

SAN FERNANDO CITY COUNCIL

MINUTES

AUGUST 1, 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 called the meeting to order at 6:13 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 Laura Valdivia, Deputy City Clerk

PLEDGE OF ALLEGIANCE

Beverly Di Tomaso led the pledge.

INVOCATION

Mayor Ruelas read an excerpt from a book entitled "Frank del Olmo (Commentaries on His Times)."

PRESENTATION

A) NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH

Mayor Ruelas asked staff to display the proclamation in City Hall and to also locate an organization to participate.

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APPROVAL OF AGENDA

Motion by Councilmember Veres, seconded by Mayor Pro Tem Martinez, to approve the agenda. The motion carried unanimously.

Councilmember Veres moved that the motion to Approve the Agenda be amended to change the order of items by placing City Council Item No. 12 after the Consent Calendar and recessing to Closed Session after the Public Hearings, seconded by Mayor Pro Tem Martinez. The motion carried unanimously.

PUBLIC STATEMENTS – WRITTEN/ORAL

Ray Groff, 327 Alexander Street., stated that Councilmember De La Torre falsely accused him of lumping all Hispanics together and said there is a problem with street vendors in his neighborhood.

Cam Noltemeyer, 25936 Sardinia Court, Valencia, speaking on Consent Calendar Item No. 3, stated she does not believe the tax was ever approved by the voters; questioned the legality of the loan from the PERS fund; requested to know when and how the loan will be repaid and stated if the City raises the property tax rate the City will be sued.

Margarita Lopez, 13131 Foothill Blvd., Sylmar, student at Los Angeles Mission College and the Vice President of MECHA, spoke on the problems students are experiencing at the college campus.

Mayor Ruelas stated that this item was originally scheduled to be on the agenda, however, because some of these concerns are already being dealt with internally within the District, this item was removed. The Mayor added that due to the additional concerns brought up at this meeting, she can bring the item back at a future meeting.

Israel Soberanis, 11040 Lorne Street #208, member of the Northeast San Fernando Valley United Coalition for Education, addressed the current hostile environment at Los Angeles Mission College.

Beverly DiTomaso, 718 Meyers Street, concerned about how and when the loan from the City employees pension fund will be paid back and at what interest rate. She also announced that the opening of the San Fernando Museum of Art & History was a tremendous success.

Joe Ruelas, 1161 Harding Avenue, commenting on the success of the museum opening and stating perhaps this can lead to partnerships with local colleges.

Rosalinda, Coalition for Education, spoke on issues the students at Mission College are experiencing and urged the City Council to assist students with those issues.

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Hector Martinez, 614 N. Meyer Street, on behalf of the San Fernando Parade Committee, updated the City Council on the status of the parade planning.

CONSENT CALENDAR

Mayor Ruelas removed Item Nos. 3 and 5, and Councilmember Veres removed Item No. 4 for further discussion.

Motion by Mayor Pro Tem Martinez, seconded by Councilmember Veres, to approve the remaining Consent Calendar items. The motion carried unanimously.

- 1) APPROVAL OF SPECIAL MEETING MINUTES OF JUNE 28, 2005
- 2) APPROVAL OF WARRANT REGISTER NO. 05-081

Items Removed for Further Discussion:

- 3) RESOLUTION FIXING A PROPERTY TAX RATE AND LEVYING TAXES FOR THE CITY'S OBLIGATION TO THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS) FOR FISCAL YEAR (FY) 2005-2006

Mayor Ruelas directed staff to respond to questions asked during the Public Statements period of the agenda.

Finance Director Lorena Quijano stated that based on information obtained from the City Attorney and a Resolution from the City Clerk, the tax increase was approved by the voters of the City of San Fernando on April 9, 1946. She further explained that the rate was raised last year due to the dramatic increase in PERS rates, which was out of the City's control, and stated the rates remained the same for this year. In response to questions regarding the loan, Ms. Quijano explained that during this year's budget process, Council directed staff to work with the City Attorney to refinance the PERS loan and repay the PERS Fund, which staff is currently in the process of doing.

Councilmember De La Torre asked Ms. Quijano to provide historical background information on the purpose of why the loan was taken out.

Ms. Quijano stated the loan was approved in 2001 to cover the expenditures to fund the Las Palmas Phase 3B project of the Senior Center. She explained because there was not enough funding to cover the project cost, a total loan of \$1.5 million was made from both the retirement fund and the sewer fund.

Councilmember De La Torre stated that this City Council is looking to correct an action taken by a prior City Council, in order to keep the PERS Fund solvent. She stated that by borrowing \$750,000 from the PERS fund, the City lost five years of interest that could have been accumulated.

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Ms. Quijano stated that since the year of the loan, interest has been paid to both the retirement and sewer funds on an annual basis. She explained that 2005 is the first year in which a portion of the principal will be paid, with the remaining amount to be paid in 2006.

Councilmember De La Torre stated that after this loan was made she believes there was legislation adopted which now prohibits municipalities from raiding retirement funds.

Councilmember Veres stated that Las Palmas has turned out to be a great community addition and positive community contribution; however, a repayment plan should be established to assure the PERS Fund remains as strong and stable as possible.

Mayor Ruelas stated the best thing in this case would have been to get a bond to cover the additional costs for the project.

Motion by Councilmember Veres, seconded by Councilmember Hernandez, to approve a Resolution Fixing a Property Tax Rate and Levying Taxes for the City's Obligation to the California Public Employees' Retirement System (PERS) for Fiscal Year (FY) 2005-2006. The motion carried unanimously.

4) **ONLINE BANKING AND CASH MANAGEMENT**

Councilmember Veres asked if First American Bank is the most technologically advanced and user friendly bank available for this service.

City Treasurer Margarita Solis responded that First American Bank uses the same system that every bank is using and because the City is considered a big account at First American, the City's fees are waived.

Councilmember Veres asked if First American Bank will allow City staff access to online digital copies of checks processed.

Mrs. Solis responded that the City was allowed to test the system for three days and it enabled staff to search for and print out processed checks.

Mayor Pro Tem Martinez asked if electronic payment service is the same as automatic withdrawal.

Mrs. Solis responded that it is one in the same and that service will be made available to our residents once the online banking is approved.

Motion by Councilmember Veres, seconded by Mayor Pro Tem Martinez to approve Online Banking and Cash Management. The motion carried unanimously.

5) **ADOPTION OF NEW JOB SPECIFICATIONS FOR OFFICE CLERK
(ADMINISTRATION)**

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Mayor Ruelas stated she was under the impression that the Office Clerk would be shared between Administration and City Clerk, but throughout the document there is only reference made to Administration. She said she would like the word City Clerk added wherever it says Administration.

Mr. Pulido explained that it describes in the specification that the City Clerk and the Executive Assistant to the City Administrator will collaborate on the workload for the Office Clerk.

Councilmember Hernández asked who would decide the Office Clerk's workload between Administration and the City Clerk.

Mr. Pulido stated that it would be his responsibility to decide the workload and it will be fairly divided. He explained that he is establishing a work plan for the City Clerk and the Executive Assistant so any overflow work can be given to the Office Clerk.

Mayor Ruelas asked if the salary for Office Clerk had been amended.

Ms. Quijano explained that the salary range was not amended; however, in order to distinguish between the existing Office Clerk position and this new position, an amendment was necessary to add Office Clerk (Administration) to the salary plan.

Motion by Mayor Ruelas, seconded by Mayor Pro Tem Martinez, to accept the new job specification for Office Clerk (Administration/City Clerk) and adopt the Resolution amending the Salary Plan, including the recommendation to add the word City Clerk to all the sections which reference Administration. The motion carried unanimously.

CITY COUNCIL ITEMS

12) AIR QUALITY MANAGEMENT DISTRICT LEGISLATION

Patrician Price of the Air Quality Management District, requested letters of support for AB 888 (De La Torre) AQMD Retrofit Requirement for Rail Yard Equipment; AB 1222 (Jones) Remote Sensing Pilot Program; and, SB 459 (Romero) AQMD Locomotive Mitigation Program.

Motion by Councilmember Veres, seconded by Mayor Pro Tem Martinez, to have staff prepare letters of support for each of the bills and forward copies of the letters to the sponsoring agencies, bill authors and committees. The motion carried unanimously.

PUBLIC HEARING

6) CONSULTANT SERVICES CONTRACT – FINAL DESIGN AND CONSTRUCTION DOCUMENTS HERITAGE PARK

(Councilmember Hernández stepped away from the dais at 7:11 p.m. and returned at 7:13 p.m.)

Public Works Director Ron Ruiz presented the staff report.

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Mayor Ruelas declared the Public Hearing opened and called for public testimony in favor of the project.

Ray Groff, 327 N. Alexander Street, stated he feels the money for this project should be used to finish the swimming pool project.

Beverly Di Tomaso, 718 Meyers Street, asked if the \$137,140 is a separate grant specifically for the design plan or is it part of another grant.

In response, Mr. Ruiz explained that the \$137,140 for the design is part of a Prop 40 state grant the City received for the development of the park.

Mayor Ruelas called for public testimony in opposition to the project.

Beverly Di Tomaso, 718 Meyers Street, suggested that before the project begins, an archeologist should be brought in to do a preliminary dig for any Native American artifacts.

Councilmember Veres stated there will be a tribal monitor present during construction for that purpose.

Mayor Ruelas closed the public portion of the Hearing.

Councilmember Hernández asked why there was a big gap between proposals one and two.

Mr. Ruiz stated it may have to do with the costs associated with subcontracting.

Mayor Ruelas requested that a correction be made to page 11 of Attachment C replacing “Chairman of the City Board” with “Mayor of the City Council” and that language be added to the Resolution indicating the City will take special care if any historical findings are discovered during excavation.

Motion by Mayor Ruelas, seconded by Councilmember Veres, to approve a Resolution adopting the Initial Study and Negative Declaration, accept a proposal from Community Works Design Group for the design of Heritage Park in the amount of \$137,140, authorize the City Administrator to execute a Professional Services Contract with the firm and to include the above recommended corrections to the Resolution and Attachment C. The motion carried unanimously.

7) TENTATIVE TRACT MAP 2005-01; PROPOSAL FOR FIVE RESIDENTIAL CONDOMINIUMS AT 1325 GLENOAKS BOULEVARD

Community Development Director Paul Deibel and Senior Planner Fred Ramirez presented the staff report.

Mayor Ruelas declared the Public Hearing open.

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Councilmember De La Torre asked about the block wall design which runs down the property line, and why unit number five is the only unit facing sideways. She also asked if there will be access from the development to the park to encourage public park use.

Mr. Ramirez explained the design of the block wall and driveway and he also stated that staff will explore the possibility of including park access in the design with the applicant.

Councilmember Hernández asked what type of architectural design this was and if park fees were applicable.

Mr. Ramirez responded that it is craftsman style in a contemporary design and that park fees will apply.

Mayor Pro Tem Martinez asked where the location of project is and if it involves demolition or eviction and what the construction timeline is.

Mr. Ramirez explained where the project will be located and that it does involve the demolition of a single family home. Mr. Ramirez also stated it should take no more than one year to get this project completed.

The Applicant approached the podium and answered that the single family home presently on the site is vacant.

Councilmember Veres stated he appreciated the design and feels it is a nice addition to the neighborhood.

Mayor Ruelas asked if each unit will have three bedrooms and two and one half baths; and stated that access to the park is a good idea but with safety features included on the gate.

Mr. Ramirez stated that staff is taking great care in reviewing the structural and site plans to assure that the applicant includes safety requirements for the gates and how they operate.

Councilmember De La Torre inquired as to what type of architectural treatment will be facing the park.

Mr. Ramirez explained that the level of detail wraps around the homes with canopy trees and trellis' facing the park.

Mayor Ruelas called for public testimony in favor of the project.

Eugene Kearin, representing the property owner, stated he has worked on condominium designs for a long time and this is one of the better designed projects he has worked on.

Joe Ruelas, asked about plans for uniformity of architectural designs for any future developments adjacent to this project and if there is a possibility that the existing structure can be moved rather than demolished.

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Mr. Ramirez responded that the current lots on either side of this project are probably too narrow to develop condominiums on and yes it is possible to have different architectural designs next to one another.

The owner, Mrs. Alvarez, stated that the existing structure is in bad condition but if anyone would like to move it they are welcome to. She also stated that her family is very proud of the design and to develop the property to create more housing in the City.

Mr. Groff, 327 N. Alexander Street, stated he is in favor of the project but concerned about more car exhaust and loud noise from new residents.

Mr. Deibel addressed the City's noise regulations and how they are controlled in a new development.

Maria Nunez, Alexander Street, resident adjacent to the project, asked how high the back wall will be and stated she is in favor of the project.

Mr. Ramirez stated the wall will be six feet high and will have shade trees to create a buffer. He invited Ms. Nunez to meet with him to review the plans and offered to answer any other questions she may have.

Mayor Ruelas called for public testimony in opposition to the project.

None.

Mayor Ruelas closed the public portion of the Hearing.

Motion by Councilmember Veres, seconded by Councilmember Hernandez to adopt a Resolution approving a tentative tract map to create five residential condominium units on one lot, subject to conditions of approval recommended by the Planning Commission. The motion carried unanimously.

8) RESOLUTION CERTIFYING THAT THE CITY IS IN COMPLIANCE WITH THE REGIONAL CONGESTION MANAGEMENT PROGRAM

Community Development Director Paul Deibel presented the staff report.

(Mayor Pro Tem Martinez and Councilmember Veres stepped away from the dais at 8:06 p.m. Mayor Pro Tem Martinez returned at 8:09 p.m.)

Mayor Ruelas declared the Public Hearing open.

Mayor Ruelas called for public testimony in favor.

None.

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Mayor Ruelas called for public testimony in opposition to the project.

None.

Motion by Councilmember Hernandez, seconded by Mayor Ruelas, to approve a Resolution certifying that the City of San Fernando is in conformance with the 2004 Congestion Management Program (CMP) for Los Angeles County, and approving the City's 2005 CMP Local Development Report for the reporting period from June 1, 2004 to May 31, 2005. The motion carried with the following vote:

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

(Councilmember Veres returned to the dais at 8:10 p.m.)

RECESS TO CLOSED SESSION (8:10 P.M.)

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

CONFERENCE WITH LEGAL COUNSEL

The City Council finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the local agency in the litigation.

Existing Litigation:
G.C. 54956.9(a)

San Fernando Station LLC v. City of San Fernando, Councilmember Dr. Jose Hernandez, and Mayor Julie Ruelas, Case No. BS 097994.

City Attorney Michael Estrada stated that no reportable action was taken.

RECONVENE (9:23 P.M.)

Mayor Ruelas reconvened the meeting.

NEW BUSINESS

9) DENIAL OF CLAIM FILED BY SAN FERNANDO STATION LLC

Recommendation by City Attorney Estrada to deny the claim.

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Motion by Mayor Pro Tem Martinez, seconded by Councilmember Hernández, to deny the claim filed by San Fernando Station LLC. The above motion carried with the following vote:

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

Councilmember De La Torre stated she is abstaining because she previously voted in favor of approval of the Conditional Use Permit.

Councilmember Veres asked City Attorney Estrada if his initial vote to approve the Conditional Use Permit and this vote were separate.

Mr. Estrada responded that they are separate and what is being voted upon here is whether the claim should be denied or not.

10) APPROVAL OF LAW FIRM TO REPRESENT INDIVIDUAL COUNCILMEMBERS IN SAN FERNANDO STATION LLC V. THE CITY OF SAN FERNANDO, ET AL.

Mr. Estrada stated it would be prudent and in the best interest of the City if Mayor Ruelas and Councilmember Hernández were represented by separate counsel.

Mr. Veres asked when the contract would be executed and if the City Council would have access to the costs incurred by the represented Councilmembers.

Mr. Estrada stated the agreement would be executed on the following day and that City Council would have access to all costs incurred and billed.

Motion by Mayor Pro Tem Martinez, seconded by Councilmember Hernández, to authorize the Mayor Pro Tem or City Administrator to execute the fee agreement retaining the law firm of Thomas & Thomas LLP to represent Mayor Julie Ruelas and Councilmember José Hernández, Ph.D. in the San Fernando Station LLC v. City of San Fernando, et. al. The motion carried with the following vote:

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

11) APPROVAL OF AMENDMENT TO CONTRACT WITH THE LAW FIRM OF RICHARDS, WATSON & GERSHON TO INCREASE THE BILLING RATE FOR LITIGATION MATTERS

City Administrator José Pulido presented the staff report.

Councilmember Veres asked why only the litigation fees were being amended.

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Mr. Estrada, speaking from the audience, responded that the litigation fees were currently still at the rate of the original contract and the amendment is necessary in order to bring them up to current rates.

Motion by Councilmember Hernandez, seconded by Mayor Pro Tem Martinez, to approve an amendment to contract No. 1381 with the law firm of Richards, Watson & Gershon increasing the billing rate for litigation matters to the firm's standard hourly rates, capped at \$225 per hour for associates and \$250 per hour for shareholders. The motion carried unanimously.

(Mayor Pro Tem Martinez and Councilmember Veres left the meeting at 9:40 p.m.)

GENERAL COUNCIL COMMENTS

Councilmember De La Torre: 1) asked when the minutes can be expected to be caught up, and 2) stated the MTA has indicated they would like to partner with the City of San Fernando to help set up the bus routes.

Councilmember Hernández: 1) asked if the trolley project would only be serving San Fernando; 2) commented on the great turnout for the San Fernando Museum grand opening; and, 3) asked about the status of the pool project.

Mr. Pulido stated it will be a regional trolley with a fixed route and staff will be attempting to incorporate the Metrolink station and Holy Cross Hospital as part of the route. He stated the City will be meeting with the MTA to discuss a fixed route and operational funding.

Mayor Ruelas: 1) reported that the LAUSD Governance Commission is currently gathering information and will be making recommendations by October; 2) announced a new L.A. County Library Commission online tutoring program, in English and Spanish, all the way up to the first year of college; 3) thanked everyone that helped get the museum open and invited people to come and visit.

STAFF COMMUNICATION

None.

ADJOURNMENT (9:45 P.M.)

Motion by Councilmember Hernández, seconded by Mayor Ruelas, to adjourn the meeting. The motion carried with the following vote:

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

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