

SAN FERNANDO CITY COUNCIL

MINUTES

APRIL 18, 2005 – 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 Julie Ruelas announced that due to the numerous audience members in attendance, Presentations would be handled before the Redevelopment Agency meeting.

Mayor Ruelas called the meeting to order at 6:05 p.m.

The following persons were recorded as present:

PRESENT:

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

City Treasurer: Margarita Solis

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

PLEDGE OF ALLEGIANCE

Councilmember Hernández asked student Corina Palomera to lead the pledge.

INVOCATION

Mayor Ruelas gave the invocation.

PRESENTATIONS

A) NATIONAL CHILD ABUSE PREVENTION MONTH (APRIL)

Mayor Pro Tem Martinez presented Jessica Ambrazo (LA County Dept. of Children and Family Services) with the certificate.

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- B) WEST NILE VIRUS AND MOSQUITO AND VECTOR CONTROL AWARENESS WEEK (APRIL 25 – MAY 1, 2005)

Mayor Ruelas read the proclamation and reported that it would be displayed at City Hall.

- C) SEXUAL ASSAULT AWARENESS MONTH (APRIL) AND DENIM DAY (APRIL 27, 2005)

Mayor Pro Tem Martinez provided background information and read the proclamation.

- D) CESAR E. CHÁVEZ ART AND ESSAY CONTEST WINNERS

City employee Virginia Diediker and Everto Ruiz (Cesar Chávez Commemorative Committee) presented certificates to local school children.

- E) CESAR E. CHÁVEZ – PRESENTATION OF AWARD

Mayor Ruelas presented the plaque to Soledad Alatorre.

RECESS (6:37 P.M.)

Motion by Mayor Pro Tem Martinez, seconded by Councilmember Hernández, calling for a recess in order to continue with the Redevelopment Agency meeting. The motion carried unanimously.

RECONVENE (6:46 P.M.)

Mayor Ruelas reconvened the meeting.

APPROVAL OF AGENDA

Mayor Ruelas requested that Item No. 10 be moved and discussed after the Closed Session.

Motion by Councilmember Hernandez, seconded by Mayor Pro Tem Martinez, to approve the agenda with the above change. The motion carried unanimously.

PUBLIC STATEMENTS – WRITTEN/ORAL

Virginia Barragan, 2024 Fourth St., said that Big Red Restaurant (formerly located at the same site as the current restaurant that has an application for a liquor license permit) was denied a

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liquor license permit. She asked what the difference was between the new applicant and Big Red?

Eugene Hernández, P.O. Box 920395, Sylmar, has great sympathy for those renting in the City and proposed the formation of a rent control/stabilization board.

Ana Soriano, 14805 Bleeker St., Sylmar, believes that future generations should have access to the Head Start experience and is in favor of the resolution supporting the Latin American Civic Association (LACA).

Ray Groff, 327 N. Alexander St., said that he is always reporting broken alcohol bottles discarded on City streets and said that people do drink and drive.

Michael Kiely, Allen Matkins Leck Gamble & Mallory, spoke in opposition of the resolution overturning Conditional Use Permit (CUP) 2005-01, said that it would be in violation of state law, and civil rights of their client and they are prepared to commence litigation against the City and several Councilmembers.

Mario Hernández, 15596 Olden St., Sylmar (business: 233 N. Maclay Ave.), read a letter he wrote stating that circumstances surrounding the appeal of the CUP are no longer focused on the betterment of the City or safety of the community, but an abuse of power by elected City officials.

Lupe Gomez, 2020 Second St., (continued reading from Mario Hernández' letter) stated that the argument regarding over consumption of alcohol, claims that residents of the City are irresponsible and she asked what are the number of complaints against other restaurants within the City.

Cesar Garcia, 35945 94th St. East, Little Rock, (business: Ink Spot Printing), said that there is no reason why the City's citizens should have to dine at outside communities when there are individuals willing to invest in businesses that will contribute to the betterment of the City.

Martha Dueñas, Sylmar, spoke in support of the Head Start program at LACA.

Maria Elena Tostada, 423 Griswold Ave., (former Planning Commissioner) reported that there should be consistency when dealing with liquor licenses permit requests and asked why exceptions are made for some businesses.

Alma Martinez, MAPA V.P. and Chair of the Cesar Chávez Commemorative Committee, commended the City Council for recognizing Soledad Alatorre and for the LACA resolution. She said that threats made by the attorney who spoke earlier were unwelcome and disrespectful.

Irene Tovar, spoke on behalf of LACA's board members and founders, reported that LACA has existed for 40 years, she is very proud of its accomplishments, and they have close to 300 employees which are members of the community.

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Florentino Manzano, LACA, urged support for their organization and thanked City Councilmembers.

Norma Ramirez, 13845 Correnti St., Arleta, said that she lost two uncles due to alcohol-related crimes and asked that the City Council deny the liquor permit.

Edward Raskin, 16906 San José St., Granada Hills, said that he and other faculty members at L.A. Mission College support LACA and Irene Tovar and reported that many of his students are graduates of LACA.

Mary Lina Mejia, 11220 Acala Ave., said that for her family, living in San Fernando is not temporary but business people come and go, and asked that for the safety of the community, the City Council not issue the CUP.

Marcos Castañeda, 23851 Atasburro Dr., Santa Clarita, said that LACA has been in the community since he was a child, his children attended and are now college bound, and it was important that the City Council support the resolution.

Adriana Gomez, 615 N. Workman St., (continued reading Mario Hernández' letter) asked why families in San Fernando aren't entitled to healthier foods and a variety of foods without having to go outside the City, and inquired why the City's website visitor's menu points people to other communities for dining?

Barbara Romero, Santa Monica Mountains Conservancy, gave an update regarding the Pacoima Wash Greenway Project, and said they will be conducting community meetings to work with residents and stakeholders.

Antonio Sanchez, 16348 Mandarin Dr., Granada Hills, talked about the alcohol license and said that only 36% of Latinos graduate and the focus should be on educating the youth.

Betty Decker, 28718 Macklin Ave., Santa Clarita, said that she is very proud of LACA's students and teachers and is glad that the City Council will support it.

José Luis Ramirez, 13845 Correnti St., Arleta, (L.A. Mission College) said that he lends unconditional support to Irene Tovar and LACA and commended the City Council for the resolution.

Tom Ross, 13834 Kismet, Sylmar (business: 218 Brand Blvd.) said that people he has spoken to are shocked that a quality eating place has been denied and if the City Council wants to improve the community, this is a way of doing it. He said that as a parent, it is his responsibility to keep his children from drinking alcohol.

Blanca Trejo, 13134 Azores Ave., Sylmar, (LACA employee) speaking on behalf of union employees, asked for support of the agency but said that they need a new administration and asked for the City Council's help.

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Dolores Stone, 13900 Herron St., Sylmar, reported that Head Start provides many services for children and families (many with special needs) and asked for continued support of the program.

Elvira Orozco, 417 Newton St., spoke in favor of LACA and said that the restaurant (Item No. 10) is fine but is against another liquor license being issued.

Edgar Aguilar, 1016 Hewitt St., San Fernando High School student, said that the LACA program gives children numerous opportunities and he spoke against alcohol saying that drinking and driving causes accidents.

Doris Castañeda, 15523 Rayen St., North Hills, reported that her kids and grandchildren have attended LACA and it's a good program.

Elizabeth Mora, 5037 Templeton St., Los Angeles, said that LACA teachers are dedicated and passionate about the program and she strongly supports it.

Xavier Flores, 38640 15th St. East, Palmdale, congratulated Soledad Alatorre, and asked that the City Council work with Pueblo y Salud to see what can be done regarding the over concentration of liquor licenses in census tract 3203.

Rosie Guerrero, 14048 La Rue St., (LACA employee and union member) reported that they need a new administration and asked for Council support.

Liliana Jimenez, 13470 Cornelius St., Pacoima, said that she will be participating in the National Aids Marathon in San Francisco raising money for AIDS Project Los Angeles and asked if anyone wished to contribute.

John Arroyo, 719 ½ N. Maclay Ave., spoke in support of LACA.

CONSENT CALENDAR

Mayor Ruelas removed Item No.s 3, 5, and 8 for further discussion. Motion by Mayor Pro Tem Martinez, seconded by Councilmember Hernandez, to approve the remainder of the Consent Calendar items. The motion carried unanimously.

- 1) APPROVAL OF MINUTES OF:
 - A) OCTOBER 4, 2004 – REGULAR MEETING
 - B) MARCH 10, 2005 – SPECIAL MEETING
- 2) APPROVAL OF WARRANT REGISTER NO. 05-042
- 4) RESOLUTION TO ADOPT NEW JOB SPECIFICATIONS FOR PUBLIC WORKS MAINTENANCE WORKER

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- 6) RESOLUTION AUTHORIZING ACQUISITION OF SUPPLEMENTAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FROM THE CITY OF TEMPLE CITY
- 7) INVESTMENT POLICY

Items Removed for Further Discussion:

- 3) RESOLUTION FOR PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS

In response to Mayor Ruelas' question, Personnel Manager Michael Okafor stated that the benefit consisting of paying 100% of the normal member contributions as EPMC was correct.

- 5) RESOLUTION APPROVING PARTICIPATION IN THE 2006-2009 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND RENEWAL OF COOPERATION AGREEMENT WITH THE COUNTY OF LOS ANGELES

In response to Mayor Ruelas' question regarding a drug-free awareness program, Community Development Director Paul Deibel stated that he thought it was currently taking place through the City's Employee Assistance Program but could follow up.

- 8) ARBOR DAY CELEBRATION

Mayor Ruelas reported that Public Works changed the date to May 21, 2005, to avoid a conflict with the Criterion Cycling Championship.

Motion by Mayor Ruelas, seconded by Councilmember Hernández, to approve Consent Calendar Items No.s 3, 5, and 8. The motion carried unanimously.

PUBLIC HEARING

- 9) ADOPTION OF URGENCY ORDINANCE NO. U-1565 EXTENDING PREVIOUSLY APPROVED URGENCY ORDINANCE NO. U-1564 ESTABLISHING A MORATORIUM ON DEVELOPMENT OF COMMERCIAL WIRELESS TELECOMMUNICATIONS FACILITIES

Community Development Director Paul Deibel presented the staff report.

(Councilmember Hernández stepped away from the dais.)

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

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There being no comments, Mayor Ruelas closed the public portion of the Hearing.

Motion by Councilmember Veres, seconded Councilmember De La Torre, to approve Urgency Ordinance No. U-1565, “An Interim Ordinance of the City of San Fernando Pursuant to California Government Code Section 65858 Extending the Term of Urgency Ordinance U-1564, which Prohibits the Issuance of Permits and Other Entitlements for Commercial Wireless Telecommunications Facilities and Prohibits the Construction or Installation of Commercial Wireless Telecommunication Facilities in the City During the Pendency of the City’s Review and Adoption of Regulations for Such Uses and Declaring the Urgency Thereof”, and waive further reading. The motion carried with the following vote:

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

NEW BUSINESS

- 10) RESOLUTION DENYING CONDITIONAL USE PERMIT 2005-01 (1245 SAN FERNANDO ROAD)

This item was moved (during Approval of Agenda) until after the Closed Session.

(At this time, Councilmember Hernández returned to the dais.)

- 11) RENEWAL OF GENERAL SERVICES AGREEMENT WITH THE COUNTY OF LOS ANGELES

Assistant to the City Administrator Ron Ruiz presented the staff report and responded to questions from Councilmembers regarding services covered.

Motion by Councilmember Hernández, seconded by Mayor Pro Tem Martinez to renew the General Services Agreement (July 1, 2005 through June 30, 2010) with the County of Los Angeles to provide miscellaneous services from the County on an “as needed” basis only. The motion carried unanimously.

- 12) LICENSE AGREEMENT FOR A PORTION OF A CITY-OWNED PARCEL ADJACENT TO THE PACOIMA WASH BETWEEN FIRST STREET AND FOURTH STREET

Mr. Pulido presented the staff report.

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Mr. Pulido responded to questions, reported that the license agreement is subject to a few conditions and that Mr. Torres will be taking care of all the work (subject to the Public Works Director's approval).

Motion by Councilmember Hernandez, seconded by Councilmember Veres, to approve a License Agreement with Andres R. Torres to use a portion of the City-owned property adjacent to the Pacoima Wash between First Street and Fourth Street for temporary horse keeping. The motion carried with the following vote:

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

Councilmember De La Torre stated that she was opposing simply because this area is not zoned for horses and because Mr. Torres was illegally using the Eighth Street site.

Councilmember Veres wants to make sure that the animals on that property would be kept up to health and safety codes and if not indicated in the agreement, make sure that's a point of emphasis.

Atty. Estrada stated that we could make that more implicit.

13) **PARKING LOTS REQUEST FOR PROPOSALS (RFP): AUTHORIZATION TO ENTER INTO NEGOTIATION AGREEMENTS WITH TWO SELECTED DEVELOPERS FOR CITY AND AGENCY-OWNED PARKING LOTS ON TRUMAN STREET AND CELIS STREET**

Motion by Councilmember Hernández, seconded by Councilmember De La Torre, to authorize the City Administrator to enter into Negotiation Agreements with the two selected developers for a 120-day period. The motion carried unanimously.

CITY COUNCIL ITEMS

14) **RESOLUTION IN SUPPORT OF LATIN AMERICAN CIVIC ASSOCIATION (LACA)**

Mayor Pro Tem Martinez asked the City Council to consider adopting a Resolution in support of LACA and Executive Director Irene Tovar. She is concerned that LACO has not provided a concrete proposal plan of action and is concerned about interruption of these services to the children and families in this area.

Councilmember Veres said that there are a number of important points raised by the LACO report and he believes this is a very difficult and complicated issue (is hesitant in getting in the middle of a labor situation). He would be supportive of a resolution that is more general and focused on ensuring that services stay in this community.

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Mayor Ruelas said that it is a very difficult issue, but supports the teachers, administration, children and parents. She supports the Resolution but suggested that “day care” services be changed to “Head Start” services.

Councilmember De La Torre stated that if the union isn’t supporting the administration, then she has to side with the working class. She has difficulty with the Resolution because she supports the parents and teachers, but is not in support of the executive director or board (especially if the union is not supporting them).

Motion by Mayor Pro Tem Martinez, seconded by Councilmember Hernández, to adopt a Resolution in support of the Latin American Civic Association and Executive Director Irene Tovar.

Per Councilmember De La Torre’s suggestion, Mayor Pro Tem Martinez stated that the wording on the second paragraph of the Resolution be changed from “Mexican Americans” to “working families”.

The above motion carried with the following vote:

AYES: Martinez, Hernández, Ruelas – 3
NOES: De La Torre – 1
ABSTAIN: Veres – 1

15) **FORMATION OF AN AD HOC COMMITTEE REGARDING THE NEW FIRE STATION**

Mayor Ruelas announced that she was appointing Mayor Pro Tem Martinez and Councilmember Hernández as Ad Hoc Committee Members regarding the New Fire Station.

RECESS TO CLOSED SESSION (9:06 P.M.)

By consensus, City Councilmembers recessed to the following Closed Session.

A) **CONFERENCE WITH LEGAL COUNSEL**
Anticipated Litigation:
(G.C. 54956.9(b))

A point has been reached where, in the opinion of the City Council on the advice of its legal counsel, based on the below-described existing facts and circumstances, there is a significant exposure to litigation against the City.

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The following facts and circumstances known to a potential plaintiff regarding an appeal of the Planning Commission's approval of Condition Use Permit No. 2005-01 (Roadhouse Cafe):

Information set forth in a letter received from counsel for the applicant dated March 21, 2005, alleging "procedural improprieties" and a lack of substantial evidence (a copy of the letter is available in the office of the City Clerk).

No reportable action.

RECONVENE (10:31 P.M.)

Mayor Ruelas reconvened the meeting.

NEW BUSINESS (CON'T)

10) RESOLUTION DENYING CONDITIONAL USE PERMIT 2005-01 (1245 SAN FERNANDO ROAD)

Motion by Councilmember De La Torre, seconded by Councilmember Veres to approve a Resolution upholding the decision of the Planning Commission to grant the Conditional Use Permit. The motion failed with the following vote:

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

Motion by Councilmember Hernández, seconded by Mayor Pro Tem Martinez, to adopt the Resolution denying Conditional Use Permit 2005-01.

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

Councilmember De La Torre stated that, for the record, Councilmembers understand that there is a potential lawsuit at hand at a minimum cost of \$50,000 in attorney fees.

Councilmember Hernández explained that all along he has stated that he's not against an up-scale restaurant, or selling wine, beer, and liquor. He is only opposed to the location and said that he would support the same restaurant if it were located in the downtown business district.

Mayor Pro Tem Martinez said that these types of decisions are never easy and feels very strongly that the over-concentration of liquor outlets in that area are detrimental to our community and there's no point in serving the community if you're not going to listen to them.

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Councilmember Veres reported that there is a fundamental difference between what a restaurant provides versus a bar and liquor store. He said that this would be a bona fide eating establishment that staff and the Planning Commission have evaluated and made a positive assessment. He said that the City Council needs to be cognizant of the decisions being made, there needs to be consistency with the way business is done, and feels that this is a disservice to this community.

Mayor Ruelas stated that this will not just be a restaurant that serves liquor, but also a restaurant with a bar. She said that she is willing to fight this case in order that we not bring our children to harms way by allowing another location in that particular census tract that could potentially cause harm.

Councilmember De La Torre reported that many of the people that spoke earlier against the restaurant and CUP were non-residents. She reported that during the community meetings held, many people said they wanted high-end restaurants (a variety). She stated that where the restaurant is situated, it meets all 14 requirements.

The above motion carried with the following vote:

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

GENERAL COUNCIL COMMENTS

Councilmember De La Torre thanked everyone who participated during the Neighborhood Clean-up Day and reported that 67 bins (over 170 tons) of trash were collected.

Councilmember Hernández asked that the meeting adjourn in memory of Corky Gonzales.

Mayor Pro Tem Martinez: 1) reiterated her support for rent control to ensure affordable housing; 2) said this was a testy meeting and Councilmembers will not always agree; and 3) commended staff on the Neighborhood Clean-up Day.

Councilmember Veres said that the Pacoima Wash Greenway project will provide a great opportunity to partner with a reputable public agency and asked to agendaize this for the next meeting.

Mayor Ruelas reminded Councilmembers to speak to each other and the public with courtesy and to follow the rules of order.

STAFF COMMUNICATION

Mr. Pulido reported that the Neighborhood Clean-up Day was successful; residents were appreciative, and he thanked staff members for their assistance.

ADJOURNMENT (11:05 P.M.)

Motion by Councilmember Hernández, seconded by Mayor Pro Tem Martinez, to adjourn the meeting (in memory of Corky Gonzales). The motion carried unanimously.