

**SAN FERNANDO CITY COUNCIL
MINUTES**

**April 6, 2009 – 6:00 P.M.
REGULAR MEETING**

City Hall Council Chamber
117 Macneil Street
San Fernando, CA 91340

CALL TO ORDER/ROLL CALL

Mayor Steve Veres called the meeting to order at 6:19 p.m.

Present:

Council: Mayor Steven Veres, Mayor Pro Tem Mario F. Hernández,
Councilmembers Ernesto Rubio Hernández and Maribel De La
Torre

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

Absent: Councilmember Nury Martinez

PLEDGE OF ALLEGIANCE Mayor Veres

INVOCATION Mayor Veres

PRESENTATIONS

The following presentations were made.

- a) SEXUAL ASSAULT AWARENESS MONTH – APRIL; AND
DENIM DAY – APRIL 22, 2009
- b) SAFETY SEAT CHECKUP WEEK – APRIL 19-25, 2009

APPROVAL OF AGENDA

Motion by Councilmember E. Hernández, seconded by Councilmember De La Torre, to approve the agenda. The motion carried unanimously.

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PUBLIC STATEMENTS – WRITTEN/ORAL

Sharron Aisenman spoke in favor of speed humps (Item No. 4) and said she does not agree that a maternity leave extension should be granted to Councilmember Martinez.

Beth Layne supports the speed bumps as long as they don't interfere with her husband riding his bicycle.

Ceil Anderson is upset that Community Service Officers are citing residents for various offenses and suggested that Council pass an ordinance banning the distribution of unwanted advertisements.

David Hernández, San Fernando Chamber of Commerce, requested that there be an open and fair process to allow San Fernando vendors to compete for the towing contract.

Stephen Kapusunski, owner Larry's Towing, asked to hold off on approving the City towing contract and allow local businesses to compete.

Gilbert Gomez reported that he received a citation for an abandoned vehicle but was not given a warning or explanation and he wondered how the officer knew whether it was operable.

Julie Cuellar spoke against Councilmember Martinez' request for a maternity leave extension and suggested that instead she step down since she won her seat to the school district.

Leslie Aisenman suggested changing the format of the public hearings to allow for more public participation. He also spoke in favor of the speed humps (Item No. 4) and against extending the leave for Councilmember Martinez.

Brenda Esqueda spoke against a leave extension for Councilmember Martinez and said she needs to attend the meetings and make decisions.

CONSENT CALENDAR

Councilmember De La Torre pulled Item No. 2 and Mayor Pro Tem M. Hernández removed Item No. 3 for further discussion.

Motion by Councilmember De La Torre, seconded by Councilmember E. Hernández, to approve the remaining Consent Calendar items:

- 1) APPROVAL OF MINUTES OF:
 - a) MARCH 16, 2009 – REGULAR MEETING
 - b) MARCH 30, 2009 – SPECIAL MEETING

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- 4) APPROVAL OF THE INSTALLATION OF SPEED HUMPS ON HUNTINGTON AND FERMOORE STREETS (BETWEEN FIFTH STREET AND GLENOAKS BOULEVARD) AND ADOPT A RESOLUTION AMENDING THE GENERAL FUND BUDGET FOR FISCAL YEAR (FY) 2008-2009
- 5) LOPEZ ADOBE PRESERVATION PLAN UPDATE
- 6) FINDINGS REGARDING THE USE OF RDA FUNDS FOR SIDEWALK PROJECT

By consensus, the motion carried.

Items Removed for Further Discussion:

- 2) APPROVAL OF WARRANT REGISTER NO. 09-041

In response to questions from Councilmembers, Public Works Director Ron Ruiz reported that the drinking fountains at the San Fernando Mall had not been fixed and that graffiti filming is done at some locations (not all).

Motion by Councilmember De La Torre, seconded by Mayor Pro Tem M. Hernández, to approve Warrant Register No. 09-041. By consensus, the motion carried.

- 3) FISCAL YEAR (FY) 2009-2010 LANDSCAPING & LIGHTING ASSESSMENT DISTRICT RESOLUTION INITIATING PROCEEDINGS AND ORDERING THE ENGINEER'S REPORT

City Engineer Daniel Wall responded to questions from Mayor Pro Tem M. Hernández.

Motion by Mayor Pro Tem M. Hernández, seconded by Councilmember De La Torre, to:

- a) Adopt a Resolution initiating the proceedings for the FY 2009-2010 Levy of Annual Assessments for the Landscaping and Lighting Assessment District; and
- b) Order the preparation of the Engineer's Report.

By consensus, the motion carried.

PUBLIC HEARING

- 7) INTERIM ORDINANCE EXTENDING A MORATORIUM ON MEDICAL MARIJUANA DISPENSARIES, STORES, AND CO-OPS

Mayor Veres declared the Public Hearing open and Community Development Director Paul Deibel presented the staff report.

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Mayor Veres called for public testimony in favor.

Tom Ross said that although there might be medical benefits, he urged the City Council not rush into this.

Mayor Veres called for public testimony in opposition.

Sharron Aisenman asked that Councilmembers be prepared to make an informed, intelligent and compassionate decision.

Truman Weatherly spoke in opposition of the extension of the moratorium.

There being no further comments, he closed the public comment portion of the Hearing.

Discussion ensued and staff responded to questions from Councilmembers.

Motion by Councilmember De La Torre, seconded Councilmember E. Hernández, to approve Interim Ordinance No. U-1588 entitled: “An Interim Ordinance of the City of San Fernando Extending the Interim Ordinance Prohibiting Marijuana Dispensaries in all Zoning Districts and Declaring the Urgency Thereof”, and waive further reading. Also, that this ordinance be reviewed by Standing Committees No.s 2 and 5.

The motion carried with the following vote:

AYES:	De La Torre, E. Hernández, Veres, M. Hernández – 4
NOES:	None
ABSENT:	Martinez – 1

8) SAN FERNANDO 2008-2014 HOUSING ELEMENT AND ASSOCIATED ENVIRONMENTAL IMPACT ASSESSMENT

Mayor Veres declared the Public Hearing open and Community Development Director Paul Deibel presented the staff report.

Mayor Veres called for public testimony in favor or against this item.

Leslie Aisenman said he was not in favor or against, but said that it was important to note that most of the figures in the report are out of date.

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

Discussion ensued and staff responded to various questions from Councilmembers.

Motion by Councilmember De La Torre, seconded by Councilmember E. Hernández, to:

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- a) Approve the *City of San Fernando 2008-2014 Housing Element* and the Initial Study and Negative Declaration of Environmental Impact; and
- b) Adopt a Resolution approving General Plan Amendment 2008-01 approving the *City of San Fernando 2008-2014 Housing Element* and Initial Study and Negative Declaration of Environmental Impact, subject to changes specified by the City Council, and any non-substantive revisions required by the City Attorney and City staff.

The motion carried with the following vote:

AYES:	De La Torre, E. Hernández, Veres, M. Hernández – 4
NOES:	None
ABSENT:	Martinez – 1

NEW BUSINESS

- 9) AUTHORIZATION TO SUBMIT APPLICATION TO THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY (METRO) 2009 CALL FOR PROJECTS

Public Works Director Ron Ruiz and City Engineer Daniel Wall presented the staff report.

Discussion ensued and by consensus, Councilmembers authorized staff to submit applications to the L.A. County Metro 2009 Call for Projects for the following items:

- San Fernando Road Pedestrian Streetscape Project
- Bicycle/Pedestrian Bridge Over Rail Corridor
- Artwalk

- 10) DRIVING UNDER THE INFLUENCE (DUI) AND INTENTIONALLY WRONGFUL CONDUCT COST RECOVERY PROGRAM

Police Chief Robert Ordelheide presented the agenda report and responded to inquiries from Councilmembers.

Motion by Councilmember E. Hernandez, seconded by Mayor Pro Tem M. Hernandez, to approve the implementation of a DUI and Intentionally Wrongful Conduct Cost Recovery Program; and authorize staff to prepare and present the Cost Recovery Program to the City Council for final approval. The motion carried by consensus.

- 11) PROPOSED FISCAL YEAR (FY) 2009-2010 BUDGET REDUCTIONS AND APPLICATION FOR FUNDING FROM THE DEPARTMENT OF JUSTICE (DOJ)

Mr. Pulido presented the agenda report and discussion ensued.

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Motion by Councilmember De La Torre, seconded by Councilmember E. Hernandez, that Departments implement a 12% FY 2008-2009 General Fund budget reduction (in preparation for the FY 2009-2010 Budget); and that the Police Department apply for grant funding of up to \$843,233.64 (or the equivalent of the cost of six police officers), from the U.S. Department of Justice, Office of Community Oriented Policing Services. The motion carried with the following vote:

AYES: De La Torre, E. Hernández, Veres, - 3
NOES: None
ABSENT: Martinez – 1
ABSTAIN: M. Hernández – 1

CITY COUNCIL ITEMS

12) MATERNITY LEAVE EXTENSION

Discussion ensued and staff was instructed to report back with answers regarding the Family Leave Act.

13) HONORARY NAME DESIGNATION CONSIDERATIONS

By consensus, staff was instructed to agendaize for the next meeting designating First Street as Robert F. Kennedy Drive (Hubbard Ave. to City Yard) and Cesar E. Chávez Park as San Fernando Recreation Park.

14) CITY COUNCIL LIAISON ASSIGNMENTS

No appointments were made and this item was continued to the next meeting.

STANDING COMMITTEE ITEMS

15) FUNDING FOR ANNUAL FOURTH OF JULY FIREWORKS EVENT

The Recreation & Community Services Director was requested to look for ways of underwriting the costs (i.e., corporate sponsorship).

16) CITY CODE UPDATE REGARDING THE CULTURAL ARTS COMMISSION DUTIES AND POWERS

By consensus, Councilmembers agreed to table recruitment and that the standing committee and staff to work together to reevaluate duties and powers to be more in tune with goals and objectives.

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STANDING COMMITTEE UPDATES

No. 1 Budget, Personnel and Finance (BPF)

Mayor Pro Tem M. Hernández reported that the committee met with all Departments and gave direction to submit monthly detailed financial statements to allow for a clearer snapshot of the City budget.

No. 2 Housing, Community & Economic Development and Parking (HCEP)

Mayor Veres said he has nothing to report although he has a conflict with his schedule and the time will have to eventually change.

No. 3 Natural Resources, Infrastructure, Water Energy and Waste Management (NRIW)

Councilmember De La Torre – no updates.

No. 4 Public Safety, Veteran Affairs, Technology and Transportation (PVTT)

Councilmember E. Hernández stated that the committee is reviewing the IT contract.

No. 5 Education, Parks, Arts, Health and Aging (EPAH)

Councilmember De La Torre provided updates earlier.

GENERAL COUNCIL COMMENTS

Mayor Pro Tem M. Hernández would like the City to use the local newspaper to announce City notices (i.e., contracts).

Mayor Veres asked to adjourn the meeting in memory Alfred Anthony Flores, Jr.

STAFF COMMUNICATION

Mr. Ruiz reported that the City was awarded \$762,356 through the American Recovery and Investment Act of 2009 and staff has begun looking at locations where the money could be used.

Mr. Deibel reported that the next meeting regarding the Community Block Grant Program will be held at the pool facility on Wednesday.

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RECESS TO CLOSED SESSION (9:29 P.M.)

By consensus, Councilmembers agreed to recess to the following Closed Session, thereafter to adjourn in memory of Alfred Anthony Flores, Jr.

a) CONFERENCE WITH LABOR NEGOTIATOR (G.C. 54957.6)

City Negotiator: City Administrator José E. Pulido
Employee Organization: San Fernando Management Group (SEIU, Local 721)

b) CONFERENCE WITH LABOR NEGOTIATOR (G.C. 54957.6)

City Negotiator: City Administrator José E. Pulido
Employee Organization: San Fernando Public Employees' Association
(SEIU, Local 721)

c) CONFERENCE WITH LABOR NEGOTIATOR (G.C. 54957.6)

City Negotiator: City Administrator José E. Pulido
Employee Organization: San Fernando Part-time Employees' Association
(SEIU, Local 721)

No reportable action.

I do hereby certify that the foregoing is a true and correct copy of the minutes of April 6, 2009 meeting as approved by the San Fernando City Council.

Elena G. Chávez
City Clerk