

SAN FERNANDO CITY COUNCIL

MINUTES

MAY 16, 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 Ruelas called the meeting to order at 6:09 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

Senior Advisory Board Member Joe Lozano led the pledge.

INVOCATION

Mayor Ruelas gave the invocation.

PRESENTATIONS

A) OLDER AMERICAN VOLUNTEERS

Mayor Ruelas presented the certificates to five seniors and thanked them for their services and dedication.

B) RECOGNITION OF YOUTH COUNCIL MEMBERS

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Mayor Ruelas provided certificates of recognition to Youth Council Members and thanked them for their participation and contributions.

C) EMERGENCY SURVIVAL PROGRAM PUBLIC EDUCATION CAMPAIGN

Mayor Ruelas made the presentation.

D) RECOGNITION OF FORMER PLANNING COMMISSIONER MARISELA TORRES

Marisela Torres was not present (will be re-agendized).

E) LOS ANGELES CONSERVANCY AWARD

Mayor Ruelas gave background regarding the award and asked that it be displayed.

APPROVAL OF AGENDA

Mayor Ruelas requested to add Public Works Week proclamation (under Presentations) and Councilmember Veres asked to add the Los Angeles City Education Commission (under City Council Items) for discussion.

Motion by Councilmember De La Torre, seconded by Councilmember Veres, to add both items on the agenda. The motion failed with the following vote:

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

Motion by Councilmember Hernández, seconded by Mayor Pro Tem Martinez, to add Public Works Week to the agenda. The motion carried unanimously.

Motion by Councilmember Veres, seconded by Councilmember De La Torre, to add Los Angeles City Education Commission to the agenda. The motion failed with the following vote:

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

Motion by Councilmember Veres, seconded by Mayor Pro Tem Martinez, to add this item to the Special Meeting agenda on Monday, May 23. The motion carried unanimously.

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

PRESENTATIONS (CON'T)

F) PUBLIC WORKS WEEK (MAY 15-21, 2005)

Mayor Ruelas presented the certificate to Public Works Superintendent Tony Salazar who accepted on behalf of the department.

PUBLIC STATEMENTS – WRITTEN/ORAL

Ofr. Ricardo Curiel invited everyone to the Police Department Open House and Jr. Explorer Graduation both on May 21.

Ray Groff, 327 N. Alexander St., talked about the County providing non-emergency care for undocumented workers and said that many hospitals are going bankrupt.

Marion Pettee introduced herself as the new Chamber of Commerce Executive and is looking forward to working with City Councilmembers.

Suzanne Llamas, 1114 N. Brand Blvd., San Fernando Neighborhood Coalition, said that LAUSD presented their plans regarding the new Eighth St. school and she thanked the City Councilmembers for their support.

Rosie Rivas (American Cancer Society) thanked the City Council for their support for the Relay for Life event last year and asked for continued support this year.

Gilbert Berriozábal, 1825 Knox St., asked for support for Relay for Life event and invited everyone to get involved.

Stefanie Escobar, 14083 Fenton Lane, Sylmar, asked that the City Council continue supporting the Relay for Life event and talked about the assistance that the American Cancer Society provides.

Gilbert Vasquez, 13767 Fenton Ave., Sylmar, said that cancer touches everyone and asked for continued support of the Relay for Life event.

Jeannette Mena said that she is part of the San Fernando Courthouse Relay for Life team and breast cancer survivor and the American Cancer Society has provided her with many services.

Virginia Barragan 2024 Fourth St., said that she has deep concerns regarding the City possibly being sued by “special interest” and talked about the senior housing project.

Beverly DiTomaso, 718 Meyer St., talked about the liquor license moratorium and asked why staff would be allowed to recommend approval of a liquor license outside of the area zoned for such businesses.

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Maria Estela Lugo, 837 Newton St., said there are already too many liquor permits in the south side of the City and suggested that the developer build a restaurant in the business district where liquor permits will be granted and urged Councilmembers to not make decisions behind closed doors that will adversely impact the community.

CONSENT CALENDAR

Mayor Ruelas removed Item No.s 1 and 2, and Councilmember Hernández removed Item No.3 for further discussion.

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

- 4) RESOLUTION FOR RENEWAL OF GENERAL SERVICES AGREEMENT WITH THE COUNTY OF LOS ANGELES
- 5) ARTICLE XIII B APPROPRIATIONS (GANN) LIMIT FISCAL YEAR 2005-2006

Items Removed for Further Discussion:

- 1) APPROVAL OF MINUTES OF:
 - A) NOVEMBER 1, 2004 – REGULAR MEETING
 - B) MARCH 21, 2005 – REGULAR MEETING

City Clerk Chávez confirmed that the vote was accurate regarding November 1, 2004, Item 9.

Motion by Mayor Ruelas, seconded by Councilmember Veres, to approve Consent Calendar Item No.1. The motion carried unanimously.

- 2) APPROVAL OF WARRANT REGISTER NO. 05-052

In response to Mayor Ruelas' question regarding a payment to Pyro Spectaculars, Inc., Director of Recreation & Community Services Dan LaBrado reported that the payment is regarding the fireworks show and the second payment will be made from the new fiscal year budget.

Motion by Mayor Ruelas, seconded by Mayor Pro Tem Martinez, to approve Consent Calendar Item No. 2. The motion carried unanimously.

- 3) PERMIT REQUEST FOR ANNUAL FIESTA – ST. FERDINAND CATHOLIC CHURCH

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In response to Councilmember Hernández' question, Finance Director Lorena Quijano said that the fee was decreased by \$500 to help alleviate costs, the church agreed, and have paid in full.

Discussion ensued regarding non-profits, how they all benefit the City and should all be treated equally.

Motion by Councilmember Hernández, seconded by Councilmember Veres to approve, with conditions, of the annual fiesta for St. Ferdinand Catholic Church for the dates of June 10, 11, and 12, 2005. The motion carried unanimously.

NEW BUSINESS

6) **PACOIMA WASH GREENWAY PROJECT GRANT APPLICATION**

Interim Public Works Director Jim Davis presented the staff report.

Motion by Councilmember Veres, seconded by Mayor Pro Tem Martinez, to adopt a Resolution authorizing staff to prepare and the City Administrator to execute and submit a grant application to the California Department of Water Resources and State Water Resources Control Board to obtain a grant for the Pacoima Wash Greenway Eighth Street Park. The motion carried unanimously.

7) **2ND ANNUAL SAN FERNANDO RELAY FOR LIFE**

Staff responded to questions regarding the budget, number of officers required and their pay.

Motion by Councilmember Hernandez, seconded by Councilmember De La Torre, to support the American Cancer Society's Relay for Life event and approve the use of City personnel and resources from this year's current budget. The motion carried unanimously.

CITY COUNCIL ITEMS

8) **TELEVISIONING OF CITY COUNCIL MEETINGS**

Discussion ensued regarding the Time Warner contract and televising meetings in their entirety and not edited.

Motion by Councilmember Veres, seconded by Councilmember Hernández, to televise meetings in their entirety (DVD or CD format for transcript purposes) and staff to report back regarding the process. The motion carried unanimously.

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9) LOS ANGELES UNIFIED DISTRICT EDUCATIONAL EQUITY RESOLUTION

Mayor Pro Tem Martinez gave background information.

Motion by Mayor Pro Tem Martinez, seconded by Councilmember Hernández, to approve a Resolution supporting Huizar Resolution creating educational equity in San Fernando through the implementation of the A-G Course Sequence as part of the high school graduation requirement. The motion carried unanimously.

10) ASSEMBLY BILL 1240 (LEVINE) AND ASSEMBLY BILL 1125 (PAVLEY)

Mayor Pro Tem Martinez gave background regarding each environmental bill and explained that both are on their way to the Appropriations Committee (Assemblymember Judy Chu is the Chair).

Motion by Mayor Pro Tem Martinez, seconded by Councilmember Veres, to send letters of support to Assemblymember Judy Chu in support of AB 1240 and AB 1125. The motion carried unanimously.

GENERAL COUNCIL COMMENTS

Councilmember De La Torre: 1) announced that the SF Middle School Memorial Day celebration will be on May 28; 2) said that she attended the MWD Solar Cup race whereby SF High School students participated; 3) thanked Public Works for their hard work; 4) congratulated staff regarding the historical preservation award; and 4) said that comments made earlier by members of the public regarding the liquor license and restaurant were not true.

Mayor Pro Tem Martinez: 1) asked that the meeting adjourn in memory of Miguel Contreras; 2) thanked her colleagues for supporting items that she placed on the agenda; 3) announced the annual Public Works barbecue at the City Yard; 4) mentioned the 10th Annual Senior Expo; and 5) announced events taking place on Saturday including the Police Department Open House, Explorer Graduation, and the Girl Scouts hosting a contest at Cesar Chávez Park.

Councilmember Veres: 1) also requested that the meeting adjourn in memory of Miguel Contreras; 2) said that the issue regarding televising City Council meetings needs to be brought up during budget discussions; 3) gave an update regarding the MWD upcoming trip to the Colorado River on June 10-12; and 4) said it was disturbing to hear inaccurate statements made by the public earlier.

Mayor Ruelas: 1) commended the SF High School students for their success regarding the MWD Solar Cup; and 2) reminded Councilmembers to act in an orderly manner and refrain from making derogatory remarks.

STAFF COMMUNICATION

Mr. Pulido provided information regarding the senior housing development and said that people are welcome to stop by his office and he would answer any questions regarding the project.

RECESS TO CLOSED SESSION (8:55 P.M.)

Motion by Mayor Pro Tem Martinez, seconded by Councilmember Veres, to recess to Closed Session, thereafter to adjourn the City Council meeting in memory of Miguel Contreras. The motion carried unanimously.

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.

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.