

SAN FERNANDO CITY COUNCIL

MINUTES

SEPTEMBER 6, 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 6:07 p.m.

The following persons were recorded as present:

PRESENT:

Council: Mayor Julie Ruelas, Mayor Pro Tem Nury Martinez, Councilmembers Steven Veres, Dr. José Hernández, 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 Maribel De La Torre led the pledge.

INVOCATION

Mayor Ruelas read “The Optimist Creed” by Christian Larson and asked for a moment of silence for those that have suffered due to Hurricane Katrina.

APPROVAL OF AGENDA

Mayor Pro Tem Martinez requested that Item No. 4 be postponed to the next meeting on September 19, 2005 (representatives from unions were not aware this item was agendized).

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

PUBLIC STATEMENTS – WRITTEN/ORAL

Ray Groff, 327 Alexander St., said that people are discarding empty alcohol containers in the parkways, sidewalks and streets.

CONSENT CALENDAR

Mayor Ruelas removed Item No. 2 for further discussion.

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

- 1) APPROVAL OF MINUTES OF:
 - A) AUGUST 15, 2005 – REGULAR MEETING
 - B) DECEMBER 6, 2004 – REGULAR MEETING

Items Removed for Further Discussion:

- 2) APPROVAL OF WARRANT REGISTER NO. 05-091

In response to Mayor Ruelas' question regarding numerous Sam's Club membership renewals, Finance Director Lorena Quijano said that departments have one or two employees with cards (in case someone is not available).

Motion by Mayor Ruelas, seconded by Mayor Pro Tem Martinez, to approve Warrant Register No. 05-091. The motion carried unanimously.

PUBLIC HEARING

- 3) EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM

Capt. Robert Ordelheide presented the staff report.

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

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

In response to Councilmember Dr. Hernández' question, Capt. Ordelheide explained that 295 personnel hours will be utilized for immediate concerns (there is not enough funding for long-term suppression or educational efforts).

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Motion by Councilmember Dr. Hernández, seconded by Mayor Pro Tem Martinez, to direct staff to continue the application process in order to secure \$17,508 in grant funds for the purposes stated. The motion carried unanimously.

NEW BUSINESS

4) PROJECT LABOR AGREEMENT (PLA)

Removed from the agenda under Approval of the Agenda.

5) COMMUNITY BASED ORGANIZATIONS (CBO'S)

On the advice of Counsel, due to a possibility of a conflict of interest because he is a board member of Pueblo y Salud, Councilmember Dr. Hernandez stepped out of the Council Chambers and did not participate in the following discussion.

Director of Recreation & Community Services Dan LaBrado presented the staff report.

Discussion ensued regarding suggested changes to program guidelines.

Motion by Mayor Ruelas, seconded by Mayor Pro Tem Martinez, to approve the Recreation and Community Services Commission's proposed changes to the 2005-2006 CBO proposal program including the following changes:

- 1) In order to submit an application, the applicant must show evidence that they will be serving San Fernando residents (remove the 60% guideline). Also, each applicant to state on the application how many San Fernando residents they will be serving (again, remove the 60% guideline); and
- 2) The amount/size of the grant will determine the probability of an audit.

Atty. Estrada said that all references regarding client eligibility obligations of 60% would be deleted, and asked if it was acceptable to replace with "to benefit and serve San Fernando residents".

Councilmembers agreed.

Councilmember Veres added two amendments to the motion:

- 1) In terms of the process and procedure, staff to determine eligibility (whether the applicant meets minimum standards). The R&CS Commission should provide evaluation and recommendations (including creating groupings and rankings). Commission input and recommendations are not conclusive. The City Council will have final authority over funding.

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- 2) Create a general description of providing proof of non-profit status.

Mayor Ruelas accepted the two amendments.

The above motion (and amendments) carried with the following vote:

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

Councilmember Dr. Hernández returned to the Council Chambers.

- 6) ACCEPTANCE OF SPRINGDALE TRAVEL TRAILER FROM THE SAN FERNANDO POLICE DEPARTMENT EXPLORER POST #521E

Capt. Ordelheide presented the staff report.

Motion by Mayor Pro Tem Martinez, seconded by Councilmember Dr. Hernández, to accept the donation of a 2006 Springdale Travel Trailer from the Explorer Post #521E and authorize its use as a mobile field command post. The motion carried unanimously.

Mayor Ruelas asked Atty. Estrada if audience members from the Latin American Civic Association could be allowed to speak during Item No. 11. He responded that it is within the discretion of the Mayor to determine whether to accept additional comments.

- 7) SAN FERNANDO MUSEUM OF ART & HISTORY STATUS REPORT

Director of Recreation & Community Services Dan LaBrado presented the staff report.

Regarding the installation of track lighting, Councilmember De La Torre said this had not been set aside as part of the Public Works budget. She asked why couldn't the Friends of the Lopez Adobe have hired someone to do the work and then City personnel made certain that modifications were done according to code.

Public Works Director Ron Ruiz stated that it was the decision of the committee that this was a reasonable improvement and staff wanted to make sure it was installed by City personnel familiar with the electrical system (the Friends purchased the equipment).

Councilmember Dr. Hernández is satisfied with the report and he complimented City staff and thanked the Friends for their volunteer work.

Mayor Pro Tem Martinez believes that it is a landlord's obligation to make repairs and will ultimately benefit (increase in property value). She said that those that may have questions or concerns should visit the museum and see the benefit it provides to the community.

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Councilmember Veres said he placed this item on the agenda to get an update and clarification. He wants to make sure that the procedure in which work is done at the museum falls within the scope of the Lease Agreement. He said that when staff is taken from their normal work schedule, it impacts the budget and this was not brought up during budget deliberations. He believes that there are problematic areas and would like staff work on a solution and report back.

Mayor Ruelas said that the work done was during regular work hours and not overtime. She said that the Friends have gone out of their way to make sure that they've complied with the Agreement. She said that the City has benefited from the museum, and thanked Mr. LaBrado for his work and the Friends for volunteering their time.

Councilmember De La Torre said there is a difference between repairs and modifications. She said that the lighting was an enhancement and she agrees with Councilmember Veres regarding the budget impact.

In response to Mayor Pro Tem Martinez' question, Mr. Ruiz explained that staff is going through the process of a facilities maintenance program and plans to establish benchmarks regarding overall costs to maintain City-owned facilities.

Staff's recommendation was to review and file the report.

8) NORTH MACLAY AVENUE PROGRAM SUPPLEMENT –
FEDERAL PROJECT NO. 07-LA-0-SFR/STPLER – 5202(008)

Mr. Ruiz presented the staff report.

In response to questions, Mr. Ruiz stated that staff is hoping to get a bid packet out by October and the construction time is currently estimated at six months.

Mayor Ruelas requested that the City Council be informed of all Program Supplement Agreements and suggested that it be included in the Resolution. Mr. Ruiz stated that would not be a problem.

Motion by Councilmember Dr. Hernández, seconded by Mayor Pro Tem Martinez, to:

- a) Adopt a Resolution approving a Program Supplement Agreement No. 005-M to the Local Agency-State Agreement No. 07-5202 for Federal-Aid Projects for the North Maclay Avenue Pedestrian Streetscape Project; and
- b) Adopt a Resolution authorizing the City Administrator to approve and execute all Program Supplement Agreements Projects (will inform the City Council of all Program Supplement Agreements).

The motion carried unanimously.

CITY COUNCIL ITEMS

9) MORATORIUM ON DOUBLE DRIVE-THRUS

Councilmember De La Torre talked about San Fernando being a healthy City and said she would like that staff research fast-food restaurant double drive-thrus and possibly consider an ordinance to eliminate these.

Mayor Pro Tem Martinez agreed that there is an over saturation of fast-food restaurants (especially in low income communities).

Councilmember Dr. Hernández said that traffic is already backed up with double drive-thrus and is concerned about the impact single drive-thrus would have.

Councilmember Veres said there are many different things that should be considered including the fact that some fast-food restaurants serve healthy foods (sandwiches and salads).

By consensus, Councilmembers directed staff to research and report back, at a future meeting, with recommendations.

10) MORATORIUM ON SELF CHECK-OUT STANDS

Councilmember De La Torre believes that self check-out stands displace people from employment and recommends that staff research how these could be regulated.

Mayor Pro Tem Martinez agreed that self check-out stands are an anti-union approach and asked if there is anything the City can do (especially with any new developments).

By consensus, staff was requested to look into self check-out stands to determine if they could be regulated.

11) LATIN AMERICAN CIVIC ASSOCIATION LETTER OF SUPPORT

Mayor Pro Tem Martinez reported that the Latin American Civic Association is currently applying for funding directly from the Administration for Children and Families (ACF) and LACA is requesting a letter of support.

Irene Tovar, LACA Executive Director, said that LACA's Board of Directors and administration wanted to publicly express their appreciation to Councilmembers Ruelas, Martinez, and Dr. Hernández for their vote of confidence on April 18, 2005.

Board member Belinda Barragan presented a certificate of appreciation to the City Council for its leadership and support of LACA.

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Motion by Mayor Pro Tem Martinez, seconded by Councilmember Dr. Hernández to approve a letter of support for the Latin American Civic Association as they apply directly to the Administration for Children and Families grant.

Councilmember Dr. Hernández congratulated LACA Board of Directors for being nominated by the State Department of Education as the best in California for the last six years.

Mayor Pro Tem Martinez thanked LACA's staff and teachers, said they are a tremendous benefit to the City and surrounding community and wished them luck in applying to ACF.

Councilmember Veres reported that he abstained on his vote back in April because several issues were brought up by the local union. He has always been supportive of the service that LACA provides to the children of the Northeast San Fernando Valley.

Mrs. Tovar reported that there are federal government mandates regarding AA degrees and some individuals were uncomfortable with that. She said they are on the road to more successful working relationships.

In response to Councilmember Veres' suggestion regarding updates, Mrs. Tovar welcomed Councilmembers to meet with LACA board members at any time.

Mayor Ruelas is very proud of LACA's accomplishments and is glad that the teachers, board members and administration are working things out.

The above motion carried with the following vote:

AYES: Ruelas, Martinez, Veres, Hernández – 4

ABSTAIN: De La Torre - 1

12) COUNCILMEMBER APPOINTEE TO MENUDO FESTIVAL COMMITTEE

Councilmember Dr. Hernández said that at the last City Council meeting, Mr. LaBrado mentioned the formation of a Menudo Festival Committee and he is requesting appointment to the Committee.

Mayor Ruelas appointed Councilmember Dr. Hernández and Mayor Pro Tem Martinez to the Committee.

13) FORMATION OF A SWIMMING POOL PROJECT AD HOC COMMITTEE

Mayor Ruelas placed this item on the agenda because there will be negotiations taking place and she would like to appoint herself and Mayor Pro Tem Martinez to serve on this committee.

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Councilmember De La Torre said that she has been involved in this project from the onset and can contribute much knowledge and details and asked why she has been excluded. She said that her experience has brought much added value.

Mayor Ruelas stated that it was not a matter of exclusion, but now that we will be working on the administration building aspect of the project, she would like to be part of the negotiation process (she asked Mayor Pro Tem Martinez to serve on that committee as well).

Mayor Pro Tem Martinez said that she does not have a problem working with any Councilmember on any ad hoc committee and welcomes the opportunity to serve and to learn.

Motion by Councilmember Veres, seconded by Councilmember De La Torre, to reconfigure the Swimming Pool Project Ad Hoc Committee with Mayor Pro Tem Martinez and Councilmember De La Torre. The motion failed with the following vote:

AYES: Veres, De La Torre – 2

NOES: Ruelas, Hernández – 2

ABSTAIN: Martinez - 1

In response to Councilmember Veres' question, Atty. Estrada said that the motion failed therefore, the Mayor's appointments stand.

Councilmember Veres said that he recalled that Councilmember Dr. Hernández (when he was Mayor in 2002) appointed Councilmember De La Torre as Aquatics Planning Committee member.

Mayor Ruelas said Councilmember De La Torre could continue on the design committee.

Motion by Councilmember Veres, seconded by Councilmember De La Torre, that the Mayor and Councilmember De La Torre comprise the Ad Hoc Committee and that there be regularly scheduled study sessions to update City Council on this project. The motion failed with the following vote:

AYES: Veres, De La Torre – 2

NOES: Ruelas, Hernández – 2

ABSTAIN: Martinez - 1

14) EXPANSION OF ASPHALT RECYCLING CENTER NEAR THE PACOIMA WASH

Councilmember Veres reported that the Ad Hoc Committee is concerned that the area near the Pacoima Wash could be negatively impacted by this proposal. He suggested that staff prepare a letter of opposition and encourage neighboring jurisdictions to also submit opposition letters to ensure that this asphalt facility does not expand.

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Mayor Pro Tem Martinez reported that the contract will expire in three years and suggested that the City work with the City of Los Angeles to ultimately do away with this facility that is environmentally unfriendly to the northeast valley.

Motion by Mayor Pro Tem Martinez, seconded by Councilmember Veres, to take a position against the expansion of the asphalt recycling center in the form of a letter to be sent to the City of Los Angeles Planning Department by September 16, 2005, and allow staff flexibility (incorporate any kind of strategy) to make the City's opposition strong. The motion carried unanimously.

GENERAL COUNCIL COMMENTS

Councilmember De La Torre suggested that Councilmembers not get into the habit of dismissing people's abilities, talents, and expertise.

Councilmember Dr. Hernández: 1) announced that Maria Reza is retiring on September 25, 2005, and requested a certificate of appreciation for her; 2) said that he would like to see the Disaster Commission revived as soon as possible; and 3) reported that Mission Community Hospital will be having an open house on September 15.

Mayor Pro Tem Martinez: 1) talked about Hurricane Katrina and urged donations be made to the American Red Cross; and 2) said "respect" is a two-way street and encouraged Councilmembers to set the example and do a better job of communicating and respecting one another.

Councilmember Veres: 1) talked about the upcoming blood drive on September 13; and 2) said there were items placed on the agenda by Councilmembers that did not include basic information such as a general description or desired action and he asked that Councilmembers provide relevant material when adding items to the agenda.

Mayor Ruelas: 1) asked that the meeting adjourn in memory of her aunt Mary Camarillo; and 2) requested that an item be added to the next agenda regarding Emergency Preparedness Update.

STAFF COMMUNICATION

Mr. Pulido said that the City Clerk provided Councilmembers a memo regarding a time frame for completion of the minutes. He asked Councilmembers to provide any input and said that work schedules could be readjusted internally to accommodate the needs of the City Council.

Mayor Ruelas commended Mr. LaBrado and Virginia Diediker for the Concerts in the Park and she looks forward to the El Grito event scheduled for Thursday, September 15.

Mr. Ruiz reported that there will be a tree celebration ceremony on October 22 (more information will be provided in the Status Report).

ADJOURNMENT (9:28 PM)

Motion by Councilmember Veres, seconded by Mayor Pro Tem Martinez, to adjourn in memory of Mary Camarillo. The motion carried unanimously.