

**SAN FERNANDO CITY COUNCIL
MINUTES**

**DECEMBER 6, 2013 – 5:00 P.M.
SPECIAL MEETING**

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

CALL TO ORDER/ROLL CALL

Mayor Pro Tem Sylvia Ballin called the meeting to order (5:05 p.m.) and opened the meeting in memory of Nelson Mandela.

Present:

Council: Mayor Pro Tem Sylvia Ballin and Councilmembers Jesse H. Avila and Joel Fajardo

Staff: Interim City Manager Don Penman, Assistant City Attorneys Terence Gallagher and Ajay Shah, and City Clerk Elena G. Chávez

Absent: Mayor Antonio Lopez and Councilmember Robert C. Gonzales

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Ballin

APPROVAL OF AGENDA

Motion by Councilmember Avila, seconded by Councilmember Fajardo, to approve the agenda. By consensus, the motion carried.

PUBLIC STATEMENTS – WRITTEN/ORAL

Walt Dragaloski, business owner, said he is very satisfied with Crown Disposal, does not see the benefit of changing refuse companies, and the additional cost in doing so would be a hardship for small business owners.

Mike Majers, business owner, said that businesses are already suffering, and his refuse rates will go up too.

Ramiro Estrada (San Fernando Realty) said he was here to show support for Crown Disposal.

Before closing Public Statements, Mayor Pro Tem Ballin offered hauler representatives an opportunity to address the comments made by audience members.

James Pledger, Consolidated Disposal Service General Manager, said that their rates are designed to incentivize recycling and stated that they will have an education program whereby recycling coordinators will work with businesses and residents (on a customer-by-customer basis).

RECESS TO CLOSED SESSION (5:13 P.M.)

By consensus, Councilmembers recessed to the following Closed Session:

- A) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION/
SIGNIFICANT EXPOSURE TO LITIGATION (G.C. §54956.9(d)(2))
One (1) Case

RECONVENE/REPORT OUT FROM CLOSED SESSION (6:32 P.M.)

Assistant City Attorney Gallagher reported that direction was given to City Council, but no formal action was taken.

CONTINUED BUSINESS

- 1) CONSIDERATION TO AWARD FRANCHISE CONTRACT NO. 1731 TO
CONSOLIDATED DISPOSAL SERVICE, LLC FOR RESIDENTIAL AND
COMMERCIAL REFUSE, RECYCLABLE MATERIALS, AND ORGANIC WASTE
COLLECTION SERVICES

Interim City Manager Penman presented the staff report.

Mr. Pledger and Susanne Passantino, Area Municipal Services Manager, replied to various questions from Councilmembers and staff.

PUBLIC STATEMENTS – WRITTEN/ORAL (CONTINUED)

Mayor Pro Tem Ballin reopened Public Statements to allow audience members (not present earlier) to provide their comments.

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Howard Barmazel, apartment owner, quoted data provided to him by Crown Disposal comparing rates from both refuse companies. A brief discussion ensued amongst staff, the speaker, and Consolidated Disposal Service representatives.

Tom Ross, Mall Association President, said that he is very upset about the process and believes that there is no advantage in changing refuse companies. He currently does not have to separate his trash to save money and asked what services would be reduced by landlords if rates go up and why are two Councilmembers gone whenever this item is discussed?

Rene Gaudet, Santa Rosa School, said they have limited staff and no one to train the students about recycling. She, too, asked why should they spend time recycling when Crown Disposal is already doing that for the school.

(Male speaker – did not state name) San Fernando Realty, said he is a business owner of a small company with limited staff and asked Council to reconsider their decision to change companies.

There were no additional public comments. At this time, discussion ensued amongst staff and Councilmembers.

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

- a. Approve the exclusive Franchise Contract (Contract No. 1731) with Consolidated Disposal Service, LLC (CDS) to provide residential, commercial, organic waste collection services for Citywide refuse and recycling services; and
- b. Authorize the Interim City Manager to execute the Contract with CDS.

The motion carried with the following vote:

AYES: Avila, Ballin, Fajardo – 3
NOES: None
RECUSE: Lopez, Gonzales – 2

In response to Interim City Manager Penman's question regarding both Mayor Lopez and Councilmember Gonzales recusal, Assistant City Attorney Gallagher stated that the recusal was made at a previous meeting (i.e., November 18, 2013).

NEW BUSINESS

2) CONSIDERATION OF MOTOR REPLACEMENT FOR WATER WELL NO. 2A

Community Development Director Fred Ramirez presented the staff report.

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Interim City Manager Penman and Community Development Director Ramirez both replied to questions from Councilmembers.

Motion by Councilmember Avila, seconded by Councilmember Fajardo, to:

- a. Approve the purchase of a new motor for Well 2A in the amount of \$29,318; and
- b. Authorize the Interim City Manager to execute the purchase order.

By consensus, the motion carried.

ADJOURNMENT (7:24 P.M.)

By consensus, the meeting was adjourned.

I do hereby certify that the foregoing is a true and correct copy of the minutes of December 6, 2013 meeting as approved by the San Fernando City Council.

Elena G. Chávez
City Clerk