

SAN FERNANDO CITY COUNCIL

MINUTES

OCTOBER 16, 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 6:00 p.m. and announced that City Council Presentations would be made prior to the Redevelopment Agency meeting.

The following persons were recorded as present:

PRESENT:

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

City Treasurer: Margarita Solis

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

PLEDGE OF ALLEGIANCE

Mayor Martinez led the pledge.

INVOCATION

Mayor Martinez called for a moment of silence.

PRESENTATIONS

A) SAN FERNANDO MIDDLE SCHOOL SECURITY AND POLICY UPDATE

Mayor Martinez explained that this was brought to the City Council's attention at the last meeting and she would like to come up with ways in which to strengthen relationships.

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Acting Deputy Chief Mike Bowman (Los Angeles Unified School District Police) provided an overview of the school district police department in the San Fernando Valley (which includes approximately 220 schools and 45 officers assigned to those locations) and reported that one of the best relationships they have is with the San Fernando Police Department.

District 2 Superintendent Jim Morris gave information regarding LAUSD policies and procedures and reported that the new San Fernando Middle School Principal has implemented positive changes.

RECESS CITY COUNCIL MEETING (6:17 P.M.)

Mayor Martinez recessed the City Council meeting and the Redevelopment Agency meeting was called to order.

SECOND TIME RECONVENED (10:47 P.M.)

Mayor Martinez reconvened the City Council meeting a second time (the first time was to hold a joint Public Hearing with the Redevelopment Agency for Item No. 6).

APPROVAL OF AGENDA

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

PUBLIC STATEMENTS – WRITTEN/ORAL

None.

CONSENT CALENDAR

Mayor Pro Tem Ruelas removed Item No. 2 and Mayor Martinez removed Item No. 4 for further discussion.

Motion by Mayor Martinez, seconded by Councilmember Veres, to approve the remaining Consent Calendar Items:

- 1) APPROVAL OF MINUTES OF AUGUST 16, 2006 – SPECIAL MEETING

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3) RESOLUTIONS REQUIRED FOR THE MARCH 6, 2007 GENERAL MUNICIPAL ELECTION

The motion carried unanimously.

Items Pulled for Further Discussion:

2) APPROVAL OF WARRANT REGISTER NO. 06-102

In response to Mayor Pro Tem Ruelas', Ms. Quijano reported that the item in question was regarding a conference that Police Department staff will be attending.

4) SELECTION OF CONSULTANT FOR DIRECTOR OF RECREATION AND COMMUNITY SERVICES RECRUITMENT

Mayor Martinez would like that the City Council play an active role in selecting the new director and she appointed herself and Councilmember Hernández to serve on the Ad Hoc committee.

Councilmember Hernández requested that (under "Qualifications") a qualification which reads *bi-lingual ability and bi-culture experience in a Latino community is highly desirable* and requested that instead, it read *The ideal candidate must demonstrate bilingual ability and bi-culture experience in a community similar to San Fernando.*

Personnel Manager Michael Okafor responded to questions from Councilmembers.

Motion by Mayor Martinez, seconded by Councilmember Hernández, to approve Consent Calendar Items No.s 2 and 4.

The motion carried unanimously for Item No. 2. The motion carried with the following vote for Item No. 4:

AYES: Martinez, Hernández, Ruelas, Veres – 4

ABSTAIN: De La Torre - 1

PUBLIC HEARING

5) ORDINANCE AMENDING THE REDEVELOPMENT PLAN FOR PROJECT AREAS NO. 1, NO. 2, NO. 3, AND NO. 4 TO EXTEND CERTAIN TIME LIMITS

Mayor Martinez declared the Public Hearing open.

City Attorney Estrada made a brief presentation.

Mayor Martinez called for public testimony, either in favor or opposed. There being no comments, she closed the public portion of the Hearing.

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Motion by Mayor Martinez, seconded by Councilmember Hernandez, to adopt Ordinance No. 1575 (second reading) “An Ordinance Of The City Of San Fernando Amending Certain Time Limits In The Redevelopment Plans For Redevelopment Project Area No. 1, Redevelopment Project Area No. 2, Redevelopment Project Area No. 3, And Redevelopment Project Area No. 4 Pursuant To Health And Safety Code Sections 33333.2(D) And 33333.6(E)(2)(D)”. The motion carried unanimously.

FIRST TIME RECONVENED (7:14 P.M.)

- 6) DISPOSITION AND DEVELOPMENT AGREEMENT (DDA) WITH CALMEX DEVELOPMENT, LLC AND WILSHIRE VENTURES CORP. FOR THE REDEVELOPMENT OF CITY PARKING LOTS NOS. 8 & 10

Mayor Martinez reconvened the City Council meeting in order to proceed with a joint Public Hearing concerning the proposed Disposition and Development Agreement (DDA) with Calmex Development, LLC and Wilshire Ventures for the City Parking Lots Nos. 8 & 10.

Senior Planner Fred Ramirez gave an overview with a slide presentation of the project and Mr. Pulido gave a rundown of the financials.

Councilmembers requested to defer their comments/questions at this time.

Mayor Martinez declared the Public Hearing open and asked if there were audience members who wished to speak in favor of the project.

There being none, she called for comments in opposition of the project.

Tom Ross, spokesman for the San Fernando Downtown Association, said that in concept, they are in favor but would like to meet with the developer and the City to talk about their concerns and open up communications.

Severyn Aszkenazy, 601 S. Brand Blvd., stated that it is unfortunate that they did not have the opportunity to have this done in a workshop environment with community outreach, is concerned that this is not the right project, it's complicated, problematic, and said that it will negatively impact the City and community.

Adriana Gomez, 615 No. Workman, stated that Mr. Fainchtein is not a developer but a sales agent with a restricted license who's had lawsuits filed against him, judgments and companies suspended and said what does this say about the integrity of the person the City is relying upon. She said that there have been no meetings and no outreach and asked where is due diligence.

Ernesto Hernández, move-in manager of San Fernando senior housing sub-site two (333 So. Kalisher St.) showed pictures (open trash containers, broken signs, awnings in disrepair, pigeon droppings) of the Value Plus store and the Mission Plaza shopping center, and the fence

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(enclosing the railroad tracks) that is in disrepair. He asked why would the City want to have someone that creates projects like these in our downtown for future generations to deal with.

Cesar Cano, 600 N. Huntington, Parks & Recreation Commissioner, said he can support the right development if it's smart and well thought out but believes that this one will fail because of the parking situation. He talked about the Mission Plaza development, lack of parking and how the process is flawed.

Richard Garland, 16787 Beach Blvd., Huntington Beach, traffic and parking consultant, stated that he was asked to conduct an independent analysis of the parking conditions at the Plaza del Sol development and said that in his opinion, the parking situation as currently proposed, would have a severe parking deficiency which would result in a significant adverse impact.

Ian Fitzsimmons, 601 So. Brand Blvd., said that as a concept, he likes the project however wonders if the City considered the impact of the deficient parking. He stated that Mission Plaza has been around for 16 years and has been under parked by 30 spaces and said that causes problems such as vacancies, blight, and impacts other businesses.

Damon Porter, representing the ownership of 1100 Truman (corner of Truman at Maclay), reported that they have been working with the City to produce a project of mixed use nature and they hope to be treated fairly as Wilshire Ventures.

Martha Diaz, 601 S. Brand Blvd., Pueblo Contracting Services, Inc., President, said that this project does not have enough parking, believes that Mr. Fainchtein does not have the experience to pull off the proposed development, and said that this decision will have a devastating impact on the City's future growth.

Ricardo Buhain, 451 So. Brand Blvd., local business owner and member of Future Growth and Development Committee of Southland Regional Association of Realtors, said that parking is a concern and whether this development has the best interest of the City.

Karen Nichols, 464 Griswold Ave., resident since 1947, stated that the parking lot is not underutilized (drives by it daily) and she said that the traffic is bad in the area of Celis and Brand streets and she will now have to compete with the residents of that new community.

Mike Perez, 709 Fourth St., said that he likes the improvements going on except that this project/building is too tall and runs the risk of looking like a fort.

Before Mayor Martinez closed the Hearing, Atty. Estrada said that it would be appropriate to allow the developer to respond to the comments made.

Enrique Fainchtein stated that he began his professional career in real estate in 1958 and has developed nearly 2,000 buildings. For this project, he has put together a team (including a prominent architectural firm and experienced general contractor) that will make this City proud.

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He reported that there is not one single case against him that can prove he embezzled or did anything wrong. He talked about projects that the developer who was bringing accusations against him has done including one that was shut down because people were seriously injured and another which is not in compliance with the ADA. He reported that the City is not giving him a single dime, his team has been working closely with staff, this project complies with all parking requirements and will include 105 parking spaces that will be open to the public (the City will be collecting meter fees).

Gustav Soderbergh, Van Tilburg, Banvard & Soderbergh, project architects, made a few clarifications including the colors of the computer rendering and said that the highest point on the corner tower is 75 feet tall but the building is 60 feet high on the Celis St. side and 50 feet on the Pico St. side.

Larry Hoffman, Fassberg Construction, stated that they are a large general contractor and has worked with Mr. Fainchtein and Van Tilburg Architects and said that this project will be very positive one for the City.

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

Staff, Antonio Coco (Principal of Coco Traffic Planners, Inc.), and Mr. Hoffman responded to questions from Councilmembers.

Atty. Estrada reported that if there is a motion to approve the project (via adoption of the joint resolution) that it could be done subject to whatever additional conditions Councilmembers articulate.

Mr. Fainchtein proposed that a list be made of the things we want to incorporate in the DDA so we could at least agree on the basic issues that will have to be modified.

Mayor Martinez stated that her concerns were to:

- 1) Incorporate some of the elements in the PLA (including that the developer make an effort at local hiring and local suppliers); and
- 2) Continue dialogue with the Downtown Business Association in terms of workshops, input on design, and parking issues.

Councilmember De La Torre wants to make sure that:

- 1) Escrow and title companies be changed to agencies in the San Fernando Valley (if there is an escrow company in the City that can handle the matter, that we give it to that company);
- 2) If the live/work spaces are converted to office spaces, that the project absorb (on site) any additional parking spaces that may be needed;

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- 3) Any requirement after the Certificate of Completion to rent out the units that conform to any insurance requirements under the Home Owner's Association with respect to owner occupied units to rental units; and
- 4) That any deferred fees have a cap that must be paid due and payable at 60 months (not 84 months).

Councilmember Veres added:

- 1) Separate Quimby fees (should not be deferred and should be considered upon completion of the project); and
- 2) Does not believe that the 18 curbside parking spaces should be included (were assigned to the downtown space already) but can be made up through the in-lieu of fees.

Mayor Martinez said that she wants to move forward if those recommendations are accepted by the developer or at least he is willing to negotiate?

Mr. Fainchtein replied "yes".

Motion by Councilmember Hernández, seconded by Mayor Martinez, that the City Council adopt "A Joint Resolution of the San Fernando Redevelopment Agency and the City of San Fernando Making Certain Findings, Adopting a Mitigated Negative Declaration, Approving a Disposition and Development Agreement between the San Fernando Redevelopment Agency and Calmex Development, LLC and Wilshire Ventures Corp, a Joint Venture, Authorizing the Grant by the City to the Developer of a Subsurface Easement for a Parking Structure and Sale of Certain City-owned Property to the Agency, and Authorizing the Sale of Such Property to the Developer, subject to the additional conditions articulated by Mayor Martinez and Councilmembers De La Torre and Veres.

The motion carried with the following vote:

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

RECESS CITY COUNCIL MEETING (10:28 P.M.)

Mayor Martinez recessed the City Council meeting and the Parking Authority meeting was called to order.

SECOND TIME RECONVENED (10:47 P.M.)

See above Approval of Agenda.

NEW BUSINESS

7) REVIEW AND COMMENT ON DRAFT ENVIRONMENTAL IMPACT REPORT ON PROPOSED VALLEY REGION HIGH SCHOOL NO.5

Community Development Director Paul Deibel presented the staff report.

Councilmember Hernández said that among other things, he was very disappointed with the architectural design and wonders whether a letter to the school district will make a difference.

Councilmember De La Torre thought that the original design was for a practice field and not a 1,500-seat football stadium and asked what happened. She is also concerned about the issue of the proposed pick-up and drop-off zone, no student parking, and no sidewalks.

In response to Mayor Pro Tem Ruelas' question regarding the two commercial buildings across the street, Robin Brown, Development Program Manager for L.A.U.S.D., reported that it was investigated and the conclusion was that one operation poses no risk to students and the other facility in question sells gun parts and ammunition (blanks).

Motion by Mayor Martinez, seconded by Councilmember De La Torre, to authorize staff to prepare a letter for the Mayor's signature to the governing board of the Los Angeles Unified School District conveying the City Council's concurrence with the Planning Commission's Resolution concerning proposed development of Valley Region High School No. 5, and to include any additional comments from the City Council.

In response to Councilmember De La Torre's question regarding naming of the high school, Mr. Brown stated that the community along with the Board Members can make the request, if there is support, then a resolution can be made before the Board to adopt.

The above motion carried unanimously.

CITY COUNCIL ITEMS

8) RESOLUTION TO PROVIDE PROJECT FUNDS AND APPROVAL OF A FENCE HEIGHT WAIVER FOR HERITAGE PARK

Councilmember Veres gave background information and reported that it is the recommendation of the Ad Hoc committee to move forward with the fence, fence height waiver (from 6 to 8') and approval of funds.

In response to questions, City Engineer Daniel Wall explained that the cement fence has the appearance of wood, provides some measure of sound proofing, is durable and maintenance free, and is less prone to damage from an earthquake.

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Mayor Martinez said she recalled that when the contract was awarded, it was reported that the fence was not an issue with the neighbors and said that this could have been dealt with in the beginning.

Councilmember De La Torre said that she did not think that people realized at the time, but it made a visual impact when the public meetings were held.

Motion by Mayor Martinez, seconded by Councilmember Hernández, to adopt a Resolution of the amending the Budget for the Fiscal Year 2006-2007 Adopted on June 19, 2006, due to a Project Budget Increase and a Waiver of the Requirements of the Municipal Code for Fence Height for Heritage Park. The motion carried unanimously.

9) **PROPOSITION 87 – OIL TAX FOR CLEAN ENERGY**

Mayor Martinez gave background information regarding California Clean Alternative Energy Initiative 87 on the November ballot and requested support from her colleagues.

Motion by Mayor Martinez, seconded by Councilmember Hernández, to adopt a Resolution in support of Proposition 87. The motion carried unanimously.

10) **INCIDENT AT SAN FERNANDO MIDDLE SCHOOL**

Mayor Martinez reported that this item had been dealt with during Presentations. She requested that Captain Robert Ordelheide convey to Police Chief Anthony Alba to make certain that there are on-going communications with the school district police.

GENERAL COUNCIL COMMENTS

Councilmember De La Torre mentioned an email received from the Middle School Principal announcing that Rigoberta Menchu will be at the school on Wednesday.

Councilmember Hernández reported that there were members of the audience that waited several hours to speak regarding Heritage Park and the high school and maybe those items should have been moved up on the agenda.

Mayor Pro Tem Ruelas said that the condition of the well on Foothill Blvd. looks bad (drip stains) and asked if that could be addressed.

Councilmember Veres reported that there was a new Chairman of the Board for the Metropolitan Water District and asked that staff send a congratulatory letter (on behalf of the Mayor and himself) and to wish him well.

Mayor Martinez: 1) congratulated staff on the great job done on the Menudo Festival and 5K Run (in response to her suggestion, staff will be setting up a debriefing with Mr. Lozano next

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week); 2) reported that she visited the Valley Family Center and it's a beautiful building; 3) said it would be good to recognize John Brooks at the next City Council meeting and present him with a plaque; 4) there will also be a dinner at Las Palmas Park in honor of Rigoberta Menchu next Wednesday; and 5) met with parents last week regarding use of the parks and in response to her question, Atty. Estrada stated that he could work with staff regarding a fee waiver and liability issues.

STAFF COMMUNICATION

None.

ADJOURNMENT (11:37 PM)

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