

**SAN FERNANDO CITY COUNCIL**

**MINUTES**

**MARCH 21, 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 Maribel De La Torre called the meeting to order at 6:13 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: Margarita Solis

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**

None.

**PRESENTATIONS**

**A) FORMER CITY TREASURER ELVIRA OROZCO**

Councilmember Hernández thanked Mrs. Orozco and presented her with a certificate of recognition for her years of service.

Lori Wheeler (representing County Supervisor Zev Yaroslavsky) and Senator Richard Alarcon presented Mrs. Orozco with certificates of recognition.

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**B) RESERVE OFFICER PAUL LABELLA**

Chief of Police Anthony Alba reported that Ofr. LaBella had rescued two juveniles from the Los Angeles County flood control channel and Mayor De La Torre presented Ofr. LaBella with a certificate of appreciation.

**APPROVAL OF AGENDA**

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

**PUBLIC STATEMENTS – WRITTEN/ORAL**

Mike Majers, 1934 Lucas St., said that the City's growth has been stifled by not allowing certain businesses to come to San Fernando.

Sandra Cortez, 1937 Seventh St., said that the City should increase reserve funds and believes that Julie Ruelas will do a good job as Mayor.

Rodolfo Vasquez, 777 N. Workman St., member of Mariachi Master Apprentice Program, thanked the City Council for their continued support.

Ray Groff, 327 Alexander St., said that he did not appreciate negative comments made by certain Councilmembers toward others.

Virginia Barragan, 2024 Fourth St., said that she is concerned about things going on and that Councilmembers have to work together with the people they represent.

Elvira Orozco, 417 Newton St., reported that accusatory comments made at the prior meeting against her were malicious and untrue. She congratulated Councilmember Hernández and City Treasurer Margarita Solis on their re-election.

Erick Iniguez, 13608 Osborne St., Arleta, reported that MEChA would be having an anti-war rally on Saturday on Truman St. and asked if the City could waive the permit fees.

Alisandra Vasquez, 777 N. Workman St., MEChA, said that the cost of permits to block the intersection were more than they could afford.

Karina Ceja, 14123 Filmore, Pacoima, MEChA, asked the City Council to work with them.

Thomas Jimenez, 10421 Wheeler Ave., Sylmar, said that insurance costs charged to service clubs in the City were unfair.

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Councilmembers requested that Director of Recreation & Community Services Dan LaBrado speak with Mr. Jimenez.

Daniel Martinez, 15148 Chase St., Panorama City, said that MEChA students will rally in opposition to the military recruitment going on the campuses.

Marjorie Britt, 2025 Lucas St., said that Elvira Orozco is a woman of honesty and integrity.

Gilbert Berriozábal, 1825 Knox St., talked about allowing quality restaurants to come to the City and be permitted to serve alcohol.

Christine Provencio, 605 Hollister St., said she is saddened that local schools have to take revenue to other communities and not in San Fernando.

Ed Banuelos, 22944 Keswick, hopes that the City Council and the San Fernando Chamber of Commerce work together to implement the revitalization project.

Mayor De La Torre began to read a letter by Danitza Pantoja, 1640 Coronel St., but stated that it was difficult to read (many abbreviations) and asked Mr. Berriozábal if he could submit it later.

Esther Garcia, 607 Kewen St., said that many parents were in support of Mayor De La Torre and asked that the City Council make the best decisions and move forward to complete projects.

Joe Ruelas, 1161 Harding Ave., wished Councilmembers a good year, asked that they respect each other and suggested that the newspaper not have editors and reporters sensationalize and talk bad about our leaders.

Angel Granados, 1960 Seventh St., congratulated candidates that were re-elected, talked about his experience in running for office and has a lot of respect for those that do run.

Beverly Di Tomaso, 718 N. Meyer St., said that she is thrilled that Julie Ruelas will become the new Mayor and wished her luck.

Xavier Flores, 38640 15<sup>th</sup> St., Palmdale, reported that comments made in The Sun newspaper were false and said that he is in support of Item No. 7 (moratorium on liquor licenses).

Pastor Gil Aragon, La Trinidad Church, said he could not stay for the Public Hearing, therefore (at this time) wanted to express opposition to the granting of a conditional use permit to the proposed restaurant.

Tom Ross, 13834 Kismet St., Sylmar, San Fernando business owner, hopes that things get resolved so that everyone can move forward.

Albert Melena, 1131 Celis St. (San Fernando Valley Partnership) supports a moratorium on liquor licenses and said it was important to examine this together and move forward positively.

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Maria Calleros, read a letter by Pastor Gil (La Trinidad Church) urging for the reduction of alcohol outlets before allowing more restaurants with alcohol licenses to do business and that he is in favor of a moratorium on liquor licenses.

Richard Arroyo, 11264 Bartee Ave., Mission Hills, thanked and congratulated Mrs. Orozco, and he is happy to see Margarita Solis as the new City Treasurer.

**CONSENT CALENDAR**

Motion by Councilmember Hernández, seconded by Mayor Pro Tem Ruelas, to approve the Consent Calendar items. The motion carried unanimously.

- 1) APPROVAL OF WARRANT REGISTER NO. 05-032
- 2) CESAR CHÁVEZ ANNUAL AWARD RATIFICATION
- 3) RESOLUTION RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON MARCH 8, 2005 DECLARING THE RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY LAW

**PUBLIC HEARING**

- 4) APPEAL OF PLANNING COMMISSION CONDITIONAL APPROVAL OF CONDITIONAL USE PERMIT 2005-01 (1245 SAN FERNANDO ROAD)

Associate Planner Fred Ramirez presented the staff report and provided a brief overview with a slide presentation.

Mayor De La Torre declared the Public Hearing open and requested that the applicant address the City Council.

Martha Diaz-Aszkenazy commended City staff for their work and said that staff found that they met all 14 findings and recommended to the Planning Commission to approve the CUP. She asked that the City Council respect the judgment of the Planning Commission and staff and allow the decision to stand.

Mayor De La Torre called for public testimony of those in favor of the project.

Ray Groff, 327 N. Alexander St., talked about empty alcoholic beverage containers and that people toss them out of their vehicles as they are driving.

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The following individuals gave testimony in favor of the proposed project:

Consuelo Molina, 1215 Lucas St.  
Ernesto Hernández, 1315 Phillippi St.  
Silvia Ballin (stated she was a business owner and resident)  
Tom Ross, 13834 Kismet St., Sylmar  
Robert Montañez, 403 N. Macneil St.

Mayor De La Torre called for public testimony of those opposing the project and the following individuals spoke:

Xavier Flores, 38640 15<sup>th</sup> St., Palmdale  
Maria Calleros, 12514 Bromwich St., Pacoima  
Alma Martinez, 13110 Beaver St., Sylmar  
Albert Melena, 1131 Celis St.  
Virginia Barragan, 2024 Fourth St.  
Elvira Orozco, 417 Newton St.  
Antonio Sanchez, 16348 Madeline Dr., Granada Hills  
Joe Ruelas, 1161 Harding Ave.  
Beverly DiTomaso, 718 N. Meyer St.  
Dominic De La Torre, 459 N. Alexander St.  
Estela Lugo, 837 Newton St.  
Jesus Hurtado, (stated he was a resident)  
Oscar Arrizon, 823 N. Maclay Ave. and 715 N. Maclay Ave. (business)

Mayor De La Torre asked if the applicant wanted to address any of the issues.

Sev Aszkenazy, 601 S. Brand. Blvd., said that partnerships have been formed with the City to create developments (including senior housing). He said that it takes architecture, investment and a lot of hard work, and that's not called "special treatment". He believes that there is misinformation in the community.

There being no further comments, Mayor De La Torre closed the Public Hearing and asked if Councilmembers had any questions.

Councilmember Martinez said that she is most concerned about Finding No. 10; that the alcohol license would not have an adverse affect in that area and she asked how staff made their determination.

Mr. Ramirez stated that staff looked at the proposed use and the greater context of what's being done and felt that there was sufficient safeguards provided under the Conditions of Approval to allow for an alcohol use.

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Councilmember Martinez said that she does not have a problem with the building but is concerned about the over proliferation of alcohol licenses (approximately 27-30) in that census tract and about the message being sent to the people who live there that will have to endure any negative impacts.

In response to questions, Mr. Ramirez reported that if approved and in the future they did not comply by the Conditions of Approval, or the community experiences adverse impacts associated with the use, there could be consideration of a revocation hearing.

Councilmember Hernández said he was a strong supporter of the San Fernando Specific Corridors Plan which allows for the development of restaurants (with the right to sell alcohol beverages) within the downtown business district.

Mayor Pro Tem Ruelas said that she was concerned about Finding No.1; the proximity to a park and said that it violates the criteria to be considered. She said that the skate park has been referred to as a park/playground by the City's Recreation & Community Services Department.

Councilmember Veres stated that he is comfortable regarding the assessment of the use of the area but said that it was understood that the skate park location was temporary and would eventually be relocated to a permanent site.

In response to Councilmember Veres' question, Mr. LaBrado reported that grant funding secured three years ago was not sufficient to construct a permanent skate park, therefore staff purchased movable equipment. He stated that this particular site was chosen because of the fencing and considered an excellent location to use as a skate park.

Councilmember Veres said that in the past, some sites get permits and others go through the application process and get denied. He's not sure how to grapple with the question of over-saturation and the idea of this particular restaurant's impact on the general well being of residents. He stated that it has been a desire for this community to have quality sit-down restaurants.

Mayor De La Torre said that she understands the concerns regarding more liquor licenses but said there is a differentiation between restaurants and grocery stores versus bars and liquor stores. She said that staff has done a tremendous job and put a lot of time and effort into this and she hopes that decisions made are for the betterment of this community

Motion by Mayor Pro Tem Ruelas to overturn the decision of the Planning Commission's conditional approval of Conditional Use Permit (CUP) 2005-01 and the City Attorney to prepare a resolution denying CUP 2005-01. The motion was seconded by Councilmember Martinez.

The motion carried with the following vote:

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

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**RECESS (10:05 P.M.)**

Motion by Mayor De La Torre, seconded by Councilmember Martinez, calling for a recess (at the request of Atty. Estrada). The motion carried unanimously.

**RECONVENE (10:33 P.M.)**

Mayor De La Torre reconvened the meeting.

**OATH OF OFFICE ADMINISTERED BY CITY CLERK TO NEW CITY COUNCILMEMBERS AND CITY TREASURER**

City Clerk Chávez presented the Oath of Office and Certificate of Election to the following:

Councilmember Maribel De La Torre  
Councilmember José Hernández, Ph.D.  
City Treasurer Margarita Solis

**NEW BUSINESS**

5) CITY COUNCIL REORGANIZATION

City Clerk Chávez called for nominations for the position of Mayor.

Councilmember Hernández nominated Mayor Pro Tem Ruelas; the motion was seconded by Councilmember Martinez.

City Clerk Chávez asked if there were any other nominations for Mayor. There being none, and hearing no objections, nominations were closed.

The above motion carried with the following vote:

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

City Clerk Chávez called for nominations for the position of Mayor Pro Tem.

Mayor Ruelas nominated Councilmember Martinez; the motion was seconded by Councilmember Hernández.

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City Clerk Chávez asked if there were any other nominations for Mayor Pro Tem. There being none, and hearing no objections, nominations were closed.

The above motion carried with the following vote:

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

**CITY COUNCIL ITEMS**

- 6)      COUNCILMEMBER CONFLICT OF INTEREST
- 7)      DISCUSSION OF POSSIBLE MORATORIUM ON ALL LIQUOR LICENSES UNTIL THE REVAMPING OF CURRENT CUP ORDINANCE (WITH EXCEPTION OF DOWNTOWN SPECIFIC PLAN RESTAURANTS)

By consensus, Councilmembers agreed to continue agenda Items No. 6 and 7 to the next meeting (per Councilmember Veres' suggestion).

**GENERAL COUNCIL COMMENTS**

Mayor Ruelas thanked everyone for their support and said that she will do her best to perform her duties.

Mayor Pro Tem Martinez: 1) congratulated and thanked Mrs. Orozco; 2) offered assistance to the MEChA students; 3) thanked Local Laborers 300 for their work; 3) was impressed by the support given at the Explorer dinner; and 4) congratulated Mayor Ruelas and thanked Maribel De La Torre for her year of service as Mayor.

Councilmember De La Torre thanked her sons and family for their patience during her term as Mayor, is grateful to have served, and said that she will continue to serve the City well for the next four years.

Councilmember Hernández: 1) congratulated the new Mayor and Mayor Pro Tem; 2) requested that the meeting adjourn in memory of Joseph Alfredo Ufano Leon (grandson of City employee Virginia Ufano); and 3) requested that, due to the Cesar Chávez mass, the next Council meeting scheduled for April 4 be moved to, Tuesday, April 5.

Councilmember Veres said that much time and effort was spent this evening and hopes the healing process can begin. He thanked Maribel De La Torre for her work as Mayor.

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**STAFF COMMUNICATION**

Mr. Pulido congratulated Mayor Ruelas and Mayor Pro Tem Martinez and looks forward to working together and continue making progress.

**ADJOURNMENT (11:10 P.M.)**

By consensus, Councilmembers agreed to adjourn to Tuesday, April 5, 2005.