

SAN FERNANDO CITY COUNCIL

MINUTES

MARCH 7, 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 6:12 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 Laura Valdivia, Deputy City Clerk

PLEDGE OF ALLEGIANCE

Mayor De La Torre led the pledge.

INVOCATION

None.

PRESENTATIONS

A) DENTAL ASSISTANTS' RECOGNITION WEEK

(Representative not available to accept the Proclamation at this meeting)

B) 2005 NATIONAL COLORECTAL CANCER AWARENESS MONTH

Mayor De La Torre read the proclamation and presented it to Kim Bundy and Nadia Hurtado of the American Cancer Society.

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

Carmen Calera, concerned about a map that was distributed by Ms. Pantoja from the Megan's Law website under the banner "do you know who your neighbors are" and asked if Council is ready for the fallout that will occur because of the map. She requested that Council investigate donations that have been made to the WAVE organization and requested to know which City Councilmembers have contributed to that program. She said she is very proud of City Council but is appalled by the mudslinging in the campaign and wished everyone all the best.

Ray Groff, 327 Alexander Street, concerned about loud music and trash all over the neighborhood which he and his neighbors have to put up with. He said that this morning a truck and a car were racing from Harding Street to Maclay doing 65 miles per hour with a loud exhaust which triggers car alarms to go off.

Christine Provenzo, 605 Hollister Street, stating she is in favor of Megan's Law because it is very important that parents be aware of who is around their children especially around schools. She said if candidates are going to send something to someone's home then they should put their address on it so residents can respond.

Beverly DiTomaso, 718 Meyers Street, requesting information on Item No. 2 on the Consent Calendar.

Interim Public Works Director Jim Davis responded that Item No. 2 is requesting that the City Council authorize the first step in implementing the Landscape Lighting Assessment District and all property owners will be assessed.

Suzanne Llamas, 1114 N. Brand Boulevard, representing the San Fernando Neighborhood Coalition, thanked the Council for their support at the last meeting. She also thanked Council for the motion to include the Coalition in any decisions that are made for their neighborhood. She said her faith in City government is restored and she thanked Council for that.

CONSENT CALENDAR

Mayor Ruelas removed Item No. 1 for further discussion. Motion by Mayor Pro Tem Ruelas, seconded by Councilmember Martinez, to approve the remainder of the Consent Calendar items. The motion carried unanimously.

- 2) FY 2005-2006 LANDSCAPING & LIGHTING ASSESSMENT DISTRICT
RESOLUTION INITIATING PROCEEDINGS AND ORDERING THE ENGINEER'S
REPORT

SAN FERNANDO CITY COUNCIL

MINUTES – March 7, 2005

Page 3

- 3) RESOLUTION AUTHORIZING ACQUISITION OF SUPPLEMENTAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS

Item Removed for Further Discussion:

- 1) APPROVAL OF WARRANT REGISTER NO. 05-031

Mayor Pro Tem Ruelas stated that it seems as though the cost for computers is increasing and she had previously asked staff to try and keep that cost down.

Finance Director Lorena Quijano stated she is currently reviewing all invoices and detail to see what the City is being charged for. She explained that a lot of the charges are for maintenance for computers in all departments and because the City has various complicated systems including the Police Department, the Public Works GIS system and Finance's accounting systems, when these systems go down it could potentially stop a lot of services they provide.

Councilmember Veres asked if these maintenance issues are coming up because the City has older equipment.

Ms. Quijano responded that some of it is due to maintenance and staff has discussed this issue with Aegis and hopefully during the next budget process staff can request that some computers be upgraded because it costs more to maintain old computers than to replace them.

Councilmember Veres stated he would like to see the City purchase newer equipment as opposed to trying to maintain old equipment.

Councilmember Martinez referenced page 22 of the warrant register and asked what the expense for a San Antonio trip for \$17,000 was in connection with.

Ms. Quijano responded that is the money for the senior trip.

Councilmember Veres added that it is the senior's money which the City holds for them in an account.

Mayor Pro Tem Ruelas referenced page 11 of the warrant register and stated she noticed there are no flowers on South Brand and stated that is probably the reason the costs are down, but would like to know what will be planted there eventually.

City Engineer, David Lawrence responded that the department is currently looking at replanting the median island as directed by the City Council with plants that are less maintenance intensive. He said it is taking a little longer because the work will be performed in-house rather than contracted out to a landscaper.

Councilmember Veres suggested that perhaps the MWD can assist the City with California native plants that require less water.

Motion by Mayor Pro Tem Ruelas, seconded by Councilmember Martinez, to approve the Warrant Register. The motion carried unanimously.

NEW BUSINESS

4) **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 Martinez asked if the reason this is an urgency ordinance is due to the request by AT&T for approval of an antenna.

Mr. Deibel responded that this is to put a temporary hiatus on any applications coming in until staff can come back to Council with a proposal for an extended moratorium, which would also include wireless carriers.

Councilmember Hernández asked if the Federal Communications Commission (FCC) can overrule local government.

Mr. Deibel stated that the FCC operates under the Federal Communication Act of 1996, as do the carriers, and federal legislation requires any municipality to consider the possibility of telecommunications facility within the community. He explained that the City cannot exclude them at the onset from locating in the community; however, the Act does allow cities to adopt reasonable regulations that relate to where in the community the facilities can best be accommodated and what type of development standards would apply to them.

Councilmember Hernández asked if the application for Arroyo is pending.

Mr. Deibel stated that on October 4, 2004, the Council approved a CUP for a telecommunications facility on Arroyo and also directed staff to initiate a process to look into any future facilities.

Councilmember Hernández asked how many antennas does the City currently have.

Assistant Planner Fred Ramirez stated there are currently six service antenna carriers on four monopoles in the City with two pending cases under site plan review.

Councilmember Hernández asked if there is anything the City can do to prevent becoming saturated with antennas in a 2.4 square mile area.

SAN FERNANDO CITY COUNCIL

MINUTES – March 7, 2005

Page 5

Mr. Deibel stated a first step would be to adopt a moratorium and then staff would return to Council with specific recommendations to establish a plan for the future.

Mayor Pro Tem Ruelas stated that the staff report says the Master Plan will address the visual impacts, but the urgency ordinance states it would be to protect the public health, safety and welfare and she feels that is a contradiction. She added that the Master Plan should also address health issues and the effect on those living in the area.

Mr. Deibel responded that the Master Plan could address health related issues and the impacts associated with that, however, the Federal Communication Act preempts any municipality in the entire country from having its own standards relative to what acceptable health impacts would be because those are regulated by the FCC, and Congress has determined it would be impractical for different municipalities to have potentially different standards for these carriers.

Councilmember Veres stated that it is getting to a point where there are more cell phone numbers than there are residential land line numbers, and although the antennas are ugly, they are a necessary evil. He said that the City of Philadelphia is considering making their city a wireless city, and if more cities are doing that, then perhaps San Fernando can consider doing this is the future.

Mr. Deibel stated that technology is changing and one of the things staff would like to accomplish through this process is provide Council with an overview of future telecommunications facility needs and expanding the City's wireless capabilities.

Mayor De La Torre stated she remembers discussing stealthing monopoles six years ago while on the Planning Commission. She said that she knows they generate revenue and perhaps the City can look into placing the poles on City property to generate revenue for the City. She also stated that reception is poor for our Police Officers' Nextel phones and the City should consider more servicing for public safety reasons.

Motion by Councilmember Veres, seconded by Mayor De La Torre, to approve "An Interim Ordinance of the City of San Fernando Pursuant to California Government Code Section 65858 Prohibiting the Issuance of Permits and Other Entitlements for Commercial Wireless Telecommunications Facilities and Prohibiting 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 unanimously.

GENERAL COUNCIL COMMENTS

Councilmember Martinez thanked Deputy City Clerk Laura Valdivia for helping the City Clerk during the elections.

SAN FERNANDO CITY COUNCIL

MINUTES – March 7, 2005

Page 6

Councilmember Hernández 1) asked that this meeting be adjourned in memory of Reimundo Correa of the Francisco Arrizon Family who are owners of La Tapense Restaurant; 2) stated that people who blame others for negative campaigning without any evidence are equally as guilty as those sending the materials.

Mayor Pro Tem Ruelas echoed Councilmember Hernández's comments regarding negative mailers. She stated that she knows Mrs. Orozco is running a clean campaign and is hopeful that others are as well and she is very disappointed with that type of mailers being sent out.

Councilmember Veres: 1) stated that this campaign has been very disappointing and at the last meeting Council had a discussion about ethics and as soon as there is newly configured Council that issue needs to come back up; 2) feels Megan's Law is a very important issue and feels the City can be very proactive in delivering a positive message and help children in the community. Mr. Veres directed the Police Department to put a list of recommended resources for the community on the City's website and also look into getting back into the schools and doing a series on Megan's Law.

Mayor De La Torre: 1) stated there are three hit pieces out on her and she was told they are the same negative hit pieces previously sent out six years ago on Doude Wysbeek. She said that she and three other candidates have made a commitment to one another to run the cleanest campaign possible and always communicate with each another and they have done that. She said she hopes for the best and knows she will come out on top tomorrow; 2) stated with respect to Megan's Law she feels one of the issues Danitza Pantoja tried to do is open up dialogue and she feels that has been accomplished. She feels the challenge is identifying support groups, educating the community, getting into the schools and establishing the networks and resources for them.

STAFF COMMUNICATION

José Pulido stated he received a request from Congressman Berman's office to submit a letter of recommendation for projects for funding by this Friday. Staff will need to schedule a study session with Council either on Wednesday or Thursday, or if the Council agrees, staff can go forward and submit the proposals.

Councilmember Hernández asked why the City was notified so late.

Assistant to the City Administrator Ron Ruiz stated the City received a call from the Congressman's office a few weeks ago informing us that this was coming up, however, they did not have a specific date of when the items would be due. He explained that the process changes every year and this year they consolidated the number of committees and reorganized the timeline. He said that the Congressman's office only recently received the due dates and contacted City staff today. He said there is a draft available from the previous years and there are many projects which remain unfunded, so it is a matter of Council reviewing those projects and possibly recommending three projects each.

SAN FERNANDO CITY COUNCIL

MINUTES – March 7, 2005

Page 7

Chief Alba reported that on May 21st, during Police Week, the Police Department will be holding an open house and have invited non-profits, social agencies, schools, service clubs and the Chamber of Commerce to participate. He said there will be free food to the community and staff will be introducing participants to the various agencies that are available to assist in the community. He said by solidifying our partnership with these other organizations, we present a united front and show the community we can provide some very useful services to families.

ADJOURNMENT (7:15 P.M.)

Motion by Councilmember Hernandez, seconded by Mayor De La Torre, to adjourn the meeting (in memory of Reimundo Correa). The motion carried unanimously.