

MINUTES OF THE REGULAR CITY COUNCIL MEETING OF THE  
CITY OF VERNON HELD TUESDAY, AUGUST 16, 2016, IN THE  
COUNCIL CHAMBER OF THE CITY HALL LOCATED AT 4305  
SANTA FE AVENUE, VERNON, CALIFORNIA

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

MEMBERS ABSENT: None

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

**CHANGES TO THE AGENDA**

City Clerk Maria Ayala announced the agenda addendum that had been issued; and that Item No. 28 would be taken at the end of the Presentations section of 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.

Sandra Rivera Orozco, Southeast Political Activist, announced that she was elected Democratic Woman of the Year for Assembly District 63. Ms. Orozco congratulated the Vernon Police Department and Police Chief Daniel Calleros on outstanding service and professionalism.

**PUBLIC HEARING**

**1. Public Hearing on the Adoption of Amended Water Rate Schedule**

**Resolution No. 2016-48 - A Resolution of the City Council of the City of Vernon Adopting a Revised Schedule of Water Rates**

**Recommendation:**

- A. Conduct a Public Hearing and receive testimony regarding the adoption of the proposed Water Rate Schedule; and
- B. Find that the proposed action is statutorily exempt from the California Environmental Quality Act ("CEQA") review, in accordance with CEQA Guidelines 15273, because CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges by public entities done for the purpose of meeting operating expenses, including employee wage rates and fringe benefits, purchasing or leasing supplies,

equipment, or materials and obtaining funds for capital projects, necessary to maintain service within existing service areas; and

- C. Approve and authorize a Resolution of the City Council of the City of Vernon Adopting a Revised Schedule of Water Rates.

Director of Public Works, Water and Development Services Derek Wieske reported on the proposed. Director Wieske noted that there was one letter of concern received.

Councilmember Ybarra inquired about the content of the letter received. Director Wieske explained that the letter was from Farmer John, inquiring whether or not rates would decrease after the capital improvements plan was completed. Director Wieske further explained that he did not anticipate a rate reduction after the project was completed, suggesting an updated rate study be done in the future.

Mayor Davis opened the public hearing at 9:12 a.m.  
No public testimony provided.

Mayor Davis closed the public hearing at 9:12 a.m.

It was moved by Martinez and seconded by Ybarra to approve Resolution No. 2016-48. Motion carried, 5-0.

## **ORDINANCE**

2. **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 (second 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. Adopt ordinance amendment to 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 Daniel Calleros reported on the proposed.

It was moved by Woodruff-Perez and seconded by Ybarra to approve Ordinance No. 1236. Motion carried, 5-0.

**PRESENTATIONS**

**3. Eco-Rapid Transit Project Update**

Presented by: Mike Kodama, Executive Director, Eco-Rapid Transit

Director Wieske gave a brief introduction of Mike Kodama, Executive Director, Eco-Rapid Transit.

Mr. Kodama provided a PowerPoint Presentation.

**4. Service Pin Awards for July 2016**

Presented by: Lisette Grizzelle, Senior Human Resources Analyst

NAME	DEPARTMENT	TITLE	YEARS
Ernesto A. Smith	City Administration/IT Division	Information Technology Manager	10

Senior Human Resources Analyst Lisette Grizzelle presented the service pin to Ernesto Smith, who was in attendance.

**28. Public Safety Director**

Presented by: Lisette Michel Grizzelle, Senior Human Resources Director

Woodruff-Perez explained that this presentation was intended to be exploratory and nothing had been decided.

Senior Human Resources Analyst Lisette Grizzelle provided the oral report.

Councilmember Ybarra and Mayor Pro-Tem Woodruff-Perez had various questions and concerns about the Public Safety Director position and the current structure of the Fire and Police Departments. Analyst Grizzelle, Police Chief Calleros, and Fire Chief Michael Wilson addressed all questions and concerns

Mayor Pro-Tem Woodruff-Perez made the condition that if management issues are addressed in the Fire Department, she would discontinue the potential idea of a Public Safety Director and proceed with the recruitment of a Fire Chief. City Administrator Carlos Fandino acknowledged his responsibilities with management and City operations. He requested formal guidance on the recruitment.

Council reached a consensus to direct the City Administrator to begin recruitment for a Fire Chief.

John Van de Kamp, Independent Council, wanted to know if the information presented could be distributed; and commended the Council on looking into possible restructuring and different avenues.

### **CONSENT CALENDAR**

It was moved by Ybarra and seconded by Martinez to approve all matters listed under the Consent Calendar under one motion as presented. Motion carried, 5-0.

#### **Claims Against the City – Received and Filed**

- 5. Claim for Damages from Jose Alfredo Urbina received on August 1, 2016 in the amount of \$200**

#### **Minutes – To be Received and Filed**

- 6. Minutes of the Regular City Council Meeting held August 2, 2016**

#### **Warrant Registers**

- 7. Approval of City Payroll Warrant Register No. 722, totaling \$3,167,197.10, which covers the period of July 1 through July 31, 2016 and consists of the following:**
  - A. Ratification of direct deposits, checks and taxes totaling \$2,237,445.03; and
  - B. Checks and electronic fund transfers (EFT) totaling \$929,752.07.
- 8. Approval of City Warrant Register No. 1454, totaling \$1,760,724.37, which covers the period of July 26 through August 8, 2016, and consists of the following:**
  - A. Ratification of wire transfers totaling \$1,130,305.91; and
  - B. Ratification of the issuance of early checks totaling \$477,470.07; and
  - C. Authorization to issue pending checks totaling \$152,948.39.

- 9. Approval of Light & Power Warrant Register No. 419, totaling \$1,514,090.85, which covers the period of July 26 through August 8, 2016, and consists of the following:**
  - A. Ratification of wire transfers totaling \$1,383,297.98; and
  - B. Ratification of the issuance of early checks totaling \$69,614.60; and
  - C. Authorization to issue pending checks totaling \$61,178.27.
- 10. Approval of Gas Warrant Register No. 207, totaling \$170,772.93, which covers the period of July 26 through August 8, 2016, and consists of the following:**
  - A. Ratification of wire transfers totaling \$149,905.00; and
  - B. Ratification of the issuance of early checks totaling \$20,867.93.

#### **Fire Department**

- 11. Activity Report for the period of June 16 through June 30, 2016**
- 12. Activity Report for the period of July 1 through July 15, 2016**
- 13. Activity Report for the period of July 16 through July 31, 2016**

#### **Gas and Electric Department**

- 14. Contract for Electric Service (No. 16-DSR-12650) and Amended and Restated Implementation Agreement (No. 95-PAO-10616) among the City of Vernon, the Bureau of Reclamation, and Western Area Power Administration**

#### **Recommendation:**

- A. Find that (a) the Contract for Electric Service (No. 16-DSR-12650) and Amended and Restated Implementation Agreement (No. 95-PAO-10616) among the City of Vernon, the Bureau of Reclamation, and Western Area Power Administration is not in reference to a “project” subject to the California Environmental Quality Act (CEQA) under Guidelines section 15378 because it involves the administrative activity of extending an existing contract for purchase of electricity; and (b) even if this approval were a “project” subject to CEQA, the approval requested is exempt in accordance with CEQA Guidelines Section 15301(b), the general rule that CEQA only applies to projects that may have an effect on the environment because the purchase of electricity is purely a financial transaction, and any construction that may occur by a private party in the future in reliance on this approval would be subject to CEQA review by another governmental agency at that time when actual details of any physical proposal would be more than speculative; and

- B. Approve the Contract for Electric Service (No. 16-DSR-12650) and Amended and Restated Implementation Agreement (No. 95-PAO-10616) among the City of Vernon, the Bureau of Reclamation, and Western Area Power Administration, for the purpose of purchasing federally generated hydropower from the Hoover Power Plant from October 1, 2017 through September 30, 2067; and
- C. Authorize the City Administrator to execute the Contract for Electric Service (No. 16-DSR-12650) and Amended and Restated Implementation Agreement (No. 95-PAO-10616).

### **Police Department**

- 15. Activity Log and Statistical Summary of Arrests and Activities for the Period of July 16, through July 31, 2016, to be Received and Filed**
- 16. Federal Equitable Share Agreement and Annual Certification Report**

#### **Recommendation**

- A. Find that granting authority to execute and submit the above-referenced agreement and related documents is exempt from California Environmental Quality Act (“CEQA”) review, because it is a continuing 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. Authorize the Police Chief and City Administrator to execute the Federal Equitable Share Agreement and Annual Certification Report on behalf of the City of Vernon.

### **Public Works, Water and Development Services Department**

- 17. Building Department Report for the Month of July 2016**

### **NEW BUSINESS**

#### **City Administration Department**

- 18. Resolution No. 2016-49 - A Resolution of the City Council of the City of Vernon Appointing Lisette Grizzelle to Serve as the Interim Director of Human Resources of the City of Vernon**

#### **Recommendation:**

- A. Find that appointment of Lisette Grizzelle as the Interim Director of Human Resources 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 attached resolution appointing Lisette Grizzelle to serve as the Interim Director of Human Resources effective August 18, 2016.

City Administrator Fandino reported on the proposed.

Councilmember Ybarra inquired if this was a new recruitment or would potential candidates be taken from the finalist pool from the last recruitment. City Administrator Fandino explained that the Hawkins Group assisted with the original recruitment and he was working with them.

Ybarra inquired if outside recruitment of an Interim Director was feasible. City Administrator Fandino responded that the hiring of a Director would be expedited if the Interim position was appointed internally.

It was moved by Ybarra and seconded by Lopez to approve Resolution No. 2016-49. Motion carried, 5-0.

#### **19. 24th Annual “Sabor de Mexico Lindo Downtown Festival”**

##### **Recommendation:**

- A. Find that the approval of the City of Vernon’s partnership with the Greater Huntington Park Area Chamber of Commerce to co-host the “Sabor de Mexico Lindo Downtown Festival” 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. Approve the City of Vernon’s partnership with the Greater Huntington Park Area Chamber of Commerce to co-host the “Sabor de Mexico Lindo Downtown Festival” located in Vernon on Pacific Blvd., between Leonis Blvd. and Santa Fe Ave. The festival is scheduled for September 30 – October 2, 2016.

City Administrator Fandino introduced Leticia Martinez, Executive Director/CEO, Huntington Park Chamber of Commerce.

Ms. Martinez provided a brief overview of the “Sabor de Mexico Lindo Downtown Festival”.

Councilmember Ybarra, Councilmember Lopez and Mayor Davis had questions and concerns regarding security, parking, street closures, and the venue decision. Police Chief Calleros, City Administrator Fandino, Ms. Martinez, and Director Wieske responded to all of the questions and concerns brought up by Council.

#### Public Comment

Fred MacFarlane, Senior Advisor to the City Administrator, stated that it was refreshing that the City Council would consider this event and the various media coverage would be great for the City.

Ms. Orozco stated that this was a positive event for the community and she was excited for the City of Vernon participating in this event.

It was moved by Woodruff-Perez and seconded by Ybarra to approve the City of Vernon's partnership with the Greater Huntington Park Area Chamber of Commerce to co-host the "Sabor de Mexico Lindo Downtown Festival". Motion carried, 5-0.

#### **Finance Department**

#### **20. Authorization to Enter into a Contract with PFM Financial Advisors LLC (PFM) for Financial Advisory Services for Fiscal Years 2017 through 2019**

##### **Recommendation:**

- A. Find that entering into a contract with PFM Financial Advisors LLC (PFM), a registered advisor to provide financial advisory services is exempt under the California Environmental Quality Act (CEQA). The scope of the work to be performed is a continuing 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. In addition, even if was determined to be a project, it would be exempt from CEQA review in accordance with Section 15061(b)(3), the general rule is that CEQA only applies to activities that may have a significant effect on the environment; and
- B. Authorize the City Administrator to execute a three year professional services agreement for fiscal years 2017 through 2019, with PMF Financial Advisors LLC, to perform financial advisory services. Find that the agreement is exempt from competitive selection based on the determination that it is in the best interest of the City to approve a direct award of the contract pursuant to City Code Article IV Section 2.17.12(B)(2) based upon PFM's firm expertise and technical merit. (The proposed contract is exempt from competitive bidding pursuant to City Code Article IV Section 2.17.12(A) (10), referring to contract for professional services.)

Director of Finance William Fox reported on the proposed.

Ybarra wanted to know why the dollar amount for the agreement was chosen. Director Fox explained that the money allocated is used as a buffer and if the money is not spent it goes back to the City.

It was moved by Ybarra and seconded by Martinez to authorize the City Administrator to execute a three year professional services agreement for fiscal years 2017 through 2019. Motion carried, 5-0.

## **Fire Department**

### **21. Approval of Services Agreement with Kalmikov Enterprises, Inc. DBA Fire Apparatus Solutions for Fire Apparatus Mechanic Services**

#### **Recommendation:**

- A. Find that approval of the proposed services agreement for Fire Apparatus Mechanic Services exempt under the California Environmental Quality Act (“CEQA”) in accordance with Section 15061(b)(3), the general rule that CEQA only applies to projects that may have an effect on the environment; and
- B. Accept the proposal of Kalmikov Enterprises, Inc. dba Fire Apparatus Solutions, as the lowest responsive and responsible bidder and enter into a three-year service contract, effective July 1, 2016, for an amount not to exceed \$405,000.00, for Fire Apparatus Mechanic Services; and
- C. Reject all other proposals.

Fire Chief Wilson reported on the proposed.

It was moved by Ybarra and seconded by Martinez to accept the proposal of Kalmikov Enterprises, Inc. dba Fire Apparatus Solutions and reject all other proposals. Motion carried, 5-0.

## **Health and Environmental Control Department**

### **22. Approve and Authorize Amendment No. 2 to the Services Agreement for Solid Waste Consulting Services with MSW Consultants, Inc. for a Ninety (90) Day Extension**

#### **Recommendation:**

- A. Find that approval of the proposed ninety (90) day extension of the Solid Waste Consulting Services Agreement with MSW Consultants, Inc. is exempt under the California Environmental Quality Act (“CEQA”) in accordance with Section 15061(b)(3), the general rule that CEQA only applies to projects that may have an effect on the environment; and

- B. Find that, pursuant to Council's authority under Vernon Municipal Code § 2.17.12(B)(2) and for reasons set forth in this staff report, "the best interests of the City are served by a direct award (extension) of the contract without a competitive selection process"; and
- C. Approve and authorize the execution of Amendment No. 2 for a ninety (90) day extension of the Solid Waste Consulting Services with MSW Consultants, Inc. and the City of Vernon Health and Environmental Control Department with cumulative costs that will not exceed the current contract's maximum yearly total of \$260,000, and commencing November 1, 2016 and not to exceed ninety (90) days.

Interim Director of Health and Environmental Control Lewis Pozzebon reported on the proposed.

Ybarra asked if an RFP had been started. Interim Director Pozzebon stated that it has been drafted but not posted, should be done before the new Director is hired.

It was moved by Woodruff-Perez and seconded by Ybarra to approve the approve and authorize the execution of Amendment No. 2 for a ninety (90) day extension of the Solid Waste Consulting Services with MSW Consultants, Inc. Motion carried, 5-0.

### **Public Works, Water and Development Services Department**

#### **23. Approval of a Funding Agreement for the Atlantic Boulevard Bridge Rehabilitation and Widening Project between the City of Vernon and the Los Angeles County Metropolitan Transportation Authority**

##### **Recommendation:**

- A. Find that the approval of the proposed Funding Agreement is consistent with the Initial Study/Mitigated Negative Declaration prepared for this project by the City of Vernon pursuant to the provisions under the California Environmental Quality Act (CEQA) in accordance with Section 15063; and
- B. Approve the Measure R Funding Agreement between the City of Vernon and the Los Angeles County Metropolitan Transportation Authority, for the Atlantic Boulevard Bridge Rehabilitation and Widening Project, Federal Project No. DBPL02-5139(010); and
- C. Authorize the Mayor to execute the funding agreement.

Director Wieske reported on the proposed.

##### **Public Comment**

Mr. Van de Kamp wanted to know the additional financial commitment for the City. Director Wieske stated that the local match would be \$879,000. Director Wieske stated only design funding has been allocated and not construction funding.

It was moved by Ybarra and seconded by Martinez to approve the Measure R Funding Agreement and authorize the Mayor to execute the funding agreement. Motion carried, 5-0.

## **ORAL REPORTS**

- 24.** 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: Police chase in the City of Maywood, suspect taken into custody; August 13<sup>th</sup> trespassing in vacant building on 2600 block of 26<sup>th</sup> street; 4500 block of District Boulevard carjacking; and a checkpoint this Friday, August 19<sup>th</sup>.

Police Captain Michael Gillman reported vandalism on the 2700 block of Santa Fe Boulevard.

Fire Chief Mike Wilson gave a brief update on the 2 new fire engines.

Director of Public Works, Water and Development Services Derek Wieske reported on the following: street crews cleaning curbs and weeded; development project on Alameda; tour of the Amazon facility; additional CR Laurence building in the City; planned resolution of opposition for Measure M.

Director of Gas and Electric Kelly Nguyen gave a brief overview of the the contract approved in the consent calendar.

Interim Director of Human Resources Lisette Grizzelle welcomed Director Nguyen to the City.

City Administrator Fandino welcomed Director Nguyen to the City of Vernon family and Gas and Electric family, and briefly mentioned the Sabor de Mexico event and Health Director interviews.

- 25.** City Council Reports – brief report on activities, announcements, or directives to staff.

No reports provided.

Mayor Davis recessed the meeting at 10:56 a.m. and reconvened at 11:04 a.m.

## **CLOSED SESSION**

At 11:04 a.m., the City Council entered into closed session to discuss the following agendized items:

- 26. 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

**27. PUBLIC EMPLOYMENT**

Government Code Section 54957(b)(1)

Title: Director of Health and Environmental Control

At 11:26 a.m. the City Council recessed for lunch.

At 12:30 p.m. closed session was reconvened.

At 1:53 p.m. the City Council exited closed session. City Attorney Hema Patel announced that there was no reportable action from closed session.

With no further business, at 1:53 p.m., Mayor Davis adjourned the meeting.

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William J. Davis  
Mayor

ATTEST:

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Maria E. Ayala  
City Clerk