

SAN FERNANDO CITY COUNCIL

MINUTES

JULY 17, 2006 – 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 Nury Martinez called the meeting to order at 6:21 p.m.

The following persons were recorded as present:

PRESENT:

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

City Treasurer: Margarita Solis

Staff: City Administrator José E. Pulido, City Attorney Michael Estrada, and City Clerk Elena G. Chávez

PLEDGE OF ALLEGIANCE

Rosario Perez led the pledge.

INVOCATION

Mayor Martinez called for a moment of silence.

PRESENTATIONS

A) INTRODUCTION OF NEW CITY EMPLOYEE DIANA M. CARRILLO

Director of Recreation & Community Services Dan LaBrado introduced Ms. Carrillo and City Councilmembers welcomed her.

SAN FERNANDO CITY COUNCIL

MINUTES – July 17, 2006

Page 2

APPROVAL OF AGENDA

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

PUBLIC STATEMENTS – WRITTEN/ORAL

Hayk Ghazarian, 1601 Truman St., (Truman Fuel), requested permission to park four trucks at their location.

Mayor Martinez asked that Community Development Director Paul Deibel assist them.

Isaac Barcelona, 351 Pagosa Ct., Palmdale, representing Camacho Auto Sales, introduced himself and talked about their upcoming grand opening.

Rudy Guevara, 3129 Verdugo Place, Los Angeles, SEIU Local 347, said it was unfortunate that some City employees are being disrespected, feeling harassment and the affects of favoritism and preferential treatment and said that it has to stop. He said that there are procedures/protocols set up to deal with personnel matters that must be safeguarded and followed.

Kathy Coakley, San Fernando Library, announced that starting July 22, the library will be providing an extra day of service on Saturdays from 11:00 a.m. to 5:00 p.m.

Rudy Ortega, Jr., 601 S. Brand Blvd., Ste. 102, Tataviam Band of Mission Indians, reported that they do not want to stop or oppose the planned Heritage Park, talked about previous meetings they had with Councilmember Veres, asked that the City Council correct the wrong doings of Senator Charles Maclay by returning the remaining acreage of land to the Tataviam Tribe.

Pamela Villasenor, 601 S. Brand Blvd. (business), Deputy Director of the Native American Indian Commission for the City and County of L.A., reported that what is now referred to as L.A. County is the ancestral land of two American Indian tribes (including the Fernandeno), gave background information regarding Rogerio Rocha whose land Heritage Park is to be built upon.

José Luis Ramirez, 13845 Correnti St., Arleta, San Fernando Valley Mexican-American Political Association (MAPA) President requested that Xavier Flores join him and read an official letter from MAPA.

Xavier Flores, MAPA, reported that City employees have sought assistance from MAPA regarding problems involving hostile work conditions and unfair and unequal treatment and he called for an immediate investigation and remedial action. He stated that the grievance procedure has not been implemented in a consistent and unbiased manner and he talked about inappropriate intervention by a Councilmember.

SAN FERNANDO CITY COUNCIL

MINUTES – July 17, 2006

Page 3

Esperanza Ruvalcaba, 722 Kewen St., representing the San Fernando Education Technology Team (SFETT) asked for continued support of their film festival.

Elizabeth Ruvalcaba, 722 Kewen St., member of SFETT, reported that they had a very successful event last year and again are requesting assistance from the City, and invited everyone to the film festival on Saturday, August 5.

Erica Arroyo, 11264 Bartee Ave., Mission Hills, talked about Item No. 9, gave some history regarding the Lopez Villegas house, and reported that the City Council has approved the Lopez Adobe Preservation Plan which calls for an ancillary building.

Beverly DiTomaso, 718 N. Meyer St., also talked about Item No. 9, reiterated that the Lopez Adobe Preservation Plan refers to an ancillary building to be used for archival office space, a kitchen, and a public restroom and stated that the Villegas house can take the place of that building. She reported that through fund raising efforts, the Friends of the Lopez Adobe have saved the City over \$21,000.

Norma Ramirez, 13845 Correnti St., Arleta, President of LULAC Council #3132, reported that they support MAPA and SEIU Local 347 and are concerned about the on going employee issues. Said that she looks forward to becoming part of the City team, has many plans, and one of her major concerns is the swimming pool which she hopes to assist in bringing in resources to finish the project.

Manny Godoy, 551 Griswold Ave., Historical Commissioner, stated that we could hopefully come up with creative funding (regarding Item No. 9), said it seemed that Item No. 14 should fall under the jurisdiction of the Historical Commission, said there is an urgency to fill the Commissioner vacancies, and reported that the lights on the bike path (from Wolfskill to Brand Blvd.) are not on at night.

Antonio Sanchez 18413 Sunburst St., Northridge, MAPA, talked about City workers and their right to present complaints.

Anna Frutos-Sanchez, Southern California Edison, introduced herself as the new regional manager and looks forward to developing good relationships.

Ruben Vargas, Las Palmas Park Senior Club member, spoke against the reassignment of a Recreation & Community Services Dept. employee to another facility. He spoke to other seniors and none had negative comments against her and said that they are all at a loss to understand the move.

Cuauhtemoc Torres, 14844 Alexander St. Mission Hills, Las Palmas Park Senior Club President, reported that it was with great displeasure that he had to bring forward a complaint regarding the move of the Supervisor in charge of Las Palmas Park. He said that she is doing a great job, is a dedicated employee, they were surprised to find out about the sudden move, and he believes the matter was handled wrong.

SAN FERNANDO CITY COUNCIL

MINUTES – July 17, 2006

Page 4

Sam Cordova, 13345 Gridley St., Sylmar, reported that he submitted a letter to the City Council addressing the undocumented workers/immigrant, said that he supports open borders, and asked that the City Council appoint a five-member board to look into all aspects of this problem.

Sev Aszkenazy, 601 S. Brand Blvd., #3, talked about the items on the agenda regarding extensions of development agreements and suggested that the Ad Hoc committee put together a presentation for the downtown business and property owners so that they could understand what is going on.

Joe Lozano, 14631 Brand Blvd., Mission Hills, reported that there are many illegal vendors selling at the corner of Workman and Rinaldi streets and said that Payless Foods conduct barbeques every weekend.

Ruben Sandoval, 1600 block of Coronel St., said that the art program at Las Palmas Park is not being promoted and the computer room is down and hopefully that could be looked into.

Richard Arroyo, 11264 Bartee Ave., Mission Hills, Historical Commissioner, requested approval of Item No. 9 so the Friends of the Lopez Adobe could begin fundraising and help get the project completed. He spoke about the need for appointing the two new commissioners.

Alexandra Sanchez, 700 Harding Ave., R&CS Dept. employee, reported that she personally has undergone much adversity and distress due to the issues at hand. She stated that a Councilmember is abusing her power and asked Mayor Martinez to look into this matter.

CONSENT CALENDAR

Councilmember De La Torre pulled Item No. 9, Mayor Pro Tem Ruelas removed Item Nos. 2, 6, 7, and 10, and Mayor Martinez removed Item No. 4 (also Item No. 10) for further discussion.

Motion by Councilmember Hernandez, seconded by Mayor Martinez, to approve the remaining Consent Calendar Items.

- 1) APPROVAL OF MINUTES OF JUNE 19, 2006
- 3) ORDINANCE ADOPTING FLOODPLAIN MANAGEMENT REGULATIONS
- 5) NOTICE OF COMPLETION AND PROJECT ACCEPTANCE – COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) STREET IMPROVEMENTS FOCUS AREA 2 CDBG PROJECT NO. 600840-05, JOB NO. 7529, PLAN NO. 701
- 8) APPROVAL OF HOUSING CONSULTANT FOR UPDATES TO THE HOUSING ELEMENT OF THE GENERAL PLAN AND TO THE REDEVELOPMENT AND HOUSING IMPLEMENTATION PLAN

SAN FERNANDO CITY COUNCIL

MINUTES – July 17, 2006

Page 5

- 11) FOURTH EXTENSION OF NEGOTIATION AGREEMENT NO. 1520 WITH CMI MANAGEMENT INC./WILSHIRE VENTURES FOR CITY PARKING LOTS NOS. 8 & 10
- 12) SECOND EXTENSION OF NEGOTIATION AGREEMENT WITH GANGI DEVELOPMENT FOR CITY PARKING LOT NO. 3

The motion carried unanimously.

Items Pulled for Further Discussion:

- 2) APPROVAL OF WARRANT REGISTER NO'S. 06-071 AND 06-072

Staff responded to questions from Mayor Pro Tem Ruelas regarding payments to Simon's Power Equipment, Nothing Yet Performance, and Golden Bell Products, Inc.

Motion by Mayor Pro Tem Ruelas, seconded by Councilmember Veres, to approve both Warrant Registers. The motion carried unanimously.

- 4) AWARD OF CONTRACT – COMPRESSED NATURAL GAS (CNG) FAST FILL STATION AT CITY YARD

In response to questions from Mayor Martinez', Mr. Ruiz reported that funds must be spent immediately, otherwise the City will lose the money.

Motion by Mayor Martinez, seconded by Councilmember Veres, to accept a proposal in the amount of \$449,200 from Gas Equipment Systems, Inc. for purchase and installation of a compressed natural gas (CNG) fast fill station and authorize the City Administrator to execute an installation contract with Gas Equipment Systems, Inc. The motion carried unanimously.

- 6) WEED ABATEMENT PROGRAM FISCAL YEAR 2005-2006 - RESOLUTION CONFIRMING COSTS AND ASSESSMENTS

In response to Mayor Pro Tem Ruelas' concern regarding the overgrown weeds at the corner of Maclay Ave. and Truman, Mr. Ruiz will contact the owner.

Motion by Mayor Pro Tem Ruelas, seconded by Mayor Martinez, to adopt a Resolution confirming the itemized assessments, and direct staff to send a certified copy of the Resolution to the office of the Los Angeles County Assessor. The motion carried unanimously.

- 7) SELECTION OF CONSULTANT FOR THE CITYWIDE SALARY STUDY

In response to Mayor Pro Tem Ruelas' question, Personnel Manager Michael Okafor reported that this recommendation was made by the union (all references and elements of the proposals were reviewed). He reported that the cities were listed in the Memorandum of Understanding (MOU).

SAN FERNANDO CITY COUNCIL

MINUTES – July 17, 2006

Page 6

Mayor Pro Tem Ruelas suggested including cities that are comparable in population, general fund, and number of employees in the city of San Fernando and would like that staff research the possibility.

Motion by Councilmember Veres, seconded by Mayor Pro Tem Ruelas, to continue this item to the next City Council meeting to allow staff to research and evaluate the MOU.

Councilmember Hernández also inquired about the cities listed and in response to another question, Mr. Okafor reported that the survey will include Confidential employees but not part-time.

The above motion carried unanimously.

9) RESOLUTION TO APPROPRIATE SUPPLEMENTAL FUNDS TO PURCHASE THE TEMPORARY FOUNDATION AND FENCE FOR THE LOPEZ-VILLEGAS HOUSE AT THE LOPEZ ADOBE SITE

Councilmember De La Torre requested a separate motion regarding this item.

Motion by Mayor Pro Tem Ruelas, seconded by Councilmember Hernández, to adopt a Resolution allocating \$7,000 from current City resources to contract with American Heavy Moving and Rigging, Inc. to pay for the temporary foundation and construction (\$2,678) and to purchase construction fencing (\$4,322) to secure the perimeter of the Lopez-Villegas House subsequent to its relocation to the Lopez Adobe site. The motion carried with the following vote:

AYES: Ruelas, Hernández, Martinez – 3

NOES: De La Torre, Veres – 2

10) HERITAGE PARK – AWARD OF CONSTRUCTION CONTRACT; STATE PROJECT NO. UP-19-028, JOB NO. 7534 – PLAN MS-594

In response to Mayor Martinez' question, City Attorney Estrada recommended deferring this item until after the Closed Session. By consensus, Councilmembers agreed.

NEW BUSINESS

13) SAN FERNANDO REGIONAL POOL FACILITY HISTORY AND UPDATE

Public Works Director Ron Ruiz presented the staff report.

Councilmember De La Torre stated that any modifications regarding the design or deducts should go back to the pool committee for review.

SAN FERNANDO CITY COUNCIL

MINUTES – July 17, 2006

Page 7

Mr. Pulido reported that he had been in contact with the County Supervisor's office and was awaiting feedback whether the State would allow us to change the scope (regarding the second story of the building).

Motion by Mayor Pro Tem Ruelas that the bid packet be released soon as possible requesting that the potential contractor use the bid alternate recommended by the staff and the pool design committee. The motion failed due to lack of a second.

Motion by Mayor Martinez, seconded by Councilmember Hernández, that (between now and the next City Council meeting) staff contact the State concerning our options regarding the second floor, whether the County Supervisor's office will commit to fill project budget gap; and third option would be to report back with the deducts so that we can move forward with the bid process. Also, depending how we move forward after the next City Council meeting, include a newsletter or letter to residents updating them on the pool project.

Councilmember Veres requested a friendly amendment that if we do get to the point of deductions that a Study Session be held to discuss those.

Mayor Martinez accepted his amendment and the motion carried unanimously.

14) DETERMINING THE PURPOSE AND SALE PRICE FOR PUBLICATION *SAN FERNANDO RETROSPECTIVE THE FIRST FIFTY YEARS*

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

Motion by Councilmember Hernández, seconded by Mayor Pro Tem Ruelas, that the cost of the book be \$25 and that the sale and storage be handled by the City Treasurer.

Councilmember Veres suggested setting aside a specific number of books for retiring employees and Councilmembers.

In response to the City Attorney's question, Mr. LaBrado reported that staff believes that the City owns the copyrights to reproduce additional copies.

Mayor Martinez agrees with setting aside a specific number of books, would like that the Historical Commission get involved regarding the issues involving copyrights, and agrees that they should be kept in the City Treasurer's office (vault).

Councilmember Veres suggested that school and local libraries receive one or two copies.

The above motion, along with the suggestions made (setting aside 100 copies for retiring City employees and Councilmembers) and providing school and local libraries with copies, carried with the following vote:

SAN FERNANDO CITY COUNCIL

MINUTES – July 17, 2006

Page 8

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

Councilmember Veres requested that Item No. 18 be discussed after No. 15 since they are related. By consensus, Councilmembers agreed.

15) **AMPLIFIED SOUND PERMIT REQUEST – SEVENTH ANNUAL iCAN FESTIVAL DE CINE, 217-237 NORTH MACLAY AVENUE**

Mr. Paul Deibel presented the staff report.

Motion by Councilmember Veres, seconded by Councilmember Hernández, to approve the amplified sound permit request to allow the San Fernando Education Technology Team (SFETT) to operate a sound system for an outdoor film festival that will be held on Saturday, August 5, 2006, at 217-237 North Maclay Avenue (Library Plaza), subject to the recommended conditions of approval. The motion carried unanimously.

CITY COUNCIL ITEMS

18) **CO-SPONSORSHIP OF THE SEVENTH ANNUAL SAN FERNANDO EDUCATION TECHNOLOGY TEAM iCAN FESTIVAL DE CINE**

Councilmember Veres requested that in addition to the requests listed, that the Police Explorers be present to assist them with possible traffic issues.

Motion by Councilmember Veres, seconded by Councilmember Hernández, to co-sponsor the Seventh Annual San Fernando Education Technology Team iCan Festival de Cine including allowing for display of posters on City bus stops and permitting closure of alley behind Library Plaza (waive \$279 fees), facilitate the use of the County parking facility (Third St. and Maclay Ave.), assistance from the Police Explorers, and Recreation & Community Services Department to cover assistance regarding tables, chairs and possibly sound equipment. The motion carried unanimously.

Councilmember Veres suggested that Item Nos. 17 and 19 be discussed prior to Item Nos. 16 and 10. By consensus, Councilmembers agreed.

17) **RESOLUTION APPOINTING STANDBY OFFICERS**

Mayor Pro Ruelas reported that two Councilmembers have made their appointments and asked if others planned to submit names (Councilmember Veres stated that he would not be doing so). She suggested that once all names are submitted, the Resolution be agendaized for adoption.

19) **APPOINTMENTS TO THE RECREATION AND COMMUNITY SERVICES AND CULTURAL ARTS COMMISSIONS**

Motion by Mayor Martinez, seconded by Councilmember Hernández, to appoint Norma Ramirez to the Recreation and Community Services Commission and Leonard Negrete to the Cultural Arts Commission as Mayor Martinez' representatives. The motion carried unanimously.

NEW BUSINESS (CON'T)

16) DRAFT ACTION PLAN FOR NEIGHBORHOOD PROTECTION AND PRESERVATION (UPDATE OF JULY 10, 2006)

Mr. Deibel presented the staff report.

Mayor Pro Tem Ruelas likes the idea of moving forward with the city prosecutor and having the Community Police Detective reinstated.

In response to Councilmember Veres' concern regarding an evaluation method and success rate, Mr. Deibel responded that after working a month or two on the Library focus area, staff would report back with prioritization and an assessment for funding subsequent areas.

In response to Mayor Martinez' question, staff responded that it was uncertain whether the City Council would desire to use Agency or General funds and due to the shortage of time, did not formulate a budget resolution.

Motion by Mayor Pro Tem Ruelas, seconded by Mayor Martinez, staff to prepare a Resolution to dedicate \$75,000 from the low income housing set-aside Redevelopment funds for the implementation of the focus area intervention strategy specifically \$15,000 for staff overtime and \$60,000 for City prosecutor services.

Mayor Martinez requested an amendment to adopt the Draft Community Action Plan for Neighborhood Protection and Preservation.

The motion, and amendment, carried unanimously.

Motion by Mayor Pro Tem Ruelas that staff report back with more information regarding the budget impact of filling the second Community Policing Detective position.

Discussion ensued regarding the Plan which approves the second Community Policing Detective position and whether a budget resolution is required at this time. Mr. Pulido stated that it would have to be agendized for the next City Council meeting or during mid-year.

RECESS TO CLOSED SESSION (9:27 PM)

Motion by Councilmember Hernández, seconded by Mayor Martinez, to continue Closed Session Item A to the next City Council meeting, and to recess to Closed Session Item B. The

SAN FERNANDO CITY COUNCIL

MINUTES – July 17, 2006

Page 10

motion carried unanimously.

A) CONFERENCE WITH LABOR NEGOTIATORS (G.C. 54957.6)

City Representative: City Administrator José E. Pulido
Unrepresented Employees: Management Group

B) 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.

Statement made by Rudy Ortega, Jr. outside an open meeting of the City threatening litigation if the City Council awards the contract for Heritage Park, and a record of the statement was made by Councilmember Steven Veres prior to the meeting and is available for public inspection in the City Clerk's office.

No reportable action.

RECONVENE (9:51 PM)

Mayor Martinez reconvened the City Council meeting.

CONSENT CALENDAR (CON'T)

10) HERITAGE PARK – AWARD OF CONSTRUCTION CONTRACT; STATE PROJECT NO. UP-19-028, JOB NO. 7534 – PLAN MS-594

Mayor Martinez mentioned her concerns regarding past experiences with the contractor and City Engineer Daniel Wall reported that the contractor is in good standing with Building Trades and Laborers Local 300.

Staff responded to other questions and stated they are prepared to move forward with the terms of the Project Labor Agreement. Staff had also followed up regarding the request from Meyer St. residents for a wall and their concerns of privacy.

In response to Mayor Martinez' questions, Rudy Ortega Jr., reported that this is an opportunity for the City Council to correct the wrong doings that were made in the past and award ownership of the land to the Tataviam Tribe, or at least name the park in honor of Rogerio Rocha. He stated that they support the park and award of the contract and hope to continue discussions.

SAN FERNANDO CITY COUNCIL

MINUTES – July 17, 2006

Page 11

Motion by Councilmember Veres, seconded by Councilmember De La Torre, to accept the lowest responsive bid in the amount of \$2,062,590 from Pima Corporation dba Advanced Construction for construction of these improvements; and authorize the City Administrator to execute a Construction Contract with Pima Corporation.

Mayor Pro Tem Ruelas asked for an amendment that the City maintain discussions with the Tataviam Tribe in order to improve relationships and continue working with them on this project.

The above motion and amendment carried unanimously.

GENERAL COUNCIL COMMENTS

Councilmember De La Torre: 1) said the Relay for Life was a wonderful event and thanked everyone involved; and 2) stated that Draft Action Plan did not address an oversight commission (which she had previously mentioned) and requested that this be agendized soon or possibly a Study Session scheduled.

Councilmember Hernández stated that the allegations made during the public comments are very serious and requested an investigation. He said that employees have the right to speak out regarding wrong doings or their concerns without fear of retribution. He suggested setting up an ad hoc committee to look into improving the grievance procedure.

Mayor Pro Tem Ruelas: 1) in response to her question, Mr. LaBrado reported that Community Based Organizations grant applications were sent out last week; and 2) is glad that the County approved the new library hours and asked if a letter could be sent to L.A. County Librarian Margaret Donnellan Todd thanking her.

Councilmember Veres talked about Heritage Park and the Swimming Pool projects, seeing the end of the road is very positive and thanked everyone for their work

Mayor Martinez: 1) thanked staff for their work on the Action Plan and said that we are moving in the right direction; 2) reminded City Councilmembers of Friday's meeting with the L.A. City Mayor and suggested a Study Session prior to the meeting; 3) thanked Virginia Diediker and the Relay for Life volunteers; 4) thanked Mr. LaBrado regarding the Chivas event; and 5) also called for an investigation regarding the allegations brought forward during public comments and agreed that the grievance process should also be reviewed.

Mr. Pulido reported that there is a process under the MOU for grievances and a policy regarding harassment, will work with Parks and Recreation, and said that there has been a couple of investigations done and appropriate action taken.

Atty. Estrada suggested allowing the City Administrator to consult with the labor counsel and report back regarding the allegations, look into the grievance procedure to see if there is a way to strengthen it, the City Council to determine whether there is a problem, and decide what needs to

SAN FERNANDO CITY COUNCIL

MINUTES – July 17, 2006

Page 12

be done. He suggested possibly agendizing a Study Session to explain procedures and air out concerns.

Mayor Pro Tem Ruelas invited everyone to the new exhibit (“Mariachis” Images of the Past and Present) at the San Fernando Museum of Art & History on Saturday, July 22.

STAFF COMMUNICATION

Mr. Pulido reported that Mr. LaBrado’s last City Council meeting was today.

Mr. LaBrado reported that he accepted a position with the Pleasant Valley Recreation and Park District located in Camarillo.

ADJOURNMENT (10:33 PM)

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