

SAN FERNANDO CITY COUNCIL

MINUTES

JUNE 7, 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 6:35 p.m.

The following persons were recorded as present:

PRESENT:

Council: Mayor Maribel De La Torre, Mayor Pro Tem Julie Ruelas, Councilmembers Nury Martinez, Steven Veres, 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 said a prayer.

APPROVAL OF AGENDA

Mayor Pro Tem Ruelas requested that Item #15 be added to the agenda regarding approval of the Wells Fargo Banner.

Mayor De La Torre requested that Item #16 be added to be agenda regarding National Day of Mourning, June 11, 2004.

Motion by Mayor De La Torre, seconded by Councilmember Hernandez to add both items to the

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agenda, as the matter arose subsequent to the posting of the agenda. The motion carried with the following vote:

Item #15 (Wells Fargo Banner):
Unanimous.

Item #16 (National Day of Mourning – June 11, 2004):
AYES: De La Torre, Veres, Martinez, Hernández – 4
ABSTAIN: Ruelas - 1

PUBLIC STATEMENTS – WRITTEN/ORAL

David Valencia, Wells Fargo Bank Branch Manager, said he would like to continue the partnership with the City and asked that the City Council approve the banner so they could proceed with the annual homebuyers' event on June 26, 2004.

David Rodriguez, Recreation & Community Services Commissioner, asked that Councilmembers consider the budget crisis in California while preparing to adopt our own budget and said this was not the time to reorganize departments and increase salaries.

Ray Groff, 327 Alexander St., talked about an article in the Daily News regarding a new license bill proposal and doesn't think there should be special privileges for those that are here illegally.

Manny Godoy, Historical Commissioner, (spoke on behalf of the commission) asked that the City Council approve the Lopez Adobe Preservation Plan and said that the information in the plan fits the needs and desires of the City.

Virginia Barragan, 2024 Fourth St., said that the Police Department never responded when she called to report an individual that was hoisting a truck for repairs (she was concerned about oil spills and trash). She made suggestions regarding budget cuts.

CONSENT CALENDAR

Mayor Pro Tem Ruelas pulled Item #1 and Councilmember Hernandez pulled Item #2 for further discussion. Motion by Mayor De La Torre, seconded by Councilmember Hernández, to approve the remainder of the Consent Calendar items. The motion carried unanimously.

- 3) APPROVAL OF CHANGE IN THE WORKERS' COMPENSATION ADMINISTRATION ACCOUNT SIGNATORY
- 4) RESOLUTION DELEGATING AUTHORITY OF DISABILITY RETIREMENT DETERMINATIONS
- 5) BID RESULTS AND AWARD OF CONSTRUCTION CONTRACT, CITYWIDE

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PAVEMENT REHABILITATION FISCAL YEAR 2003-2004 - PROJECT NO. 7524
- PLAN NO. 693

- 6) RESOLUTION AUTHORIZING THE ACCEPTANCE OF FUNDING FROM THE COUNTY OF LOS ANGELES FOR THE CONSTRUCTION OF THE SAN FERNANDO REGIONAL POOL PROJECT

Items Removed for Further Discussion:

- 1) APPROVAL OF MINUTES OF MAY 17, 2004

Mayor Pro Tem Ruelas said that page 4, third paragraph under General Council Comments should read “could look **into**” and she asked that “parliamentary” be changed to “parliamentarian”.

Motion by Mayor Pro Tem Ruelas, seconded by Councilmember Hernandez to approve the minutes of May 17, 2004, with corrections. The motion carried unanimously.

- 2) APPROVAL OF WARRANT REGISTER NO. 04-061

In response to Councilmember Hernández’s questions regarding late payments to Transportation and Safety Commissioners, Public Works Director Edwin Galvez stated that payments were not made due to the transition between himself and the City Engineer and he reported that the City Engineer takes notes for all Transportation & Safety Commission meetings.

Regarding Councilmember Hernández’s question concerning payments made to Yosef Amzalag Supply, Mr. Galvez stated that those are all in connection with the Aquatics Center and Park Ave. improvements.

Motion by Councilmember Hernández, seconded by Mayor De La Torre, to approve Warrant Register No. 04-061. The motion carried unanimously.

PUBLIC HEARING

- 7) FY 2003-2004 WEED ABATEMENT PROGRAM

Mr. Galvez presented the staff report and suggested that the Order of Procedure be followed.

City Clerk Chávez announced that this was the time and place for the Hearing, that the notice had been legally posted, and that there had been no written protests received.

Motion by Mayor De La Torre, seconded by Councilmember Veres, to receive public comments regarding the Weed Abatement Program. The motion carried unanimously.

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Mayor De La Torre asked for public comments regarding the Weed Abatement Program.

Jacobo Aguirre, 753 Jackman Ave., believes that his neighbors have weeds even though there not given a notice.

Ray Groff, 327 N. Alexander St., said that some time ago, he brought in plants from his yard that he did not think were weeds but the City notice stated that they were. He asked if staff had any suggestions regarding chemicals he can use to eliminate them.

There being no further comments, Mayor De La Torre closed the public portion of the Hearing.

In response to Mayor Pro Tem Ruelas's question, Mr. Galvez reported that it is possible that residents are mistakenly cited for weeds. Mayor Pro Tem Ruelas stated that this may have been the case with the property at 1420 Eighth St. She has not seen weeds on this property.

Motion by Mayor De La Torre, seconded by Councilmember Veres, to order the Public Works Department to proceed with the FY 2003-2004 Weed Abatement Program. The motion carried unanimously.

8) **PUBLIC HEARING FOR NEGATIVE DECLARATION, SAN FERNANDO REGIONAL AQUATICS FACILITY AND PARK AVENUE IMPROVEMENTS**

Mr. Galvez presented the staff report.

In response to questions from Councilmembers, Mr. Galvez said that actual construction costs are not known until bids are opened, all contractors that pay prevailing wages are encouraged to submit bids, the demolition process is considered site prep work, and that the Tree Commission and Planning staff were involved in the project.

In response to questions from Councilmember Veres, Mr. Galvez reported that approximately three acres will be open park space and staff will report back to Council with the final design.

Director of Recreation & Community Services Dan LaBrado reported the parcel is relatively small and the project is so vast that we want to maintain some open green space for drop-in picnic use.

Mayor De La Torre declared the Public Hearing open and called for public testimony, either in favor or opposed.

There being no comments, Mayor De La Torre closed the public portion of the Hearing.

Motion by Mayor De La Torre, seconded by Councilmember Hernández, to approve the San Fernando Regional Aquatics Facility and proposed Park Avenue Street improvements; and adopt

the Resolution approving the Negative Declaration of Environmental Impact. The motion carried unanimously.

9) **FY 2004-2005 LANDSCAPING & LIGHTING ASSESSMENT DISTRICT**

Mr. Galvez presented the staff report and suggested that the Order of Procedure be followed.

City Clerk Chávez announced that this was the time and place for the Hearing, that the notice had been legally posted, and that there had been no written protests received.

Motion by Mayor De La Torre, seconded by Councilmember Veres, to receive and file the affidavit. The motion carried unanimously.

Mayor De La Torre declared the Public Hearing open and called for public testimony, either in favor or opposed.

There being no comments, Mayor De La Torre closed the public portion of the Hearing.

In response to questions from Mayor Pro Tem Ruelas, Mr. Galvez reported that there are City-owned street lights that the City maintains and Edison-owned street lights (maintained by Edison). He reported that many times Edison does not respond as quickly as we do, but that staff would be glad to contact to Edison on behalf of the resident if necessary.

Motion by Councilmember Hernández, seconded by Mayor De La Torre, to adopt a Resolution ordering continued maintenance of the City's streetlights and confirming the annual assessment. The motion carried unanimously.

NEW BUSINESS

10) **APPROVAL OF LOPEZ ADOBE PRESERVATION PLAN**

Community Development Director Paul Deibel presented the staff report and Councilmembers agreed that the report was extremely informative.

Mayor Pro Tem Ruelas thanked everyone involved in the process and is glad that commissioners were included and that the public's views were taken into consideration.

Mayor De La Torre requested that a copy be provided to Congressman Howard Berman's office.

Motion by Mayor De La Torre, seconded by Councilmember Veres, to adopt the Resolution approving the Lopez Adobe Preservation Plan. The motion carried unanimously.

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11) ENDORSEMENT OF SENATE BILL (SB) 1800 – DISTRACTED DRIVER PROHIBITION

Captain Robert Ordelleide presented the staff report.

Mayor De La Torre asked for clarification regarding the sample letter of support and the word “children” in the paragraph.

Motion by Mayor De La Torre, seconded by Councilmember Veres, to send a letter of support to the bill’s author, Senator Kevin Murray, with clarification regarding above-mentioned wording. The motion carried unanimously.

CITY COUNCIL ITEMS

12) EXPENSE AND USE OF PUBLIC RESOURCES POLICY

Mayor Pro Tem Ruelas reported that the draft policy was based on samples provided by the City Attorney of the Expense and Public Resources Policy and it was combined with the Credit Card Policy.

Motion by Mayor Pro Tem Ruelas, seconded by Councilmember Hernández, to approve the policy with the exception of items in italics.

Councilmember Veres said that this does not necessarily represent all the items that were discussed by the Ad Hoc Committee and requested that the item be moved to a future meeting. This would permit the Ad Hoc Committee to meet again, and allow input from staff and the City Attorney.

Councilmember Hernández requested an amendment to the motion that Councilmembers’ annual budget amount for cell phone usage be limited to \$1,500 and individuals that exceed this amount should reimburse the City.

Motion by Mayor Pro Tem Ruelas, seconded by Councilmember Hernández, to approve the Expense and Use of Public Resources Policy (with the exception of items in italics), and that the annual budget amount for cell phone usage be limited to \$1,500 and any Councilmember exceeding the limit, shall reimburse the City for the additional costs. The motion carried with the following vote:

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

13) ENDORSEMENT OF SENATE BILL (SB) 1397 – LOCOMOTIVE EMISSIONS REDUCTION AND MITIGATION PROGRAM

Councilmember Martinez introduced Caroline Hamilton, Air Quality Management District Representative, and Ms. Hamilton gave background information regarding SB 1397.

Motion by Councilmember Martinez, seconded by Councilmember Veres, to send a letter of support to Senator Martha Escutia and adopt a resolution endorsing SB 1397. The motion carried unanimously.

14) TUITION REIMBURSEMENT FOR PERMANENT EMPLOYEES

Councilmember Hernández said he was concerned that employees may be attending classes during normal work hours. He said that the City is paying \$3,000 toward tuition reimbursement and it didn't make sense that employees are attending college and not coming to work.

Councilmember Veres said that some employees are required to take courses to keep up with new technology in order to continue to perform their jobs properly and suggested that this be discussed during union negotiations.

Councilmember Hernández stated that he was not referring to those requiring certification to perform their duties, but he was talking about those that were continuing their education for a college degree.

Personnel Manager Michael Okafor said that this could be a meet and confer item to be discussed during negotiations but believed further clarification may be necessary.

Atty. Estrada said that there are several issues that merit review by staff .

Councilmember Hernández requested that the City Attorney provide information by the next Council meeting and Atty. Estrada stated that he would do so.

Mayor De La Torre stated that, by consensus, this item would be brought back for an update.

15) APPROVAL OF WELLS FARGO BANNER

Councilmember Hernández stated that in the future, Councilmembers be provided more time to review. He said that whenever the City is co-sponsoring an event, he would like to know the total cost beforehand.

Councilmember Martinez stated that they were not provided sufficient time to review this and could not support co-sponsorship because certain issues, including the bank's lending practices, have not been addressed.

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Mayor De La Torre said that these seminars are necessary to better educate our residents and it behooves the City to join corporations such as Wells Fargo Bank.

David Valencia, Wells Fargo Bank Branch Manager, said that he would be happy to meet individually with Councilmembers to address their concerns.

Motion by Mayor Pro Tem Ruelas, seconded by Councilmember Hernandez, to approve the use of the banner and any costs incurred by the City shall be reimbursed. The motion carried with the following vote:

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

16) NATIONAL DAY OF MOURNING

Mayor De La Torre said that due to the passing of former President Ronald Reagan, she is requesting that Friday, June 11, 2004, be declared a day of mourning in the City.

In response to questions, Atty. Estrada explained that President Bush declared Friday a National Day of Mourning closing all Federal offices. He stated that Governor Schwarzenegger issued a press release and unless the state declares it a holiday applicable to local agencies, it does not automatically apply to cities.

Motion by Mayor De La Torre to declare Friday, June 11, 2004, a local day of mourning for the City. There was no second, therefore the motion died.

GENERAL COUNCIL COMMENTS

Councilmember Hernández: 1) asked about the City's costs related to the American Cancer Society Relay for Life event; 2) distributed a memo and policy regarding the use of City vehicles; and 3) requested that the meeting adjourn in memory of former President Ronald Reagan.

Mayor De La Torre: 1) expressed concern that Councilmembers were scrutinizing the co-sponsorships of community events that deal with health issues; 2) reported the Southern/Nevada State Criterium Championship will be held on Saturday, June 12, 2004; 3) said that the Santa Rosa Little League event at Las Palmas Park went very well and that the park looks great; 4) reported that the aquatics team will be practicing at El Cariso Park beginning June 21, 2004; and 5) said that it is possible that residents may miss two summers without a swimming pool if things don't begin to move along.

Mayor Pro Tem Ruelas encouraged everyone to participate in the Budget Study Sessions and asked that staff look into the issue brought up earlier by resident Virginia Barragan.

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Councilmember Veres: 1) said that he is very supportive of the American Cancer Society's Relay for Life event; 2) is happy to see progress on two projects (Lopez Adobe and the Pool Project); 3) believed it was unfortunate that some discussions were accusatory; and 4) said that Councilmembers needed to be fair and approach every project similarly.

Councilmember Martinez said that she respects everybody's points of view and does not appreciate Councilmembers telling the business community that she is anti-business. She said that she has been concerned about predatory lending issues regarding Wells Fargo Bank and believes that it is the City Council's responsibility to make sure that these allegations are taken care of before co-sponsoring events.

Mayor De La Torre reported that the Air Quality Management District announced they were awarding the City \$277,642 to purchase heavy duty trucks and to help develop a CNG fueling station in the City.

STAFF COMMUNICATIONS

Mr. Pulido requested that, before adopting any future policies, staff be given an opportunity to review them to make sure they do not contradict or overlap current policies.

ADJOURN TO BUDGET STUDY SESSION (9:40 P.M.)

By common consent, the meeting was adjourned to a Budget Study Session.