

**SAN FERNANDO CITY COUNCIL  
MINUTES**

**AUGUST 6, 2012 – 6:00 P.M.  
REGULAR MEETING**

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

**CALL TO ORDER/ROLL CALL**

Mayor Brenda Esqueda called the meeting to order at 6:15 p.m.

Present:

Council: Mayor Brenda Esqueda, Mayor Pro Tem Antonio Lopez, Councilmembers  
Maribel De La Torre and Sylvia Ballin

Staff: City Administrator Al Hernández, City Attorney Maribel S. Medina, and  
City Clerk Elena G. Chávez

**PLEDGE OF ALLEGIANCE**

Mayor Esqueda

**APPROVAL OF AGENDA**

Councilmember Ballin motioned to approve the agenda and move up Item No.s 8 and 9 due to the numerous audience members waiting to hear discussion regarding those items.

The motion was seconded by Mayor Pro Tem Lopez to approve the agenda as amended and carried by the following vote:

AYES: Ballin, Lopez, Esqueda – 3  
NOES: De La Torre – 1  
ABSENT: None

**PUBLIC STATEMENTS – WRITTEN/ORAL**

Charles Leone, SEIU Local 721, said they are not oblivious to challenges the City is facing but asked Council to not make rash decisions.

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Daniel Cortez, Recreation and Community Services employee, talked about the different programs offered at the parks and asked Council to take into consideration what will be affected.

Dale Warren, Public Works employee, said they used to have a 10-man crew and now only have five.

Miguel Martinez, Public Works employee, asked Council to think about how long they can go without lights, water, and sewer before they consider layoffs.

Mauricio Vinan, event promoter, talked about his proposed Tacofest event in the Mall, said he just received notice that the fees to hold the event have increased, and asked if he could pay last year's fees.

Irwin Rosenberg (San Fernando Police Officers' Association President) talked about their concerns regarding layoffs and furloughs and current safety issues going on in the City.

John Arroyo (resident) said he would like Old Glory flying throughout the City and asked for a letter from the Mayor requesting that Walmart donate U.S. flags.

Cristina Coria, State Assemblymember Felipe Fuentes' office, spoke in support of a "No Outdoor Smoking Initiative".

Renato Lira (resident) said that only two Councilmembers are employed and he talked about the on-going drama in the City.

Linda Campanella-Jauron (resident) said it was the 45<sup>th</sup> anniversary of the signing of the Voting Rights Act and is glad to live in a place where no one is impeded.

Robert Ortega (resident) said the City has been in the news way too much and certain Councilmembers should think about the damage they are causing their families.

Ralph Perez (resident) said what needs to happen is "repentance".

Margie Carranza said that residents are completely against the recall.

Samuel Beltran (resident) offered sympathy to Mayor Esqueda regarding the loss of her mother and he talked about the cost of a recall election.

Patty Lopez (resident) said she is not running for City Council and her only agenda is that people stop playing dirty games.

Carolina Perez (resident) said that Councilmembers have to earn respect, there needs to be order in the Council Chambers, and said that the residents have gone through a lot.

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Louis Lopez said he is a retired administrator for LAUSD and is running for San Fernando City Council. His comments were cut short by City Attorney Medina who said that he could not use the podium for politicking.

Mario Hernández (former Mayor/Councilmember) asked Councilmembers Ballin and Lopez what they've accomplished since they've been on the City Council.

**CONSENT CALENDAR**

Motion by Councilmember De La Torre, seconded by Mayor Pro Tem Lopez, to approve the Consent Calendar Items:

- 1) APPROVAL OF MINUTES OF JULY 16, 2012 – REGULAR MEETING
- 2) APPROVAL OF WARRANT REGISTER NO 12-081

By consensus, the motion carried.

*At this time, Mayor Esqueda briefly stepped away and returned.*

**CITY COUNCIL ITEMS**

- 8) REQUEST FOR BUDGET UPDATE

City Administrator Hernandez presented the staff report and replied to questions from Councilmembers.

Motion by Councilmember De La Torre, seconded by Mayor Esqueda, to accept and file the report and that staff provide a monthly budget update. By consensus, the motion carried.

- 9) EMPLOYEE FURLOUGHS

City Administrator Hernandez reported that the City is roughly \$1 million in the red, gave an update regarding the possibility of furloughs, and said there have been no salary cuts but employees have begun to pay into their retirement.

In response to Mayor Esqueda's response for his input, Charles Leone (SEIU Local 721) said they would prefer that this budget presentation not be aired publicly at a City Council meeting (both Mayor Esqueda and Councilmember De La Torre agreed).

City Attorney Medina clarified that the budget process is absolutely a public process and must be done during a public setting (open dialogue). She stated that this was not a bargaining session;

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Council is merely discussing different options as a way to balance the budget but will not give staff direction at this time (ramifications would be discussed in a Closed Session).

Discussion ensued regarding possible furloughs, layoffs, salary cuts, employee concessions, and possible bankruptcy if nothing is done very soon.

No formal action was taken.

**PUBLIC HEARING**

**3) ADOPTION OF AN ORDINANCE ESTABLISHING A WATER CONSERVATION AND BUILDING SAFETY PROGRAM**

Mayor Esqueda declared the Public Hearing open.

City Planner Fred Ramirez presented the staff report.

Mayor Esqueda called for public testimony. There being no comments, she closed the public comment portion of the Hearing.

City Planner Ramirez pointed out a minor amendment in Section 18-198; “Building Department” should be corrected to read “Building Official”.

Motion by Councilmember De La Torre, seconded by Mayor Pro Tem Lopez, to introduce for first reading, in title only, and waive further reading of “An Ordinance of the City of San Fernando Adopting a Water Conservation and Building Safety Program and Amending the San Fernando City Code”, and to include the amendment as suggested by City Planner Ramirez. By consensus, the motion carried.

**4) REGIONAL CONGESTION MANAGEMENT PROGRAM (CMP) SELF-CERTIFICATION ANDS ADOPTION OF THE CITY’S 2012 CMP LOCAL DEVELOPMENT REPORT (LDR)**

City Planner Ramirez presented the staff report.

Mayor Esqueda declared the Public Hearing open and called for public testimony.

John Arroyo said it was difficult for buses to go around vehicles on Maclay Avenue and suggested that the islands be removed.

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

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Motion by Mayor Pro Tem Lopez, seconded by Councilmember Ballin, to adopt a Resolution certifying that the City of San Fernando is in conformance with the CMP for Los Angeles County, and adopting the City's 2012 CMP LDR for the reporting period from June 1, 2011 to May 31, 2012. By consensus, the motion carried.

5) **ADOPTION F AN ORDINANCE REGULATING SMOKING IN OUTDOOR PLACES**

City Planner Ramirez presented the staff report.

Mayor Esqueda declared the Public Hearing open and called for public testimony.

Robert Ortega said it's better for people to smoke outdoors versus indoors.

Esther Schiller spoke in favor of the Ordinance and said her organization has been working hard so that outdoor public areas become non-smoking.

Helen Arriola, Northeast Valley Health Corporation, said she represents a private non-profit health center and spoke in favor of the Ordinance.

(Male speaker – did not state name) said that San Fernando has been a leader in tobacco control since 2001 and he provided L.A. County statistics on tobacco-related illnesses and deaths.

Ruben Rodriguez, Pueblo y Salud, agreed that the City has been in the forefront of this issue and hopes the City continues on that path.

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

Motion by Mayor Pro Tem Lopez, seconded by Councilmember Ballin, to:

- a. Introduce for first reading, in title only, and waive further reading of "An Ordinance of the City of San Fernando Amending the San Fernando City Code to Add Chapter 23, Regarding the Regulation of Smoking in Outdoor Places"; and
- b. Direct staff to provide for notice of a Public Hearing on the adoption of proposed Ordinance at the City Council's August 20, 2012, meeting.

By consensus, the motion carried.

**NEW BUSINESS**

- 6) MAKING AN ELECTION WITH RESPECT TO HOUSING ASSETS AND FUNCTIONS OF THE FORMER REDEVELOPMENT AGENCY AND RESCINDING CITY COUNCIL RESOLUTION NO. 7470

City Planner Ramirez presented the staff report and replied to questions from Councilmembers.

Motion by Councilmember De La Torre, seconded by Mayor Pro Tem Lopez, to adopt a Resolution electing to retain the housing assets and functions previously performed by the San Fernando Redevelopment Agency, and accepting the transfer of all of the rights, powers, assets, liabilities, duties, and obligations associated with the housing activities of the former San Fernando Redevelopment Agency and rescinding City Council Resolution No. 7470. By consensus, the motion carried.

**CONTINUED BUSINESS**

*Mayor Esqueda stepped away at this time.*

- 7) ADOPTION OF AN ORDINANCE AUTHORIZING AMENDMENT TO THE CONTRACT BETWEEN THE CITY AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CalPERS)

Personnel Manager Michael Okafor presented the staff report.

Motion by Councilmember De La Torre, seconded by Councilmember Ballin, to:

- a. Adopt an Ordinance (second reading), titled: "An Ordinance Authorizing amendment to the Contract Between the City Council of the city of San Fernando and the Board of Administration of the California Public Employees' Retirement System";
- b. Authorize the Mayor to execute the Amendment to the Contract between the Board of Administration of the CalPERS and the City Council of the city of San Fernando; and
- c. Authorize the City Clerk to execute the Certification of Final Action of Governing Body.

By consensus, the motion carried.

**CITY COUNCIL ITEMS (CONTINUED)**

- 10) APPOINTMENT TO EDUCATION COMMISSION

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Motion by Mayor Pro Tem Lopez, seconded by Councilmember Ballin, to appoint Yvonne Mejia as his representative to the Education Commission. By consensus, the motion carried.

*Mayor Esqueda returned at this time.*

In response to comments made earlier by a speaker and Councilmembers' desire to add an item to this agenda, City Attorney Medina stated that the City Council may add the item (that came to their attention after the agenda was posted and will require action before their next meeting) by two-thirds vote.

Motion by Councilmember Ballin, seconded by Mayor Pro Tem Lopez, to add an item to the agenda regarding modifying and/or waiving fees pertaining to the carnival taking place this upcoming weekend. The motion carried with the following vote:

AYES: Ballin, Lopez, De La Torre, Esqueda – 4

NOES: None

**11) MODIFY AND/OR WAIVE FEES FOR UPCOMING CARNIVAL**

Carnival promoter Mauricio Vinan said that last year's parking stall fees were \$5 and now they've increased to \$10. He asked if the fees could be waived or if he could pay last year's price.

Motion by Mayor Esqueda, seconded by Councilmember Ballin, to approve the fees charged last year (\$5 per parking stall).

Councilmember De La Torre's friendly amendment (that the City co-sponsor the event) was not accepted by Mayor Esqueda.

The above motion carried with the following vote:

AYES: Esqueda, Ballin, Lopez – 3

NOES: De La Torre – 1

**STANDING COMMITTEE UPDATES**

No. 1 Budget, Personnel, and Finance (BPF)

No updates.

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

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Councilmember De La Torre – no updates.

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

Councilmember Ballin – no updates.

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

Mayor Pro Tem Lopez – no updates.

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

Mayor Esqueda – no updates.

**GENERAL COUNCIL COMMENTS**

Councilmember De La Torre said she does not appreciate comments that were made about her family; she has been an upstanding Councilmember and takes her job seriously.

Mayor Esqueda said there was a press conference at JC Penney's in which she (the Mayor) was not invited to and if people cared about the City, they would stop calling the media. She also said that she was part of the "first" recall and sees the truth as to what was going on.

City Attorney Medina reminded Mayor Esqueda to be careful and not discuss the pros and cons of the recall during the City Council meeting.

**STAFF COMMUNICATIONS**

None

**RECESS TO CLOSED SESSION (9:43 P.M.)**

By consensus, Councilmembers recessed to the following Closed Session, thereafter to adjourn.

- A) PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE  
G.C. 54957
- B) CONFERENCE WITH LABOR NEGOTIATOR  
G.C. 54957.6

City Negotiator: City Administrator Al Hernandez  
Employee Organizations: San Fernando Management Group (SEIU, Local 721)  
San Fernando Public Employees' Association (SEIU, Local 721)

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San Fernando Police Officers' Association  
San Fernando Police Officers' Association Police Management Unit  
San Fernando Police Civilian Association (SEIU, Local 721)  
San Fernando Part-time Employees' Association (SEIU Local 721)

C) PUBLIC EMPLOYEE APPOINTMENT  
G.C. 54957

Title: Labor and Employment Attorney

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

Name of Case: Larry Barnard v. City of San Fernando  
WCAB Case No.: ADJ6645565  
Claim No. 20090002SFE & 20080021SFE

No reportable action on any of the above Closed Session items.

*I do hereby certify that the foregoing is a true and correct copy of the minutes of August 6, 2012 meeting as approved by the San Fernando City Council.*

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*Elena G. Chávez*  
*City Clerk*