

MINUTES OF THE REGULAR CITY COUNCIL MEETING OF THE
CITY OF VERNON HELD TUESDAY, AUGUST 2, 2016, IN THE
COUNCIL CHAMBER OF THE CITY HALL LOCATED AT 4305
SANTA FE AVENUE, VERNON, CALIFORNIA

MEMBERS PRESENT: Davis, Woodruff-Perez, Ybarra, and Lopez

MEMBERS ABSENT: Martinez

The meeting was called to order at 9:00 a.m. by Mayor Davis; Mayor Davis led the flag salute.

CHANGES TO THE AGENDA

City Clerk Maria Ayala announced that there were no changes to the agenda.

PUBLIC COMMENT

Mayor Davis announced that this was the time allotted for public comment, and inquired whether anyone in the audience wished to address the City Council. The public will also be given an opportunity to comment on matters on the posted agenda during Council deliberation.

No public comment provided.

PUBLIC HEARING

1. **Public Hearing on the Proposed Amendments to Section 17.16 of Chapter 17 of the Vernon Municipal Code to Modify and Clarify the Language in the Camping Ordinance and Encompass, Among Other Situations, Camping in Recreational Vehicles.**

Ordinance No. 1236 - An Ordinance of the City Council of the City of Vernon Amending Section 17.16 to Chapter 17 of the Vernon Municipal Code to Modify and Clarify Rules and Regulations for Camping Within the City of Vernon and Repealing All Ordinances or Parts Thereof in Conflict Therewith (first reading)

Recommendation:

- A. Find that this Ordinance is exempt from California Environmental Quality Act ("CEQA") review, because the action proposed is administrative and related to general policy that will not result in direct or indirect physical changes in the environment, and therefore does not constitute a "project" as defined by CEQA Guidelines section 15378; and
- B. Approve the first reading, and adopt at a subsequent meeting, an ordinance amending Section 17.16 of Chapter 17 of the Vernon Municipal Code to 1) modify and clarify the language in the Camping Ordinance, and 2) encompass, among other situations, camping in recreational vehicles.

Police Chief Calleros reported on the proposed Ordinance amendment.

Ybarra inquired on where the homeless were located. Chief Calleros informed the Council that they were predominantly found on the west side of the City.

Ybarra asked if the City could work with a homeless shelter. Chief Calleros informed the Council that the Police Department is currently working with mental health groups to assist with the situation.

Ybarra asked if there were recurring homeless individuals in the area. Chief Calleros acknowledged that a majority of the homeless in that area were repeat individuals.

Ybarra requested that future updates on the homeless situation in the City be provided.

At 9:07 a.m. Mayor Davis opened the Public Hearing.

No public comment was provided.

At 9:07 a.m. Mayor Davis closed the Public Hearing.

It was moved by Ybarra and seconded by Lopez to approve the first reading of Ordinance No. 1236, Amending Section 17.16 of Chapter 17 of the Vernon Municipal Code.
Motion carried, 4-0.

NEW BUSINESS

City Administration Department

- 2. Resolution No. 2016-44 - A Resolution of the City Council of the City of Vernon Appointing Kelly Nguyen to Serve as the Director of Gas and Electric of the City of Vernon and Approving and Authorizing the Execution of a Related At-Will Employment Agreement.**

Recommendation:

- A. Find that approval of the attached resolution in this staff report is exempt from California Environmental Quality Act (CEQA) review, because it is a general administrative activity that will not result in direct or indirect physical changes in the environment and therefore does not constitute a “project” as defined by CEQA Guidelines Section 15378. Furthermore, even if it were a project, because such activity will not have any effect on the environment, this action would be exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3), the general rule that CEQA only applies to projects that may have a significant effect on the environment; and
 - B. Adopt the resolution appointing Kelly Nguyen to serve as the Director of Gas & Electric of the City of Vernon effective August 15, 2016, approving and authorizing the execution of a related at-will employment agreement.
- 3. Oath & Appointment of Kelly Nguyen as Director of Gas and Electric, City of Vernon.**

City Administrator Carlos Fandino reported on the proposed.

It was moved by Ybarra and seconded by Woodruff-Perez to approve Resolution No. 2016-44 and the appointment of Kelly Nguyen as Director of Gas and Electric, City of Vernon. Motion carried, 4-0.

City Clerk Maria Ayala administered the oath of allegiance to newly appointed Director of Gas and Electric Kelly Nguyen.

Ms. Nguyen thanked the Council for the opportunity and expressed how she is looking forward to working with the City.

At 9:14 a.m. Mayor Davis recessed the meeting.

At 9:38 a.m. Mayor Davis reconvened the meeting.

PRESENTATIONS

- 4. Financial Results for Fiscal Year 2015-16, Investment Portfolio, and Government Fund Discussion**
Presented by: William Fox, Director of Finance

Director of Finance William Fox provided and PowerPoint Presentation.

Maria Olguin, Vernon Chamber of Commerce, requested that Director Fox further explained enterprise fund revenues and expenditures.

Director Fox explained the revenues were in a shortfall due to the lower prices in natural gas and the City's commitment to deliver inexpensive services.

Ms. Olguin requested the PowerPoint information be included in the public agenda for transparency purposes and stated that the business community would like to be a part of the short term and long term goal planning.

CONSENT CALENDAR

It was moved by Ybarra and seconded by Lopez to approve all matters listed under the Consent Calendar under one motion as presented. Motion carried, 4-0.

Claims Against the City – Received and Filed

5. **None**

Minutes – To be Received and Filed

6. **Minutes of the Regular City Council Meeting held June 7, 2016.**
7. **Minutes of the Regular City Council Meeting held June 21, 2016.**
8. **Minutes of the Special City Council Meeting held June 28, 2016.**
9. **Minutes of the Rescheduled Regular City Council Meeting held July 12, 2016.**
10. **Minutes of the Regular City Council Meeting held July 19, 2016.**

Warrant Registers

11. **Ratification of the following City Warrant Register to record the following voided checks:**
 - A. City Warrant Register No. 1444 to record voided Check No. 350320 in the amount of \$752.00; and
 - B. City Warrant Register No. 1444 to record voided Check No. 350385 in the amount of \$100.00; and
 - C. City Warrant Register No. 1451 to record voided Check No. 351534 in the amount of \$1,837.75; and
 - D. City Warrant Register No. 1452 to record voided Check No. 351739 in the amount of \$33,152.00.
12. **Approval of City Warrant Register No. 1453, totaling \$2,008,813.34, which covers the period of July 12 through July 25, 2016, and consists of the following:**
 - A. Ratification of wire transfers totaling \$1,374,157.16; and
 - B. Ratification of the issuance of early checks totaling \$378,378.10; and
 - C. Authorization to issue pending checks totaling \$256,278.08; and
 - D. Voided check No. 351751, 351789 totaling \$189.69.

- 13. Approval of Light & Power Warrant Register No. 418, totaling \$6,514,023.68, which covers the period of July 12 through July 25, 2016, and consists of the following:**
 - A. Ratification of wire transfers totaling \$6,342,698.09; and
 - B. Ratification of the issuance of early checks totaling \$170,485.68; and
 - C. Authorization to issue pending checks totaling \$839.91.
- 14. Approval of Gas Warrant Register No. 206, totaling \$1,160,746.33, which covers the period of July 12 through July 25, 2016, and consists of the following:**
 - A. Ratification of wire transfers totaling \$1,138,179.35; and
 - B. Ratification of the issuance of early checks totaling \$14,431.36; and
 - C. Authorization to issue pending checks totaling \$8,135.62

Health and Environmental Control Department

- 15. June 2016 Health & Environmental Control Department Monthly Report**

Police Department

- 16. Activity Log and Statistical Summary of Arrests and Activities for the period of July 1, through July 15, 2016, to be received and filed.**

Public Works, Water and Development Services Department

- 17. Acceptance of Work of Petrochem Manufacturing Innovation, LLC (PMI) regarding Contract CS-0677 - Citywide Slurry Seal, Phase IV Project**

Recommendation:

- A. Affirm that accepting the work of Petrochem Manufacturing Innovation, LLC, for the Citywide Slurry Seal, Phase IV Project, Contract No. CS-0677, is categorically exempt under the California Environmental Quality Act (CEQA) in accordance with Section 15301, Existing Facilities, part (c), existing highways and streets, because the project is merely to repair existing streets; and
- B. Accept the work of Petrochem Manufacturing Innovations, LLC as part of the Citywide Slurry Seal, Phase IV Project, Contract No. CS-0677, and authorize staff to submit for recordation a Notice of Completion for the project.

NEW BUSINESS

City Administration Department

- 18. Approval of Updated Form At-Will Employment Agreements for Future City of Vernon Executives**

Recommendation:

- A. Find that approval of the proposed form at-will employment agreements for City of Vernon executive staff is exempt under the California Environmental Quality Act (CEQA) review, because it is a general administrative activity that will not result in direct or indirect physical changes in the environment and therefore does not constitute a "project" as defined by CEQA Guidelines Section 15378. Furthermore, even if it were a project, because such activity will not have any effect

on the environment, this action would be exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3), the general rule that CEQA only applies to projects that may have a significant effect on the environment; and

- B. Approve the updated form at-will employment agreements (safety and non-safety) to be used for City of Vernon executive staff members and staff attorneys (except the City Administrator and City Attorney) hired by the City Council from this date forward.

City Administrator Carlos Fandino reported on the proposed.

It was moved by Ybarra and seconded by Lopez to approve the Updated Form At-Will Employment Agreements for Future City of Vernon Executives. Motion carried, 4-0.

Finance Department

19. Property and Casualty Insurance Placements for Fiscal Year 2016-2017

Recommendation:

- A. Find that approval of the placement of property and casualty insurance for Fiscal Year 2016-17 is exempt under the California Environmental Quality Act (CEQA) in accordance with Sections 15060(c)(3), 15378(b)(4), and 15378(b)(5). This is because the activity of authorizing the placement of insurance will not result in direct or indirect physical changes in the environment and, therefore, is not a “project,” as defined in Section 15378 of the CEQA Guidelines; and
- B. Authorize the City Administrator to bind the City for the annual insurance coverage for Fiscal Year 2016-17, provided the total annual premiums to be paid shall not exceed \$898,085. This includes the renewal of policies for excess liability insurance, errors & omissions, property, excess workers’ compensation, crime, pollution liability, and environmental site liability, automobile physical damage, and cyber liability coverages.

Finance Director William Fox reported on the proposed.

It was moved by Woodruff-Perez and seconded by Ybarra to authorize the City Administrator to bind the City for the annual insurance coverage for Fiscal Year 2016-17. Motion carried, 4-0.

Human Resources Department

20. Resolution No. 2016-45 - A Resolution of the City Council of the City of Vernon Delegating Authority to the City Administrator to Make Determinations Regarding Industrial Disability Retirements

Recommendation:

- A. Find that approval of the proposed California Public Employees Retirement System (CalPERS) Resolution for Delegation of Authority for Industrial Disability Retirements to the City Administrator is exempt from California Environmental Quality Act (“CEQA”) review, because it is an administrative activity that will not result in direct or indirect physical changes in the environment, and therefore does not constitute a “project” as defined by CEQA Guidelines section 15378; and
- B. Approve the attached resolution delegating authority to the City Administrator to make applications for disability retirements on behalf of employees to CalPERS, and/or to make determinations on industrial disability retirement for safety employees once an application is submitted to CalPERS.

Senior Human Resources Analyst Lisette Grizzelle reported on the proposed.

Mayor Davis asked if there was a preexisting Resolution on this topic. Senior Human Resources Analyst Grizzelle clarified that there was no Resolution on file with CalPERS.

It was moved by Ybarra and seconded by Lopez to approve Resolution No. 2016-45. Motion carried, 4-0.

21. Resolution No. 2016-46 - A Resolution of the City Council of the City of Vernon Approving the Industrial Disability Retirement Application of Francesco M. Pirello, a Local Safety Member Formerly Employed by the City of Vernon (Government Code Sections 21154 and 21156)

Recommendation:

- A. Find that approval of an Industrial Disability Retirement for Francesco M. Pirello, Retired Police Sergeant, is exempt under the California Environmental Quality Act (“CEQA”) review, because it is an administrative activity that will not result in direct or indirect physical changes in the environment, and therefore does not constitute a “project” as defined by CEQA Guidelines section 15378; and
- B. Rescind Resolution No. 2013-98, denying an Industrial Disability Retirement Application for Francesco M. Pirello, based on insufficient medical evidence, and based on a re-evaluation of the case; and
- C. Adopt the resolution approving Mr. Pirello’s Industrial Disability Retirement Application as the findings and determinations pertaining to Mr. Pirello’s Application, pursuant to Government Code 21156, based on further medical evidence that Mr. Pirello is substantially incapacitated from the performance of his usual and customary duties as a Police Sergeant for the City of Vernon.

Senior Human Resources Analyst Lisette Grizzelle reported on the proposed.

It was moved by Ybarra and seconded by Woodruff-Perez to rescind Resolution No. 2013-98 and adopt Resolution No. 2016-46. Motion carried, 4-0.

Public Works, Water and Development Services Department

22. Resolution No. 2016-47 - A Resolution of the City Council of the City of Vernon Approving and Accepting the Grant Deed Dedicating in Fee a Portion of the Property Located at 5001 Soto Street.

Recommendation:

- A. Find that accepting the Grant Deed is exempt from the California Environmental Quality Act (“CEQA”) in accordance with CEQA Guidelines Section 15301(c) because if any construction occurs as a result of accepting and executing the Grant Deed, the work would merely involve negligible expansion of an existing street; and; and
- B. Adopt the resolution to authorize the Mayor and City Clerk to execute the Certificate of Acceptance and the Grant Deed for approximately 3,144 square feet of land located at 5001 Soto Street.

Associate Engineer Lisette Melendez reported on the proposed.

It was moved by Woodruff-Perez and seconded by Ybarra to approve Resolution No. 2106-47. Motion carried, 4-0.

ORAL REPORTS

23. City Administrator Reports – brief reports on activities and other brief announcements by the City Administrator and Department Heads.

Police Chief Daniel Calleros reported on the following: a July 26th early morning vigil at Farmer John's, the group was peaceful; July 30th carjacking on the 4800 block of District Boulevard; and a checkpoint set for August 19th.

Fire Chief Mike Wilson reported on the following: Regional Fire Training Center near completion; new fire engines; new activity reports; new radios to Council; overview of overtime; EMS changes; breathing apparatus bought with grant funds; active shooter exercises; July 23rd car accident; strike team deployed to the Sand Fire; and a strike team deployed to Big Sur area.

Associate Engineer Lissette Melendez gave a brief overview of the Central Basin Water District programs; Regional Fire Training Center phase one is in final stages, soon to be in phase two; Gateway Cities Council of Government Meeting; increased weeding and litter pick up; and digital billboard and widening project on the I-710 Freeway.

Utilities Compliance Manager Ali Nour congratulated Kelly Nguyen on her new appointment and briefly reported on the power outage last Sunday; circuit breaker replacement project; and the July 23rd Citywide internet network outage.

Interim Director of Health and Environmental Control Lewis Pozzebon gave a brief report on the annual wholesale food vehicle inspections.

Senior Human Resources Analyst Lisette Grizzelle gave a brief update on the recruitment for the Director of Health and Environmental Control; Public Safety Director research and report; employee health fair on September 15th; and announced various recruitments that are at various stages.

24. City Council Reports – brief AB1234 reports, or report on: activities, announcements, or directives to staff.

City Administrator Carlos Fandino requested direction on either the recruitment of a Fire Chief or a delay of the recruitment until after the report on the Public Safety Director. Council confirmed that they would like to hear the Public Safety Director report prior to opening the Fire Chief recruitment.

Woodruff-Perez requested preliminary information prior to the anticipated report to be agendized for the September Council meeting. City Administrator Carlos Fandino acknowledged the request and will provide the information.

Senior Human Resources Analyst Lisette Grizzelle recommended that the recruitment be conducted prior to the holidays.

City Administrator Fandino also reported on the following: John Van de Kamp, Independent Council, completed the current report, it can be viewed on the website; Director of Health and Environmental Control recruitment; Hunting Park Chamber Sabor de Mexico event and their request to partner with the City of Vernon. City Administrator Fandino stated that the City will reach out to businesses this may impact, overview of logistical issues, and closed city streets mid-day someday in October. Local coverage will be there and the City of Vernon will provide comment.

Ybarra requested the item to be agendized for further discussion.

No Council reports provided.

Mayor Davis recessed the meeting at 10:59 a.m. and reconvened at 11:05 a.m.

CLOSED SESSION

At 11:05 a.m., the City Council entered into closed session to discuss the following agendized items:

25. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (2)
Government Code Section 54956.9(a)

A. Name of Case: City of Vernon vs. Citigroup Energy Inc., et al.
United States District Court
Southern District of New York Case No. CV16-2405

B. Name of Case: Jerrick Torres and Lyndon Ong Yiu vs. City of Vernon, et al.
Los Angeles Superior Court
Case No. BC620265

26. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
Government Code Section 54957(b)(1)

At 11:43 a.m. the City Council exited closed session. City Attorney Hema Patel announced that three items were discussed and there was no reportable action from closed session.

With no further business, at 11:43 a.m., Mayor Davis adjourned the meeting.

William J. Davis
Mayor

ATTEST:

Maria E. Ayala
City Clerk