

**SAN FERNANDO CITY COUNCIL
MINUTES**

**SEPTEMBER 8, 2009 – 6:00 P.M.
REGULAR MEETING**

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

CALL TO ORDER/ROLL CALL

Mayor Steven Veres called the meeting to order at 7:29 p.m.

Present:

Council: Mayor Steven Veres, Mayor Pro Tem Mario F. Hernández and Councilmembers Ernesto Rubio Hernández, Maribel De La Torre (arrived at 7:30 p.m.) and Brenda Esqueda

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

PLEDGE OF ALLEGIANCE Mayor Veres

INVOCATION Moment of Silence in memory of Isaac Avila.

PRESENTATION

The following presentations were made:

- a) RECOGNITION OF FORMER CITY COMMISSIONERS FRANCISCO ARRIZON AND EMILIO DE LA CRUZ.
- b) SPECIAL PRESENTATION TO CHIEF ROBERT ORDELHEIDE BY MAYOR VERES GIVEN BY THE GOVERNOR AND DEPARTMENT OF JUSTICE FOR ATTAINMENT OF A POST EXECUTIVE CERTIFICATE

APPROVAL OF AGENDA

Motion by Councilmember De La Torre, seconded by Mayor Pro Tem M. Hernandez, to approve the agenda. By consensus, the motion carried.

PUBLIC STATEMENTS – WRITTEN/ORAL

Israel Salas, on behalf of Assembly Member Felipe Fuentes and State Senator Alex Padilla, presented Francisco Arrizon with a joint certificate of recognition for his service on the City's Planning Commission.

Tom Ybarra, representing Athens Services, thanked the City Council for allowing them the opportunity to keep the City's streets clean for the next five years and they look forward to building a partnership with the City.

Karen Elmore, on behalf of the Pastor and Outreach Committee at First United Methodist Church, thanked the City Councilmembers that volunteered at the second food pantry on August 23, 2009. She said they distributed 155 boxes of food for 900 people. Ms. Elmore invited the Council to participate in the third food pantry scheduled on September 25, 2009.

Tom Ross, regarding Item No. 11, stated that the Mall Association met with City staff and presented their budget for the October Street Festival. He said they've changed the focus to an international cultural event including a variety of food and entertainment and they are willing to work as hard as possible to make it as successful as they can.

Leslie Aisenman, thanked Mayor Pro Tem M. Hernández, Councilmember E. Hernández and Councilmember Esqueda for their support, presence and participation in the Methodist Church food pantry and invited the City Council to attend the next food pantry on September 25th.

Juana Cuiriz, requesting City Council support of Item No. 10. She said on behalf of the Parks, Wellness and Recreation Commission, they are asking that the Council look into an Ordinance prohibiting smoking in public places, events and apartments. She also said she is available to answer questions regarding Item No. 11 when the it comes up on the agenda.

CONSENT CALENDAR

Motion by Councilmember De La Torre, seconded by Councilmember E. Hernandez, to approve the Consent Calendar.

- 1) APPROVAL OF MINUTES OF AUGUST 17, 2009 – REGULAR MEETING
- 2) APPROVAL OF WARRANT REGISTER NO. 09-091
- 3) BRAND BOULEVARD STREET IMPROVEMENT MASTER AGREEMENT
FEDERAL PROJECT – 07-LA-0-SFR/ESPL – 5202(014)

Adoption of Resolution No. 7336 authorizing José E. Pulido, City Administrator, to execute Administering Agency-State Master Agreement for Federal-Aid Project, Number 07-5202R and execute a Program Supplement Agreement No. 008-N to the Local Agency-State Agreement Number 07-5202R for Federal-Aid Projects; and

SAN FERNANDO CITY COUNCIL

MINUTES – September 8, 2009

Page 3

Adoption of Resolution No. 7337 authorizing José E. Pulido, City Administrator, to approve and execute all future Program Supplement Agreements.

4) NOTICE OF COMPLETION AND PROJECT ACCEPTANCE – SIDEWALK REPAIR PROJECT FISCAL YEAR (FY) 2008-2009, JOB NO. 7558

a. Accepted the job as performed by The Adjul Corporation DBA Lee Construction and consider the work complete.

b. Authorized the City Administrator to execute the Notice of Completion and direct the City Clerk to file a certified copy with the Office of the County Recorder.

c. Authorized the release of the 10 percent retention after the 35-day lien period from the date the Notice of Completion is recorded.

5) BID RESULTS AND AWARD OF CONSTRUCTION CONTRACT BRAND BOULEVARD STREET IMPROVEMENT BETWEEN TRUMAN STREET AND SOUTH CITY LIMIT FEDERAL PROJECT NO. 07-LA-0-SFR/ESPL – 5202 (014) PROJECT NO. 7559

a. Accepted the lowest responsive base bid in the amount of \$153,034 from I.C.E. Engineering Inc. for repaving Brand Boulevard.

b. Authorized the City Administrator to execute Construction Contract No. 1620 with I.C.E. Engineering Inc. not to exceed \$667,400, which includes the \$153,034 for repaving Brand Boulevard and up to \$514,366 for additive bid items including sidewalks, wheelchair ramps, curbs and gutters, and driveways.

6) AMPLIFIED SOUND PERMIT REQUEST: SAINT FERDINAND CHURCH; “IT’S BETTER TO KNOW” HEALTH FAIR, 1109 CORONEL STREET

Approved an amplified sound permit to allow Saint Ferdinand Church to operate sound amplifying equipment for their “It’s Better to Know” health fair within the church’s on-site parking lot facility at 1109 Coronel Street on Saturday, September 26, 2009, from the hours of 9:00 a.m. to 4:00 p.m., subject to the recommended conditions of approval.

7) AWARD OF PROFESSIONAL SERVICES AGREEMENT FOR PROVIDING MUNICIPAL NPDES PERMIT COMPLIANCE ASSISTANCE.

Authorized the City Administrator to execute Professional Services Agreement No. 1621 with TECS Environmental, Inc. for an annual amount not to exceed \$30,800 for providing municipal National Pollutant Discharge Elimination System (NPDES) Permit Compliance Assistance.

8) **ACCEPTANCE OF SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUNDS FOR FY 2008-2009**

a) Accepted State Community Oriented Policing Services (COPS) Funds received for Fiscal Year 2008-2009 Supplemental Law Enforcement Service Fund (SLESF) Government Code §30061, under State Assembly Bill 3229, Chapter 134, in the amount of \$100,000.

b) Adopted Resolution No. 7338 amending the City's Fiscal Year 2009-2010 Budget in the amount of \$100,000.

c) Authorized the Chief of Police to expend the SLESF funds as detailed in the report.

By consensus, the above motion carried.

NEW BUSINESS

9) **URGENCY ORDINANCE TO APPROVE AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF SAN FERNANDO AND THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS)**

By consensus, this item was continued to the September 21, 2009 meeting.

10) **CONSIDERATION OF ORDINANCE PROHIBITING SMOKING IN PUBLIC PLACES, EVENTS AND APARTMENTS**

Recreation and Community Services Director Tom Ristau presented the staff report.

Staff responded to questions from City Council pertaining to the open and common spaces within apartment buildings, whether it should include City sponsored events and how it would affect apartment owners. Councilmember E. Hernández suggested vetting this out through the EPAH Standing Committee.

City Attorney Estrada said his firm represents the City of Temecula so they already have an ordinance drafted in-house.

By consensus, the City Council referred this item to the Education, Parks, Arts, Health and Aging (EPAH) Standing Committee for review and recommendation and gave direction to the City Attorney to provide the City Council with a copy of the City of Temecula's draft ordinance.

11) **REQUEST FROM THE SAN FERNANDO MALL ASSOCIATION (SFMA) FOR CO-SPONSORSHIP OF THE 12TH ANNUAL OCTOBER STREET FESTIVAL**

Public Works Director Ron Ruiz presented the staff report.

SAN FERNANDO CITY COUNCIL
MINUTES – September 8, 2009
Page 5

Discussion ensued regarding underwriting the \$14,273; profit sharing; promoting economic development and increasing tax revenue; real costs versus soft costs; profit and proceeds; bridal expo success; working with and coming together with the downtown for this event; the State take-aways; BID and PBID; prioritizing funds; downtown vacancies; cost sharing between the City, Mall Association, businesses and the promoter; the Mall Association's long-term plans and commitments and creation of a business model.

Public Works Director Ron Ruiz reported that last year the overhead staffing costs were waived, which increased the Public Works budget by \$5,500, and the Mall Association paid for the overtime and barricades. He advised the Council that this year the amount of overtime has already been reduced as much as possible given that the event is occurring on the weekend.

Councilmember Esqueda stepped away from the dais at 8:57 p.m. and returned at 8:59 p.m.

Motion by Mayor Veres, seconded by Councilmember E. Hernández to a) give direction to staff to look at the hard costs and bring forward a revised budget to the City Council at the next meeting; and b) refer the item to the Housing, Community & Economic Development and Parking (HCEP) Standing Committee to discuss a plan for next year for branding and marketing the downtown. The motion carried with the following roll call vote:

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

12) REIMBURSEMENT OF CITY COUNCILMEMBERS FOR TRAINING AND EDUCATION EXPENSES

City Attorney Michael Estrada presented the staff report.

Discussion ensued regarding the City Council auto allowance.

City Attorney Estrada explained that the annual \$1,200 budget for training and education expenses would be in lieu of the current \$100 per month auto allowance.

Mayor Veres stated that since nothing has been done on this for years, first a determination needs to be made if this is actually an auto allowance, monthly stipend or salary.

City Attorney Estrada stated that one way to solve the problem, irrespective of whatever the documentation is for the past, is a line can be added to this Resolution stating "this reimbursement budget supersedes any prior compensation of automobile allowance". He explained that the Council's salary is set by the government code based on population and annual adjustments. It is a fixed amount that can only be changed when there is change in the Council and somehow there is this \$100 auto allowance that's been added to that. He said he recommends that it be changed to a reimbursement basis and the reason is when AB 1234 was passed a few years ago it changed the emphasis which now makes flat allowances suspect and the Council is better off on a reimbursement basis for that \$100.

SAN FERNANDO CITY COUNCIL
MINUTES – September 8, 2009
Page 6

The City Council had further questions and discussion regarding a cap on the amount; what type of meetings would qualify for reimbursement; and simplifying the reimbursement process.

By consensus this item was referred to the Budget, Personnel and Finance (BPF) Standing Committee for vetting and a future study session of the City Council.

PUBLIC HEARING

13) AMENDMENT OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
FUNDING ALLOCATION FOR FISCAL YEAR 2009-10

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

Mayor Veres called for public testimony either in favor or opposition. There being no comments, he closed the public comment portion of the Hearing.

Motion by Mayor Veres, seconded by Councilmember De La Torre, to a) Adopt Resolution No. 7339 approving an amendment of CDBG fund allocations for programs and projects in FY 2009-10; b) Directed staff to submit documentation conveying the City Council's Resolution to the Los Angeles County Community Development Commission (CDC) for approval; and c) Authorized the City Administrator to approve minor program modifications and/or monetary changes that do not exceed 10% of approved total project funding. By consensus, the motion carried.

CITY COUNCIL ITEM

14) CITY COUNCIL COMMISSION APPOINTMENTS

Motion by Councilmember E. Hernandez, seconded by Mayor Veres to appoint José Ruelas to the Transportation and Safety Commission. By consensus, the motion carried.

STANDING COMMITTEE UPDATES

No. 1 Budget, Personnel and Finance (BPF)

Mayor Pro Tem M. Hernández reported that he met with Junior Accountant Sonia Garcia to discuss the format of the monthly financial statements and they will be participating in an upcoming conference call with EDEN to discuss the format.

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

Mayor Veres reported that they met on August 25, 2009 and discussed housing vacancies; commercial and industrial vacancies; proposed revisions to the alcohol ordinance; and economic development initiatives.

SAN FERNANDO CITY COUNCIL
MINUTES – September 8, 2009
Page 7

No. 3 Natural Resources, Infrastructure, Water Energy and Waste Management (NRIW)
Councilmember Esqueda – no update

No. 4 Public Safety, Veteran Affairs, Technology and Transportation (PVTT)
Councilmember E. Hernández reported that the committee held a special meeting today and discussed 1) new internet connection completion on Friday; 2) new internet filters; and 3) the remaining transportation appropriation from Congressman Berman for CNG trolleys that will be used for trolley shelters.

No. 5 Education, Parks, Arts, Health and Aging (EPAH)
Councilmember De La Torre – no update

Mayor Veres encouraged the Standing Committees members to hold regular meetings because there are several pending items that need to be agendized, and he announced that a section for Standing Committees is currently being developed for the website, so the public can easily access the meeting agendas and directives.

GENERAL COUNCIL COMMENTS

Councilmember De La Torre: 1) directed the City Administrator to contact the Pastor and Principal at First Lutheran School regarding the new street design and the possible sale of their property; 2) asked for information on the live on-line feed and blogging of the Council meetings.

Councilmember Esqueda: 1) has received numerous calls about the fees for seniors at the park and would like to possibly waive those fees; 2) would like to revisit the \$1 fee for youth gym use; and 3) has received many calls from people not happy that Mr. Ristau has not been attending parks and recreation events and asked that he attend the next event.

Mr. Ristau addressed the issue regarding the increased fees for seniors and said the program had previously been funded by LAUSD, but they cut the funding as part of their budget reductions. He said because the seniors wanted the classes to continue, they agreed to pay for the cost of the instructors. He also clarified that the fee to use the gym only applies to people 18 years and older. Councilmember De La Torre suggested that clarification be provided to the newspaper so the correct information can be published.

Mayor Pro Tem M. Hernández: 1) reported that he attended the event at the Ford Theater and it was a great event; and 2) requested that the meeting be adjourned in memory of Isaac Avila.

Mayor Veres asked that the Deputy City Clerk prepare a memory letter for the family of Isaac Avila.

