

SAN FERNANDO CITY COUNCIL

MINUTES

AUGUST 20, 2007 – 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 6:18 p.m.

The following persons were recorded as present:

PRESENT:

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

City Treasurer: Margarita Solis

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

PLEDGE OF ALLEGIANCE

Mayor Ruelas led the pledge.

INVOCATION

Mayor Ruelas gave the invocation.

PRESENTATION

The award for Outstanding Organics Program from the California Resource Recovery Association was presented to the City Council by Tom Ybarra of Crown Disposal.

APPROVAL OF AGENDA

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

Councilmember Dr. Hernández left the Council Chamber at 6:39 p.m. and returned at 6:45 p.m.

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PUBLIC STATEMENTS – WRITTEN/ORAL

Eugene Hernández, Sylmar, stating his support of Item No. 11 Impeach President George W. Bush and thanked the City Council for placing this item on the agenda.

Michael Jay Miltenberg, stating that every elected official takes an oath to protect and defend the U.S. Constitution and urged the City Council to pass the resolution to impeach the President.

Sharona L. Smith, Los Angeles, stating the Constitution is the employee handbook for the City Council and out of respect to families in Los Angeles County who have lost loved ones, she urged the Council pass the impeachment resolution.

Marilyn Goodman, Santa Monica, former teacher and counselor at San Fernando High School, encouraged the City Council to uphold their oath to the constitution and pass a resolution of impeachment.

Elena Aragon, San Fernando, stating the message City Council can send is Si Se Puede, you can pass the resolution to impeach.

Robin Gilbert, North Hills, stating that George W. Bush and Dick Cheney have lied us into a reckless, illegal and costly war by repeatedly lying to Congress, to the American people and to the international community.

Los Angeles Commissioner Barrientos, Encino, personally thanked the City Council for attending the First Annual Cross Cultural event between the Hispanic and middle eastern communities. She added that she looks forward to working with the City and educators to discuss some of the programs they have in mind for youth.

Harry Tischler, Canoga Park, stating that President George W. Bush and Richard Cheney have violated the constitution and are guilty of starting a war based on lies. He encouraged the City Council to stop them now.

William M. Bassett, Panorama City, stating that taking the nation to war under false pretenses is a high crime and explained that the process of impeachment is to call for investigations about these allegations. He said it is the City Council's duty to press for these investigations.

Byron DeLear, stated that a City vote to impeach says we don't want to have an executive branch act in a reckless manner according to the rule of law. He said over 80 cities and townships across the United States are voting to approve impeachment resolutions, so by the City of San Fernando voting to support impeachment would act as a message to Washington D.C. that you can fight a global war on terror but you have to do it under the rule of law.

Steve Fine, North Hollywood, stating this body has the right to petition the U.S. House of Representatives which gives you a unique advantage to represent so many more people than we can individually. He urged the Council to send a message to our local representatives by passing the resolution to impeach.

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Ana Uribe, Universidad de Colima, Mexico inviting San Fernando to revive their sister city status with Colima and welcomed the Council to an upcoming event.

Lenny Castillo, San Fernando, spoke on her ongoing issues with opening a dance studio on Maclay and believes that staff is trying to do all they can to help her resolve these issues, however there is an urgency because she's had to pay one month rent to hold the space and she needs to resolve these issues right away.

Michael McCue, stating the impeachment issue is urgent due to more wars being planned based on false information. He said that for generations Americans have been giving their lives to protect the constitution of the United States and our rights and constitution are being violated. He said if you believe in our constitution and are sworn to protect and defend it, then you must vote to recommend to Howard Berman and the Congress to impeach Bush and Cheney.

CONSENT CALENDAR

Mayor Ruelas pulled Item No. 1 and Councilmember Dr. Hernandez pulled Item No. 2 for further discussion.

Motion by Mayor Pro Tem Martinez, seconded by Councilmember Veres, to approve Item Nos. 3 through 7 on the Consent Calendar as recommended. The motion carried unanimously.

3) DESTRUCTION OF RECORDS – CITY TREASURER'S OFFICE

The City Council adopted Resolution No. 7213 Authorizing and Directing the City Clerk to Destroy Certain City (Treasurer's Office) Records and Documents Pursuant to Section 34090 of the Government Code of the State of California; and directed the City Clerk to execute the Destruction List Approval Form and Certificate of Destruction Form.

4) DESTRUCTION OF RECORDS – FINANCE DEPARTMENT

The City Council adopted Resolution No. 7214 Authorizing and Directing the City Clerk to Destroy Certain City (Finance Department) Records and Documents Pursuant to Section 34090 of the Government Code of the State of California; and directed the City Clerk to execute the Destruction List Approval Form and Certificate of Destruction Form.

5) PERMIT REQUEST FOR ANNUAL FIESTA – SANTA ROSA CATHOLIC CHURCH

The City Council approved, with conditions, the annual fiesta for Santa Rosa Catholic Church for the dates of September 7, 8 and 9, 2007 during the hours requested; approved an amplified sound permit; and approved reserved parking on Kalisher Street between Griffith Street and Mott Street.

6) NOTICE OF COMPLETION AND PROJECT ACCEPTANCE - 501 ROBERT F. KENNEDY DRIVE SEWER MAIN INSTALLATION, JOB NO. 7540

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The City Council accepted the job as performed by Adjul Corporation DBA Lee Construction, Inc. and considered the work complete; authorized the City Administrator and the City Clerk to sign and file the Notice of Completion with the Office of the Registrar-Recorder/County Clerk; and authorized the release of the 10 percent retention after the 35-day lien period from the date the Notice of Completion is recorded.

7) ACCEPTANCE OF OFFICE OF TRAFFIC SAFETY DUI GRANT AL0828

The City Council accepted California Office of Traffic Safety Grant funds of \$111,028 for Driving Under the Influence Enforcement and Awareness Program Grant A10828; and authorized the Chief of Police to expend the funds as detailed in the staff report.

Items Removed for Further Discussion:

1) APPROVAL OF WARRANT REGISTER NO. 08-082

Mayor Ruelas asked about the large payment to Aegis and Finance Director Lorena Quijano explained that it was due to final invoices for the last fiscal year and the City Yard relocation.

Motion by Mayor Ruelas, seconded by Councilmember De La Torre, to approve Warrant Register No. 08-082. The motion carried unanimously.

2) RESOLUTION FIXING A PROPERTY TAX RATE AND LEVYING TAXES FOR THE CITY'S OBLIGATION TO THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS) FOR FISCAL YEAR (FY) 2007-2008

Councilmember Dr. Hernández asked what the legal basis is for increasing the tax rate and what was the source of the Redevelopment Agency funds. He also asked staff where the difference between the \$0.28 and \$0.30 will come from. Mr. Pulido responded that this tax was approved by a ballot measure in 1946 prior to Proposition 13 and because there is a cap of how much you can charge, \$0.28 per \$100 is the maximum. He explained that the difference will come from tax increment from the Redevelopment Project areas.

Councilmember Veres stated that San Fernando is one of 13 cities in the State that is able to assess this kind of tax. He asked if we are adding an unfair burden on our residents since we are surrounded by the City of Los Angeles where the tax rate is substantially lower and you have houses similar in value and the only difference is a couple hundred feet. He asked if staff had explored different ways to replace this income. He stated there are more than 13 municipalities in the State of California and if those cities did away with this PERS tied-to-property tax, he's sure there can be a future in San Fernando where that might be the same kind of case.

Finance Director Lorena Quijano responded that it is an estimated cost of \$3 million, so that would mean an additional \$3 million would have to come from other sources of revenue in the General Fund or we would need to decrease expenses in other ways.

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Councilmember Veres stated that the Franchise Tax Board offers low income housing assistance for seniors, the disabled, etc, and asked if we have that same situation for this particular tax. Ms. Quijano responded that this is a flat tax and there are no exclusions or reductions based on income. Councilmember Veres requested that staff explore ways to provide some kind of assistance to those that are disadvantaged, lower income, and disabled. He said the State has a model program of requirements and perhaps that's something staff can look into and utilize. City Attorney Estrada stated that his initial reaction to that is the City cannot discriminate based on the nature or age of the payer of tax.

Councilmember Veres requested that City Council direct Mr. Estrada to investigate whether the City can provide any kind of assistance for the disabled, low income or senior citizens of certain income level. Mayor Pro Tem Martinez agreed and requested that the item move forward.

In response to Mayor Ruelas' inquiry about the August 20th due date, Ms. Quijano replied that she contacted the County of Los Angeles and submitted a draft to them prior to City Council approval. She explained the County was fine with the draft because the numbers would not change and once it was approved by the City Council the conformed resolution would be sent.

Motion by Councilmember Dr. Hernández, seconded by Mayor Ruelas that the City Council adopt Resolution No. 7212 which will establish the amount necessary to be raised by taxation for the City's annual payment to the California Public Employees' Retirement System (PERS) which is estimated at \$3,073,800 for FY 2007-2008, and fix the property tax rate for FY 2007-2008 at \$0.28420 per \$100 of assessed valuation and levies that tax rate upon all taxable property in the City. The motion carried unanimously.

PUBLIC HEARING

- 8) RESOLUTION CERTIFYING THAT THE CITY OF SAN FERNANDO IS IN CONFORMANCE WITH THE REGIONAL CONGESTION MANAGEMENT PROGRAM

Mayor Ruelas declared the public hearing open.

Community Development Director Paul Deibel presented the staff report.

There being no public comment in support or opposition to the Resolution, Mayor Ruelas declared the public hearing closed.

Motion by Councilmember Dr. Hernández, seconded by Mayor Pro Tem Martinez that the City Council approve Resolution No. 7215 certifying that the City of San Fernando is in conformance with the 2004 Congestion Management Program for Los Angeles County, and approving the City's 2007 CMP Local Development Report for the reporting period from June 1, 2006 to May 31, 2007. The motion carried unanimously.

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Councilmember Dr. Hernández requested that Item No. 11 be moved up to this segment of the agenda. By consensus of the City Council the item was moved.

CITY COUNCIL ITEMS

11) IMPEACH PRESIDENT GEORGE W. BUSH

Mayor Ruelas stated that she placed this item on the agenda in response to a request from the public at the last Council meeting in addition to a request she received from the City of West Hollywood. She requested that the attached Resolution be adopted by the City of San Fernando.

Councilmember Veres stated that the first death of the Iraq war was a San Fernando High School graduate. He said the issues to impeach have certainly been laid out and discussed here and for those reasons he wholeheartedly supports this and we can certainly deliver this message to our Congressman, two Senators and also to the Congressmembers adjacent to us, Adam Schiff and Brad Sherman.

Motion by Mayor Pro Tem Martinez, seconded by Mayor Ruelas that the City Council adopt Resolution No. 7216 Petitioning for the Impeachment of President George W. Bush and Vice President Richard Cheney and directed staff to forward a copy of the Resolution to the City's local representatives. The motion carried unanimously.

NEW BUSINESS

9) UPDATE REGARDING ST. FERDINAND SCHOOL GATE CLOSURE

City Engineer Daniel Wall presented the staff report.

Councilmember De La Torre stated that she has concerns with speed hump installation here due to the number of children crossing the street, and she stated that you do not necessarily want to do that where there is high pedestrian traffic volume, especially children.

Councilmember Hernández agreed with Councilmember De La Torre's concerns and also stated he is concerned about cars entering Coronel Street off of parking lot No. 9. He suggested installing a stop sign before the crosswalk, rather than speed humps.

City Administrator José Pulido stated that this is a confusing and frustrating issue because we thought we were doing good for the community only to come to a standstill with the legal representatives of the Archdiocese. He explained the recommendations City Council is getting back and discussing are at the request of the Archdiocese they are not necessarily staff's recommendations.

Mayor Pro Tem Martinez asked if this is more of a liability issue than anything else and stated she is surprised that there aren't any representatives of the school present. She said she wished

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the parents and teachers were here just to get a sense of what their thinking is and find out if they really do think this is a compromise and can they live with it.

Mr. Wall stated that the school is still on break.

City Attorney Michael Estrada stated that the attorney for the Archdiocese was notified and knew it was on the agenda tonight.

In response to a question from Mayor Ruelas, Mr. Wall stated that a minimum of three humps, in addition to a crosswalk, would be installed.

Motion by Mayor Pro Tem Martinez, seconded by Councilmember Dr. Hernández that this item be tabled to a future meeting for further discussion when parents and faculty of the school can attend and offer their input. The motion carried unanimously.

10) **AFFORDABLE HOUSING STANDING COMMITTEE CONSIDERATION OF REQUESTS FOR HOUSING ASSISTANCE FROM RESIDENTS OF SENIOR HOUSING APARTMENT BUILDINGS**

Community Development Director Paul Deibel presented the staff report.

Councilmember De La Torre asked if staff received the information they requested from the developer, and if the utilities and anything that is flexible have been negotiated to their lowest rate.

Councilmember Veres stated that the rental rate formula establishes the 50% and 60% County median income and most of the seniors in the Kalisher units fall mostly into the 50%. He asked if staff has done anything to measure how we compare.

Mr. Deibel stated that rents are established based on the California (TCAC) Tax Credit Allocation Commission and that's the source of the limitation on the maximum rents. He said staff received information that this is a unique project to this part of the County and there is only one other TCAC project in the northeast San Fernando Valley. He stated that staff is in the process of getting some information on that project and what their circumstances are, and how this project compares to that.

Discussion ensued regarding Section 8 housing assistance; median income for seniors; and what the City can provide in the form of assistance, perhaps in utility rate subsidies.

City Attorney Estrada stated that post Proposition 218, we cannot have the other rate payers subsidize any particular group or class or project, so that brings us to where the difference would come from which would probably have to be general funds.

Councilmember Veres requested that staff explore the possibility of providing some assistance for seniors through the utility. Mayor Ruelas suggested that this is something that should be referred to the Standing Committee.

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Mayor Ruelas requested that additional language be added to the letter going out to the residents and asked if non-profit charitable organizations could possibly sponsor a senior. Mr. Pulido stated that Partners in Care has met with the property manager and have also submitted a request for CBO funding.

Motion by Mayor Pro Tem Martinez, seconded by Mayor Ruelas that the report be noted and filed and that staff take into account the recommendations made by Mayor Ruelas and Councilmember Veres. The motion carried unanimously.

GENERAL COUNCIL COMMENTS

Councilmember Dr. Hernández: 1) announced that on August 23, 2007 the circus will open and the Mall Association is distributing free tickets; and 2) stated that he is available to attend a meeting of the New City Yard Ad Hoc.

Mayor Ruelas: 1) Sister City request and event with Colima, Mexico; 2) asked staff to follow-up on condition of the public restrooms at the park and the installation of handicap railing; and 3) asked staff to follow-up on correspondence she recently received from the Mall Association and Los Angeles County Supervisor Zev Yaroslavsky.

STAFF COMMUNICATION

Public Works and Parks Director Ron Ruiz announced that the last summer concert and City birthday celebration is this Sunday at Cesar Chavez Park.

Chief Ordelheide announced that staff will be convening a meeting of the Public Safety Standing Committee to discuss the formation of a partnership between the Los Angeles Police Department surrounding divisions and the San Fernando Police Department.

ADJOURNMENT (8:15 P.M.)

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