

SAN FERNANDO CITY COUNCIL

MINUTES

DECEMBER 6, 2004 – 6:00 P.M.

THE FOLLOWING MINUTES ARE A SUMMARY OF ACTIONS TAKEN BY THE CITY COUNCIL. AUDIO CASSETTE TAPES OF THE ACTUAL MEETING ARE AVAILABLE FOR LISTENING IN THE CITY CLERK'S OFFICE.

CALL TO ORDER/ROLL CALL

Mayor Maribel De La Torre called the meeting to order at 6:52 p.m.

The following persons were recorded as present:

PRESENT:

Council: Mayor Maribel De La Torre, Mayor Pro Tem Julie Ruelas, Councilmembers Steven Veres, Nury Martinez, and José Hernández, Ph.D.

City Treasurer: Elvira Orozco

Staff: José E. Pulido, City Administrator; Michael Estrada, City Attorney; and Elena G. Chávez, City Clerk

PLEDGE OF ALLEGIANCE

Mayor De La Torre led the pledge.

INVOCATION

Mayor De La Torre called for a moment of silence.

APPROVAL OF AGENDA

Motion by Mayor De La Torre, seconded by Councilmember Martinez, discuss Item No. 15 before Item No. 13, and remove Item No. 1 from the Agenda. The motion carried unanimously.

Motion by Councilmember Hernández, seconded by Councilmember Martinez, to add Item No. 17 to the agenda (as the matter arose subsequent to the posting of the agenda) "An Ordinance of the City Council of the City of San Fernando Adding Article 7, Relating to Campaign Reform, of Chapter 2 of the San Fernando City Code".

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The motion failed with the following vote (requires four-fifths vote):

AYES: Hernández, Martinez, Ruelas – 3

NOES: De La Torre, Veres – 2

Councilmember Martinez reported that at the last meeting she had requested that the Campaign Contribution Ordinance be agendized and it was not.

In response to her question, Atty. Estrada gave several options regarding meeting dates to agendize this item.

Motion by Councilmember Veres, seconded by Mayor Pro Tem Ruelas, to approve the agenda as amended above. The motion carried unanimously.

PUBLIC STATEMENTS – WRITTEN/ORAL

Ernie Villegas, So. California Edison Regent Manager, reported that they will be working with the community and City leaders to make an assessment on how their corporation can become more involved.

Tom Ross, Downtown Association President, said they want to express support for the corridors Specific Plan and promised continued cooperation as the process moves forward.

Richard Arroyo, Historical Commissioner, asked Councilmembers to consider the Friends of the Lopez Adobe's request (Item No. 12) for the changes in the lease agreement so they can move forward with the museum.

Beverly Di Tomaso, 718 N. Meyer St., Friends of the Lopez Adobe, clarified misstatements that were made on the Old Fire Station agenda report. She said that other City leases do not appear to have as many restrictions as theirs but they will do a great job and she's excited to get this started.

Mary Ann Rennie, 17538 Lehey St., Granada Hills, asked questions regarding the Specific Corridors Plan including safety of children in the area.

Bob Rennie said that the value of his property has been compromised by the Specific Plan and he has received 100% negative responses from potential clients.

Jill Murray, 12769 Gladstone Ave., and Phoebe Lucien, 13266 Foothill Blvd., Sylmar, said they've been looking into establishing a night club in the City and said that it was difficult to find properties that comply with distance requirements.

Emilio De La Cruz, 219 Orange Grove Ave., thanked City staff for responding promptly to residents reporting fallen trees during recent high winds and storms.

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Xavier Flores reported that staff met with Pueblo y Salud regarding restaurants that sell alcohol coming into the downtown district. They are suggesting that the City conduct community workshops to get input regarding the existing CUP Ordinance. He thanked and congratulated Elvira Orozco for 44 years of dedicated service.

CONSENT CALENDAR

Mayor Pro Tem Ruelas removed Item No.s 2, 3, 4, 6 and 8 for further discussion. Motion by Mayor Pro Tem Ruelas, seconded by Mayor De La Torre, to approve the remainder of the Consent Calendar items. The motion carried unanimously.

- 5) BUSINESS LICENSE PERMIT RENEWALS FOR CALENDAR YEAR 2005
- 7) RESOLUTION AMENDING THE INDEPENDENT CITIES RISK MANAGEMENT AUTHORITY (ICRMA) AGREEMENT AND APPOINTING THE CITY'S REPRESENTATIVES TO THE GOVERNING BOARD

Items Removed for Further Discussion:

- 2) APPROVAL OF WARRANT REGISTER NO. 04-121

Staff responded to inquiries from Mayor Pro Tem Ruelas and Councilmember Veres regarding certain invoices paid to Andy Gump, Inc., So. Calif. Edison, and payment to a parent for AYSO registration.

Regarding payments made to Commissioners, Councilmember Veres suggested that invoices include the dates that commissioners attended their meetings.

Mayor Pro Tem Ruelas said that it appears that costs for Fed Ex shipments are adding up and suggested that we not use the service as frequently.

Motion by Mayor Pro Tem Ruelas, seconded by Mayor De La Torre, to approve Warrant Register No. 04-121. The motion carried unanimously.

- 3) NOTICE OF COMPLETION AND PROJECT ACCEPTANCE – CITYWIDE PAVEMENT REHABILITATION FY03/04 - PROJECT NO. 7524 - PLAN NO. 693

In response to Mayor Pro Tem Ruelas' question regarding project expenditures, City Engineer David Lawrence stated that the survey work is contracted out and the amount determined is per linear foot and the number of survey points requested.

Motion by Mayor Pro Tem Ruelas, seconded by Mayor De La Torre, to accept the job performed by Security Paving Corporation and authorize the recordation of the Notice of Completion and

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release of the 10 percent retention after the 35-day lien period from the date the Notice of Completion is recorded. The motion carried unanimously.

4) **AWARD OF CONTRACT – COMPRESSED NATURAL GAS (CNG) TIME FILL STATION AT CITY YARD – PROJECT NO. 7528 – SITE PLAN**

In response to Mayor Pro Tem Ruelas' question, Mr. Lawrence responded that the fill station will be available to the public (is a grant requirement).

Motion by Mayor Pro Tem Ruelas, seconded by Councilmember Martinez, to:

- a) Accept the award of funds by the Mobile Source Air Pollution Reduction Review Committee (MSRC) in the amount of \$115,642;
- b) Authorize the City Administrator to execute a contract between the City and MSRC for acceptance of award of funds; and
- c) Authorize the City Administrator to execute a Construction Contract with Gas Equipment Systems, Inc. in the amount of \$106, 935 for construction of a compressed natural gas (CNG) time fill station.

The motion carried unanimously.

6) **CONFLICT OF INTEREST CODE UPDATE**

Motion by Councilmember Veres, seconded by Councilmember Martinez, to adopt a Resolution amending the Conflict of Interest Code. The motion carried unanimously.

8) **APPROVAL OF INCREASE IN THE INITIAL LEASE TERM FOR THE SAN FERNANDO SENIOR HOUSING PROJECT; APPROVAL OF CONVEYANCE OF ADDITIONAL PROPERTY TO DEVELOPER**

Mayor Pro Tem Ruelas said that she removed this item from the Consent Calendar because she would be voting “no” (as she did during the Redevelopment Agency meeting).

Motion by Councilmember Veres, seconded by Mayor De La Torre to approve:

- a) A change in the initial lease term for the San Fernando Senior Housing Project to be up to 75 years instead of 57 years. The overall term of 99 years would remain the same; and
- b) The conveyance of an additional 2,466 sq. ft. of City owned land to the Agency, and the lease of that land to the Developer pursuant to the previously approved Lease, conditioned on the Developer paying all costs of relocating and removing the improvements from the additional area.

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The motion carried with the following vote:

AYES: Veres, De La Torre, Hernández, Martinez – 4
NOES: Ruelas – 1

NEW BUSINESS

- 9) RESOLUTION OF INTENTION AND ORDINANCE TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS) AND THE CITY COUNCIL OF THE CITY OF SAN FERNANDO

Personnel Manager Michael Okafor presented the staff report.

Motion by Councilmember Hernández, seconded by Mayor Pro Tem Ruelas, to adopt a Resolution and accompanying documents, and introduce for first reading by title only, and waive further reading of "An Ordinance of the City Council of the City of San Fernando Authorizing Amendment to the Contract Between the City Council of the City of San Fernando and the Board of Administration of the California Public Employees' Retirement System. The motion carried unanimously.

- 10) APPROVAL OF SAN FERNANDO CORRIDORS SPECIFIC PLAN AND RELATED GENERAL PLAN TEXT AMENDMENT, GENERAL PLAN MAP AMENDMENT, MUNICIPAL CODE AND ZONING MAP AMENDMENTS; AND APPROVAL OF THE INITIAL STUDY OF ENVIRONMENTAL IMPACTS AND ADOPTION OF A MITIGATED NEGATIVE DECLARATION.

Community Development Director Paul Deibel presented the staff report.

Councilmember Martinez said that she is glad that staff met with Pueblo y Salud and concurs with holding community meetings to get ample input regarding revamping the current CUP Ordinance.

Mr. Deibel responded to numerous inquiries from Councilmembers.

He said that one of the strategies of the Specific Plan is to introduce traffic calming measures (including reducing the number of lanes on Maclay Ave., and a combination of either parallel or angle parking).

He stated that there are a number of provisions in the Specific Plan that provide protection for development in the corridors adjacent to residentially zoned properties. It also includes monitoring of new development on an on-going basis. He reported that any development consistent with the Specific Plan will not have to go through additional discretionary hearings.

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Councilmember Veres suggested the development of a restaurant recruitment plan (including other kinds of attractions) to help create a more lively downtown and better use of our commercial corridors.

Mayor De La Torre thanked staff for taking into consideration handicap accessibility and said she would prefer that no signage be allowed in the commercial store front windows.

Motion by Councilmember Veres, seconded by Mayor De La Torre, to:

- a) Adopt a Resolution approving: General Plan Text Amendment, General Plan Map Amendment, and the Mitigated Negative Declaration and Mitigation Monitoring Program;
- b) Introduce for first reading, in title only, and waive further reading of "An Ordinance of the City Council of the City of San Fernando Adopting the San Fernando Corridors Specific Plan, Amending the San Fernando Municipal Code Regarding Specific Plan Zones, and Amending the Zoning Map of the City of San Fernando to Rezone the Property Within the Specific Plan Area to the SP-4 San Fernando Corridors Specific Plan Zone."
- c) Authorize staff to make revisions to the San Fernando Corridors Specific Plan and Initial Study documents prior to second reading of the adopting ordinance, pursuant to direction from the City Council upon first reading of the ordinance, and including other non-substantive revisions as necessary, in a form acceptable to the City Attorney.

The motion carried unanimously.

11) SAN FERNANDO REGIONAL POOL FACILITY – THIRD RE-BID, REJECT ALL BIDS FOR CONSTRUCTION

Mr. Lawrence presented the staff report.

In response to inquiries from Councilmembers, Mr. Pulido reported that the City has fulfilled both state and federal funding requirements. The Community Development Commission has given consent to proceed with the negotiated bid and staff is now requesting authorization to begin that course. Through that process, staff will report back to the City Council with recommendations.

In response to questions regarding beginning work on the pool, Mr. Pulido stated that the grading component is included with the bid for the building (construction can not begin because it is tied to the grading contractor).

In response to Mayor Pro Tem Ruelas' question, Mr. Lawrence replied that the pool award contract is good for one but the City can negotiate change orders to extend the contract.

Mayor De La Torre reported that the City has until 2009 to complete the entire project. She agrees with staff's recommendation by exhausting all options before going outside normal City practices.

Motion by Councilmember Veres, seconded by Councilmember Hernández, to reject all construction bids and authorize staff to proceed with a negotiated bid contract procurement method with guidelines developed between the City and the Community Development Commission (CDC) of the County of Los Angeles. The motion carried unanimously.

12) OLD FIRE STATION MEMORANDUM OF UNDERSTANDING (MOU) AND LEASE AGREEMENT

Recreation & Community Services Director Dan LaBrado presented the staff report.

Councilmember Veres stated that he is concerned that Mayor Pro Tem Ruelas, President of the Friends of the Lopez Adobe, will be voting on this issue. He would like to request an independent audit of the Friends' budget to ensure that no funds are being paid to officers for services etc. and there is no conflict of interest.

Atty. Estrada explained that although Mayor Pro Tem Ruelas is an officer of the Friends of the Lopez Adobe, they are a support organization for the city-owned Lopez Adobe.

He said that Government Code 1090 states that one can not participate/vote in a decision where a Councilmember has an interest in. The fact that Mayor Pro Tem Ruelas receives no compensation for her role with the Friends qualifies for that non-interest exemption. He explained that this is a situation where an existing non-profit organization is requesting, through the efforts of City commissioners, that the City lease property to establish a museum which would be for the public (or City's) benefit. But because they are paying a reduced rent, there should be controls (i.e., progress reports).

Motion by Councilmember Hernández to accept staff's recommendation to review, amend as required, and approve the MOU and the Lease Agreement between the City and the Friends of the Lopez Adobe for the use of the Old Fire Station.

Discussion ensued regarding staff's recommendation to review and amend.

Councilmember Hernández changed his motion "to approve all of the Friends recommendations". The motion was seconded by Mayor Pro Tem Ruelas.

(At this time, a roll call vote was not taken.)

Councilmember Martinez suggested that all entities (involved with negotiating this lease agreement) meet and report back to the City Council.

Discussion ensued regarding the lease term.

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Motion by Councilmember Veres, seconded by Mayor De La Torre, that, before negotiations begin with the group, there be an independent audit regarding the Friends' finances. The motion failed with the following vote:

AYES: Veres, De La Torre – 2
NOES: Ruelas, Martinez, Hernández – 3

Motion by Councilmember Hernández, seconded by Mayor Pro Tem Ruelas, to amend as required and approve the MOU and the lease agreement (including all of the changes requested by the Friends) between the City and the Friends of the Lopez Adobe for the use of the Old Fire Station. The motion failed with the following vote:

AYES: Hernández, Ruelas – 2
NOES: De La Torre, Veres, Martinez – 3

Motion by Councilmember Martinez, seconded by Mayor De La Torre, that negotiations of the lease agreement be discussed in private between the City Administrator, City Attorney, and Friends of the Lopez Adobe appointee, and report back to the City Council. The motion carried with the following vote:

AYES: Martinez, De La Torre, Ruelas, Hernández – 4
ABSTAIN: Veres - 1

CITY COUNCIL ITEMS

15) CO-SPONSORSHIP OF ANNUAL HOLIDAY CELEBRATION – ORANGE GROVE AVENUE COMMUNITY

Ralph Perez, 214 Orange Grove Ave., reported that they've been holding this event for six years. This family-oriented event includes food, a puppet show, Santa Claus, and they provide food baskets for needy families. He asked if the City could assist with permits and other requirements (street barriers).

Mayor De La Torre suggested that City vehicles be placed at both ends of the street to block cars from driving through.

Motion by Councilmember Martinez, seconded by Councilmember Hernández, to co-sponsor the annual holiday celebration at Orange Grove Avenue community. The motion carried unanimously.

13) TIME WARNER PROGRAMMING

Motion by Mayor Pro Tem Ruelas, seconded by Councilmember Hernández, that (in order to make programs more equitable) each Councilmember should appear in no more than two Time Warner programs at one time.

(No roll call vote taken at this time.)

Councilmember Veres suggested revisiting the contract with Time Warner to look into upgrading technologies, facilitating a studio closer to the City, and scheduling and strategic planning of quality shows.

Mayor De La Torre explained that she is currently taping three programs regarding Fair Housing Council, Mayor's Book Club, and WAVE and requested that the City Council allow her to continue taping.

Mayor Pro Tem Ruelas said that the taping does not have to stop; she is recommending that no more than two programs should be shown at one time.

The above motion carried unanimously.

14) RESIGNATION OF CITY TREASURER AND APPOINTMENT OF TREASURER ASSISTANT TO FILL REMAINING TERM

Councilmember Hernández said that he placed this item on the agenda because City Treasurer Elvira Orozco submitted her resignation effective December 6, 2004 (midnight) and he is recommending the appointment of the Treasurer Assistant Margarita Solis to fill the remaining term.

Councilmember Veres said that there was a case study raised by a city auditor suggesting that the two positions be separated. He suggested not appointing anyone and wait for the outcome of the election in March.

Motion by Councilmember Hernández, seconded by Mayor Pro Tem Ruelas, to accept the resignation of City Treasurer Elvira Orozco, and appoint Treasurer Assistant Margarita Solis to fill the remaining term.

Regarding Councilmember Veres' suggestion that the Treasurer Assistant take over City Treasurer duties, Mayor Pro Tem Ruelas stated that the Treasurer Assistant has done an exceptional job filling in as Treasurer and deserves to be appointed and compensated for it.

In response to Mayor De La Torre's question regarding someone having a paid position in the City while holding an elected position, Atty. Estrada explained that in this context and the nature of this position, it is legal.

The above motion carried unanimously.

16) **TRAFFIC STUDY FOR HARDING AVENUE BETWEEN SECOND STREET AND GLENOAKS BOULEVARD**

Councilmember Veres said that he has received several complaints from neighbors regarding this street.

Mr. Lawrence reported that a recent study showed that Harding Ave. qualified for traffic calming measures (specifically Fourth Street to Eighth Street).

Motion by Councilmember Veres, seconded by Councilmember Hernández, to instruct staff to install speed humps on Harding Ave. at the named locations.

Mayor Pro Tem Ruelas would like staff to consider installing speed humps between Eighth St. and Glenoaks Blvd. (the problem of speeding vehicles continues to exist on that portion of Harding Ave.).

Councilmember Veres made an amendment to his motion that in addition to installing speed humps in those areas that currently qualify, to include a study for the section of Harding Ave. mentioned by Mayor Pro Tem Ruelas.

Mayor De La Torre also asked that the intersection of Alexander St. and Harding Ave. be included in the study.

The above motion (and amendment) carried unanimously.

GENERAL COUNCIL COMMENTS

Councilmember Martinez requested that items regarding Campaign Financing, the Old Fire Station Lease, and the City Administrator's evaluation be placed on the next agenda.

RECESS (10:14 P.M.)

Discussion ensued regarding holding a second meeting in December and Mayor De La Torre called for a brief recess to allow her to check her calendar regarding availability.

RECONVENE (10:19 P.M.)

Mayor De La Torre reconvened the meeting.

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Discussion ensued and Councilmembers agreed that the next meeting would be held on Friday, December 17, 2004, at 4:00 p.m. Items to be included on the agenda are:

- 1) Old Fire Station Memorandum of Understanding (MOU) and Lease Agreement;
- 2) Campaign Contribution Ordinance;
- 3) City Administrator's evaluation; and
- 4) Lawn Signs Control Issue.

ADJOURNMENT (10:27 PM)

Motion by Councilmember Veres, seconded by Councilmember Martinez, to adjourn to Friday, December 17, 2004, 4:00 p.m. (to discuss items listed above). The motion carried unanimously.

CLOSED SESSION

(This item was carried over to December 17, 2004.)

- A) PUBLIC EMPLOYEE PERFORMANCE EVALUATION (G.C. 54957)
Title: City Administrator