

**SAN FERNANDO CITY COUNCIL
MINUTES**

**JULY 15, 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 6:09 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 Administrator Don Penman, City Attorney Rick R. Olivarez, and City Clerk Elena G. Chávez

PLEDGE OF ALLEGIANCE

Mayor Lopez

PRESENTATION

A) INTRODUCTION OF NEW POLICE EXPLORER POST 521E CADETS

The Explorers were not present (will be introduced at a later date).

APPROVAL OF AGENDA

City Attorney Olivarez reported that staff requested to add a Closed Session item regarding anticipated litigation. He stated that this item came to the City's attention after the agenda was posted and that there is a need to take immediate action.

Motion by Mayor Pro Tem Ballin, seconded by Councilmember Avila, to make the findings (as stated by City Attorney Olivarez), add the item to the agenda, and to approve the agenda with the added item. By consensus, the motion carried.

PUBLIC STATEMENTS – WRITTEN/ORAL

George O'Connor (resident and business owner) said he opposed to the proposed Property Based Business Improvement District (PBID) and submitted a petition on behalf of property owners who are also not in favor.

Ricardo Benitez, Sylmar, spoke in favor of removing the bollards on Library Street (Item No. 5) and asked that Council consider removing other bollards to open up more streets.

(Female speaker – did not state name) said she was representing her parents that live on Library Street who are in favor of keeping the bollards on that street.

Sue O'Connor (resident) read the petition that was signed off property and business owners. She said that the PBID was poorly planned, flawed, and unfairly places unreasonable expenses on businesses that will not benefit.

Kenny Majers (business owner) also spoke in opposition of the PBID.

Patty Lopez (resident) said she has received calls from people that were cited by Community Service Officers and urged better communication. She also said she would like a list of City Council priorities.

CONSENT CALENDAR

Councilmember Gonzales pulled Item No. 2 for further discussion.

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

- 1) APPROVAL OF MINUTES OF:
 - a) JUNE 17, 2013 – REGULAR MEETING
 - b) JULY 1, 2013 – REGULAR MEETING

- 3) APPROVAL OF RESOLUTION NO. 7548 AUTHORIZING THE CITY TO SUBMIT A FISCAL YEAR 2013-2014 USED OIL PAYMENT PROGRAM APPLICATION TO THE CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE)

- 4) RESOLUTION TO APPOINT CITY'S REPRESENTATIVES TO THE INDEPENDENT CITIES FINANCING AUTHORITY (ICFA) GOVERNING BOARD

Items Removed for Further Discussion

2) APPROVAL OF WARRANT REGISTER NO. 13-072

Public Works Director Ron Ruiz replied to questions from Councilmembers regarding the MTA Transit Access Pass (TAP) cards.

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

NEW BUSINESS

5) REMOVAL OF BOLLARDS ON LIBRARY STREET

Public Works Director Ruiz presented the staff report and replied to questions from Councilmembers.

Motion by Councilmember Avila, seconded by Councilmember Gonzales, to approve the removal of street bollards at two locations on Library Street, northeast and southwest of North Maclay Avenue. By consensus, the motion carried.

6) APPROVAL OF AN AGREEMENT (CONTRACT NO. 1718) WITH HINDERLITER, DE LLAMAS AND ASSOCIATES (HdL) FOR TRANSACTIONS TAX AUDIT AND INFORMATION SERVICES AND ADOPTION OF RESOLUTION NO. 7549 AUTHORIZING EXAMINATION OF TRANSACTIONS AND USE TAX RECORDS

Interim City Administrator Penman presented the agenda report and replied to questions from Councilmembers.

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

- a. Approve an Agreement (Contract No. 1718) with Hinderliter, de Llamas and Associates (HdL) for Transactions Tax audit and information services; and
- b. Adopt Resolution No. 7549 authorizing examination of Transactions and Use Tax records.

By consensus, the motion carried.

CONTINUED BUSINESS

7) ADOPTION OF ORDINANCE NO. 1627 AMENDING THE CITY CODE TO CHANGE THE ADMINISTRATIVE STRUCTURE OF THE CITY FROM A CITY

**ADMINISTRATOR-CITY COUNCIL FORM OF GOVERNMENT TO A CITY
MANAGER FORM OF GOVERNMENT**

Motion by Councilmember Avila, seconded by Councilmember Gonzales, to waive the full reading of Ordinance No. 1627 and adopt by title only, “An Ordinance Amending Division 2 (Administrative Officer) of Title III (Officers and Employees) of Chapter 2 (Administration) of the San Fernando Municipal Code to Change Administrative Structure of the City from a City Administrator-City Council Form of Government to a City Manager Form of Government”.

The motion carried with the following vote:

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| AYES: | Ballin, Lopez, Avila, Fajardo, Gonzales – 5 |
| NOES: | None |
| ABSENT: | None |

GENERAL COUNCIL COMMENTS

Councilmember Avila thanked staff for their hard work and opportunity and confidence to work with them.

Councilmember Gonzales reported that the Relay for Life event turned out great and hopefully more commissioners will attend next time.

Mayor Pro Tem Ballin thanked the speakers for expressing themselves and apologized to those that wanted the bollards to stay (for safety purposes, they had to be removed).

Mayor Lopez thanked Councilmembers for supporting the Relay for Life cause.

STAFF COMMUNICATION

Interim City Administrator Penman addressed comments that were made earlier about the PBID. He stated that the PBID is a private business-generated endeavor, is not City-sponsored, and, since they did not meet the deadline, the City is unsure of the status.

George O’Connor (resident and business owner) said that this City Council is the most professional group of people he has seen in the last 10 years.

RECESS (6:56 P.M.)

City Attorney Olivares announced that, following adjournment of the Special Meeting, the City Council will reconvene to the Regular Meeting and then recess into Closed Session to discuss:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
G.C. 54956.9 (One case)

RECONVENE/ADJOURNMENT (7:43 P.M.)

City Attorney Olivarez reported that all Councilmembers were present. The record should reflect that the City Council received briefings from staff, direction was given, but no final action was taken.

By consensus, the meeting was adjourned.

I do hereby certify that the foregoing is a true and correct copy of the minutes of July 15, 2013 meeting as approved by the San Fernando City Council.

Elena G. Chávez
City Clerk