. The school requests that the Council award the waste disposal services contract to Crown Disposal Co., Inc.

Terri Shelton, commercial property landlord, said that he ran a business in the City for 10 years and spoke in favor of keeping Crown Disposal Co., Inc.

Ramiro Estrada (San Fernando Realty) also spoke in favor of Crown Disposal Co., Inc. and stated that they have been dedicated to serving, supporting, and giving back to the community. He also congratulated City Council for the work they are doing and stated it's a big difference between now and the past.

Scott Sheppard, Sales Manager for Consolidated Disposal Services, talked about their successful education program for residential and commercial customers and how they will assist businesses to maximize their recycling potential.

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Mayor Pro Tem Ballin asked that each hauler representative give a three-minute presentation. Both James Pledger (Consolidated Disposal Services General Manager) and Tim Fry (Crown Disposal Co., Inc. General Manager) provided information regarding their respective company.

There being no further public comments, Mayor Pro Tem Ballin closed the Public Comment portion of the meeting.

Mark Alpers, R3 Consulting Group, Inc., gave a presentation that included information on the evaluation methodology and how they weighed the various evaluation criteria.

Discussion ensued and staff, City Attorney Olivarez, Mr. Alpers, and hauler representatives replied to various questions from Councilmembers.

Motion by Councilmember Avila, seconded by Mayor Pro Tem Ballin, to award the Franchise for Residential and Commercial Refuse, Recyclable Materials, and Organic Waste Collection Services to Consolidated Disposal Services.

At this time, City Attorney Olivarez, pointed out Section 3.20 of the RFP which states that if the City Council is inclined to award a collection services agreement, the award will be made based on "...the proposal which best fulfills the requirements and provides the best value to the City and its residents and businesses." He asked Councilmember Avila whether his decision (and motion) was based on this criteria and Councilmember Avila confirmed that it was.

Councilmember Avila continued with his motion to also authorize the Interim City Manager to prepare the Franchise Contract for City Council consideration at their regular meeting of December 2, 2013.

The motion carried with the following roll call vote:

AYES:	Avila, Ballin – 2
NOES:	Fajardo – 1
RECUSE:	Lopez, Gonzales – 2

At this time, both Mayor Lopez and Councilmember Gonzales returned to the Council Chambers.

City Attorney Olivarez said he wanted to make it clear that the action taken was to award the Franchise Contract to Consolidated Disposal Services. It is not the final action because a contract still needs to be negotiated. He stated that when the agreement comes before the City Council at their next meeting, it will require three affirmative votes (they are not required now because Council is not considering an ordinance, resolution, or expenditure of public funds).

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GENERAL COUNCIL COMMENTS

Councilmember Avila believes that the Council should be more involved in crafting proposals or at reviewing the proposals. He said he is very impressed with staff and looks forward to collaboration with contractors.

Councilmember Gonzales thanked staff for their work and Interim City Manager Penman for placing the item on the agenda (Priorities List) that allowed the public an opportunity to hear the many great projects going on and that everything is moving forward.

Both Councilmember Fajardo and Mayor Pro Tem Ballin also thanked everyone for staying.

STAFF COMMUNICATION

Interim City Manager Penman reminded everyone that there will be no second meeting in December (as stated in the City Council Procedural Manual) but suggested conducting the regular meeting on January 6, 2014 and not going “dark” because there is much going on at this time.

In response to Mayor Lopez’ suggestion that he say a few words, L.A. City Fire Battalion Chief Wade White said it is an honor to be part of this community and plans to attend more Council meetings.

ADJOURNMENT (9:50 P.M.)

Motion by Councilmember Fajardo, seconded by Councilmember Gonzales, to adjourn. By consensus, the meeting was adjourned.

I do hereby certify that the foregoing is a true and correct copy of the minutes of November 18, 2013 meeting as approved by the San Fernando City Council.

Elena G. Chávez
City Clerk