

SAN FERNANDO CITY COUNCIL

MINUTES

SEPTEMBER 18, 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 6:12 p.m.

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

Staff: City Administrator José E. Pulido, City Attorney Michael Estrada, and Deputy City Clerk Laura Valdivia

ABSENT:

City Treasurer: Margarita Solis

PLEDGE OF ALLEGIANCE

Mayor Martinez led the pledge.

INVOCATION

Mayor Martinez called for a moment of silence.

PRESENTATIONS

A) CHILDHOOD INJURY PREVENTION WEEK (SEPTEMBER 22 – 28, 2006)

Mayor Martinez read the proclamation and stated that it would be mailed to the organization that requested it.

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B) HEALTHY CITIES DESIGNATION

Public Works Director Ron Ruiz introduced Thea Perrino of the Center for Civic Partnership who congratulated the City on the recent funding award of \$12,500 and designation as a California Healthy City & Community.

C) LATINO HEALTH AWARENESS MONTH

Councilmember De La Torre read the proclamation and requested that it be posted at the Parks for the children to read.

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

None.

CONSENT CALENDAR

Mayor Pro Tem Ruelas removed Item Nos. 2, 4, and 5, and Councilmember Dr. Hernández removed Item No. 6 for further discussion.

Motion by Mayor Pro Tem Ruelas, seconded by Mayor Martinez, to approve the remaining Consent Calendar Items.

- 1) APPROVAL OF MINUTES OF SEPTEMBER 5, 2006
- 3) WEATHER BASED IRRIGATION CONTROLLERS BID AWARD
- 7) AMPLIFIED SOUND PERMIT REQUEST: SANTA ROSA CHURCH, 668 S. WORKMAN STREET

The motion carried unanimously.

Items Pulled for Further Discussion:

- 2) APPROVAL OF WARRANT REGISTER NO. 06-092

Staff responded to questions from Mayor Pro Tem Ruelas regarding payments for Hepatitis A Vaccines; Strobe Light Bars with Arrows; and for Cultural Resources Monitors.

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

4) **RESOLUTION APPROVING AMENDMENT NO. 6 TO THE JOINT POWERS AGREEMENT WITH THE INDEPENDENT CITIES LEASE FINANCE AUTHORITY (ICLFA)**

Mayor Pro Tem Ruelas requested clarification of why the City is financing something to be utilized by non-profit organizations and K-12 school districts.

Finance Director Lorena Quijano explained that the cities will not be financing projects and programs for school districts and non profits but rather the amendment to the agreement will allow school districts access to use ICLFA as a way to issue bonds or self finance because membership in the organization provides for better interest rates.

Motion by Mayor Pro Tem Ruelas, seconded by Mayor Martinez to approve Amendment No. 6 to the Joint Powers Agreement with the ICLFA. The motion carried unanimously.

5) **CALIFORNIA RECREATIONAL TRAILS GRANT PROGRAM RESOLUTION**

In response to Mayor Pro Tem Ruelas question about why the City can use the MRCA \$1 million as a matching grant if they aren't the City, Public Works Director Ron Ruiz stated that the MRCA has shown an interest to partner with the City and it is essentially the same project.

The Mayor Pro Tem asked if there is a formal resolution for that partnership and Mr. Ruiz stated that because they have already expressed their interest to do this, all the City needs to do is identify who our partnering groups are and create a budget and all of the information will be verified at a later time during the process.

Mayor Martinez suggested that staff consider adopting a formal resolution.

In response to Councilmember Dr. Hernández' inquiry of a cost breakdown for the trail, Mr. Ruiz stated that the master plan has some details but not any numbers yet, and that a meeting of the Pacoima Wash Ad Hoc committee will be held soon to discuss finalizing the details of what the City wants to apply for and how we would like to use the funds.

Motion by Mayor Pro Tem Ruelas, seconded by Councilmember Dr. Hernández to approve a Resolution authorizing the Public Works Department to submit an application to the State of California Parks Recreational Trails Program for the Pacoima Wash Greenway Project. The motion carried unanimously.

6) **PROPOSITION 50 TRAILS GRANT PROGRAM RESOLUTION**

Mr. Ruiz confirmed for Councilmember Dr. Hernández, that this is essentially the same recommendation as Item No. 5 only with a different funding source.

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Motion by Councilmember Dr. Hernandez, seconded by Mayor Martinez to approve a Resolution authorizing the Public Works Department to submit an application to the California River Parkways Grant Program for the Pacoima Wash Greenway Project. The motion carried unanimously.

NEW BUSINESS

8) BUDGET APPROPRIATION FOR HEALTHY CITIES GRANT

Public Works Director Ron Ruiz presented the staff report.

Councilmember Steven Veres asked what areas this grant will affect and what the specifics of the plan are.

Mr. Ruiz stated that this is only to amend the budget and the development of the plan will be provided in a future status report.

Mayor Pro Tem Ruelas recommended that notices be sent in the mail rather than placed on the doorknobs, and said personal phone calls to residents might encourage participation.

Motion by Mayor Pro Tem Ruelas, seconded by Councilmember Dr. Hernández to recommend that the City Council approve a Resolution requesting a budget appropriation of \$12,500 to implement the San Fernando Walking Club. The motion carried unanimously.

CITY COUNCIL ITEMS

9) FISCAL YEAR 2006-2007 COMMUNITY BASED ORGANIZATION (CBO)
PROGRAM REALLOCATION OF FUNDING

Councilmember Dr. José Hernández stated that since he did not distribute all of his CBO allocation at the last meeting, he would now like to make a motion to reallocate \$6,000 to be used by the Cultural Arts Commission for programs of their choice.

Councilmember Veres stated that had he known he had an option to do this he would not have allocated his \$9,000 at that time.

Mayor Martinez asked if Councilmember Dr. Hernández had previously consulted with staff or the City Attorney and he stated that he had asked City Attorney Estrada and that Mr. Estrada agreed it was possible.

City Attorney Estrada clarified that he had thought that with Council's approval it was possible.

In response to Mayor Martinez' question to Councilmember Veres asking if he wanted to amend his previous appropriation, Councilmember Veres stated if he has an option to do that then he

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would like to. He stated there were organizations that did not have an opportunity to participate or withdrew their application due to concerns.

City Attorney Estrada stated there is a fundamental difference between the Council as a body reallocating money to a City function or program versus taking money that was previously allocated and reallocating it to a non City program. Mr. Estrada also pointed out there are program guidelines and people who abide by those guidelines, and to allocate funds to organizations that could have participated but did not, would undercut the program.

Councilmember Veres stated that it could fall into the guidelines Mr. Estrada is suggesting. He stated that he went forward and allocated all the funds that he had at that time because he did not know he had another option.

Mayor Martinez stated her only concern would be in taking back money that has already been allocated.

Councilmember De La Torre said her only concern is that the City would have no idea of where and how the money to the Cultural Arts Commission will be spent.

Mayor Pro Tem Ruelas requested clarification on the motion.

Councilmember Dr. Hernández stated the Cultural Arts Commission has a strong interest in developing and maintaining the culture of our City and he has every faith they will spend the money wisely on programs that would benefit our community.

Councilmember Veres stated that it still goes outside the program guidelines that other organizations are expected to abide by and he suggested that the money go back to the General Fund and reviewed as another expenditure in the future.

City Attorney Estrada stated the Council should be aware that it is one thing to allocate funds to the Cultural Arts Commission to distribute among the Youth Council or City programs, it's another thing to give them carte blanche to allocate it to the same types of programs that could have applied here. He said it's not illegal, but that it could undercut the City's program and create another step where others can come in for mini-grants.

Mayor Martinez amended the motion to include that the Cultural Arts Commission cannot award any of this funding to non profit organizations.

Motion by Councilmember Dr. Hernández, seconded by Mayor Pro Tem Ruelas to reallocate \$6,000 of Councilmember Dr. Hernández' CBO funds to be used by the Cultural Arts Commission and that the Commission cannot award any of this funding to non profit organizations.

The motion carried with the following vote:

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AYES: Martinez, Ruelas, Hernández – 3
NOES: Veres – 1
ABSTAIN: De La Torre - 1

10) ALEXANDER STREET AND HAGAR STREET NEIGHBORHOOD
INTERSECTIONS

Councilmember De La Torre stated there are several intersections in this neighborhood that are difficult to navigate across. She said she knows the traffic count did not meet the requirements, however, there is a difference between vehicle traffic and pedestrian traffic and these streets are the pathway to the schools. She said the request from the community is that four-way stop signs be placed at the intersections of Library & Hagar; Alexander & Fourth and Alexander & Fifth and that they also be red-curbed because of the danger to cross.

Mayor Martinez stated that residents are told to follow a process and come before the Transportation & Safety Commission then their requests are denied. She asked if the solution is for a Councilmember to place an item on the agenda for it to be approved, then why have a Transportation & Safety Commission.

Councilmember Veres left the meeting at 6:53 p.m and returned at 7:04 p.m.

Public Works Engineer Daniel Wall stated that as a professional engineer in the State of California he must say it does not meet engineering criteria. He said he has an obligation to insure that something he puts forward meets the professional engineering criteria established by the State and approved by the City Council. He explained that the Council can direct that a stop sign be installed where criteria has not been met, however, as an engineer he cannot make a decision that is contrary to the data that he has been provided.

Mayor Martinez said if that is the only way we can address some of the issues Councilmember De La Torre is raising, and if we're not going to meet engineering criteria, then let's bring it before the City Council and get some of these things done to make sure our children are safe.

Mr. Ruiz stated that not every petition that goes before the Commission is denied, many petitions are approved and actions are taken. He said the reason the State has come up with these standards is to ensure some level of safety and sometimes stops signs can have an adverse affect and actually reduce safety. He stated that the City's Traffic Calming Plan takes into account all of these things and has collected data of where the most troublesome areas are and staff has addressed those areas. He said the Council can instruct staff to install a stop sign, but he wants to be sure the City adheres to requirements adopted by the City Council in addition to the State's requirements.

Mayor Martinez asked staff what their professional opinion was regarding the request that Councilmember De La Torre has brought forward.

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Mr. Wall responded that red curbing is a good recommendation, as well as crosswalks and school signage if a charter school is opened in that area, however, putting a stop-sign at Fourth & Alexander would lead to an increase to rear-end collisions.

Councilmember De la Torre responded and said that was the same excuse given regarding Griswold Street, however, that happens anytime you install a stop sign that people are not used to.

Councilmember Dr. Hernández said that it took him 25 years to get a traffic light on South Brand because Mr. Drake said that area didn't meet the criteria. Dr. Hernández said the criteria is a guideline not the law.

Mayor Pro Tem Ruelas stated that maybe its time we revisit the traffic calming plan to update it to meet our needs.

City Administrator Jose Pulido stated that the Traffic Calming Plan has worked because it's created a process and it's lessened the criteria of the State of California from when you couldn't get any speed humps at all. He said the plan has always allowed for the Council to give staff direction, however, he encouraged the Council to continue to follow the process that the plan lays out because that is what the City's insurance carriers look at. He said this particular item has already gone through the process and if the Council feels there is a need in that neighborhood then Council can give staff that direction. He said staff would not encourage Council to bypass the plan or the Traffic & Safety Commission to get these things done.

Mayor Pro Tem Ruelas agreed with the red curbing recommendation and said it should be tried first and if there are still problems staff could then look into the other option of installing a stop sign which is the more expensive alternative.

Mr. Wall stated that the cost is negligible and money would not be an issue here.

Councilmember Veres said that during the workshops for the Traffic Calming Plan the three "E's" Enforcement, Education & Engineering were discussed and he feels we haven't done a very good job with education. He said instead of stop signs on every corner there are other options such as peanuts which work well in other communities to slow traffic down.

Motion by Councilmember De La Torre, seconded by Mayor Martinez to install four-way stop signs and red curbing at Alexander and Fourth Street and at Alexander at Fifth Street and that red curbing and pedestrian crosswalks be painted at Library and Hagar Streets.

The motion carried with the following vote:

AYES: Martinez, Ruelas, De La Torre, Hernandez – 4

ABSTAIN: Veres – 1

GENERAL COUNCIL COMMENTS

Councilmember De La Torre: 1) thanked the Council for their decision and knows the residents in that area will be very excited to hear it was approved; 2) apologized for missing El Grito and the Heritage Park Groundbreaking due to her son's tournament, but heard they both went very well.

Councilmember Dr. Hernández: 1) asked Mr. Wall to explain to the Transportation & Safety Commission that the Engineering Criteria they use is only a guideline; 2) asked Public Works to find out why the speed limit is 45 miles per hour on Glenoaks Boulevard in San Fernando and 35 miles per hour in Pacoima and Sylmar; and 3) asked about the criteria for sidewalk repair all over the City including the Southside.

Mayor Pro Tem Ruelas: 1) requested that the August 17th letter from Ritmo Latino be agendaized for the next meeting; 2) distributed the Los Angeles County Public Library Commission report on safety to the City Council and Disaster Council; and 3) requested clarification on the date and time for the upcoming LAUSD draft EIR public meeting.

Mayor Martinez clarified that there are two LAUSD meetings scheduled, one is pre-construction meeting on Thursday, September 21st for the new elementary school and the other is on Monday, September 25th on the draft EIR for the new high school.

Councilmember Veres: 1) said we need to manage our limited resources and develop and implement future traffic calming strategies and bring them back to the City Council; 2) thanked Public Works staff for the good job on the Heritage Park Groundbreaking; and 3) reported that the Heritage Park Ad Hoc Committee met with residents regarding the fencing and staff will be implementing as many of the changes as possible in response to their concerns.

Mayor Martinez: 1) requested a list of scheduled sidewalk and street repairs from Public Works; 2) congratulated staff on a wonderful job on El Grito; 3) congratulated Councilmember Veres and Public Works on the beautiful Heritage Park Groundbreaking event on Saturday; 4) reminded everyone of the Elementary School #8 pre-construction meeting this Thursday at 6:30 p.m. at Morningside; and 5) announced the free Latina Salud a Vida conference sponsored by the City of San Fernando to increase awareness among Latina women of ovarian cancer, being held on Saturday from 9 a.m. to 4p.m. at the Odyssey.

Councilmember Veres left the meeting at 7:39 p.m.

STAFF COMMUNICATION

Mr. Wall responding to Councilmember Dr. Hernández' inquiry about the different speed limits on Glenoaks Boulevard, stated the reason for the difference is to allow police officers to use radar, otherwise it would be considered a speed trap if the speed limit was the same in both cities.

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In response to Councilmember Dr. Hernández' question regarding sidewalk repair in the Southside of the City, Mr. Ruiz stated that the funding is coming from the Redevelopment Project Area so there are restrictions on where the funds can be used. He explained that the additional funds Council recently approved is allowing staff to make headway and get to the sidewalk repairs in addition to getting to the trees which cause damage when they lift up the sidewalks after repairs are made.

Mr. Pulido thanked Public Works and Parks & Recreation staff for all of the wonderful work done on the great events during the last couple of weeks.

Helen Collins announced the Hazardous Materials Waste Roundup scheduled for this Saturday from 9 a.m. to 2 p.m. in parking lot 6N.

RECESS TO CLOSED SESSION (7:42 P.M.)

Motion by Councilmember Dr. Hernandez, seconded by Mayor Pro Tem Ruelas, to recess to the following Closed Session, thereafter to adjourn. The motion carried with the following vote:

AYES: Martinez, Ruelas, De La Torre, Hernandez – 4
ABSENT: Veres – 1

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (G.C. 54956.9 (a))

Name of Case: Michael Somerville v. City of San Fernando
WCAB Case No.: VNO 0459348; 0459349
Claim No.: A2240019

No reportable action.