

MINUTES OF THE REGULAR CITY COUNCIL MEETING OF THE
CITY OF VERNON HELD TUESDAY, SEPTEMBER 20, 2016, IN THE
COUNCIL CHAMBER OF THE CITY HALL LOCATED AT 4305
SANTA FE AVENUE, VERNON, CALIFORNIA

MEMBERS PRESENT: Davis, Ybarra, and Lopez

MEMBERS ABSENT: Woodruff-Perez and Martinez

The meeting was called to order at 9:01 a.m. by Mayor Davis; Police Chief Daniel Calleros 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.

Sandra Orozco, Southeast Political Activist, commented on the City's response to ADA compliance concerns she had raised at a previous City Council meeting; and, the excellent service she received when working with staff from the Public Works Department.

PRESENTATION

1. Oath & Appointment of Keith Allen as Director of Health and Environmental Control, City of Vernon

City Administrator Carlos Fandino gave a brief introduction of Keith Allen

City Clerk Ayala administered the oath of allegiance to Keith Allen.

Director of Health and Environmental Control Keith Allen expressed thanks to the City Administrator and City Council for the new opportunity and looks forward to working in Vernon.

2. California Highway Patrol, "CHP "10851" Grand Theft Auto Recovery Award" presented to Police Officer Carlos Ourique

Presented by: CHP Representative(s) and Vernon Police Department, Chief Daniel Calleros

Police Chief Calleros gave a brief introduction about the award and Police Officer Carlos Ourique.

CHP Captain Paul Medeiros presented the award to Police Officer Ourique.

3. Service Pin Awards for August 2016

NAME	DEPARTMENT	TITLE	YEARS
Scott R. Metz	Fire	Fire Engineer	15
Troy M. Durbin	Fire	Fire Engineer	15
James E. Espalin	Fire	Firefighter	15
Jason D. Rosa	Fire	Fire Engineer	15

Interim Human Resources Director Lissette Grizzelle announced the service pins, no awardees were in attendance.

4. Proclamation Declaring September 23rd as Vin Scully Day

City Administrator Fandino read the proclamation

Mayor Davis recessed the meeting at 9:17 a.m.

The meeting reconvened at 9:28 a.m.

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, 3-0.

Davis: Yes

Woodruff-Perez: Absent

Martinez: Absent

Ybarra: Yes

Lopez: Yes

Claims Against the City – Received and Filed

- 5. Claim for Damages from Arturo and Catalina Cerda-Roman received on September 12, 2016 in the amount of \$10,000,000**

Minutes – To be Received and Filed

- 6. Minutes of the Regular City Council Meeting held August 16, 2016**

Warrant Registers

- 7. Ratification of the following City Warrant Registers to record the following voided checks:**

A. City Warrant Register No. 1454 to record voided Check No. 351968 in the amount of \$5.00; and

B. City Warrant Register No. 1455 to record voided Check No. 352188 in the amount of \$1,169.00.

- 8. Approval of City Payroll Warrant Register No. 723, totaling \$3,475,465.12, which covers the period of August 1 through August 31, 2016 and consists of the following:**

A. Ratification of direct deposits, checks and taxes totaling \$2,419,796.80; and

B. Checks and electronic fund transfers (EFT) totaling \$1,055,668.32.

- 9. Approval of City Warrant Register No. 1456, totaling \$1,638,890.86, which covers the period of August 30 through September 12, 2016, and consists of the following:**

A. Ratification of wire transfers totaling \$1,041,213.64; and

B. Ratification of the issuance of early checks totaling \$418,095.05; and

C. Authorization to issue pending checks totaling \$179,582.17; and

D. Voided check No. 352239 totaling \$39,017.07.

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- 10. Approval of Light & Power Warrant Register No. 421, totaling \$1,299,039.55, which covers the period of August 30 through September 12, 2016, and consists of the following:**
 - A. Ratification of wire transfers totaling \$1,087,495.36; and
 - B. Ratification of the issuance of early checks totaling \$194,376.43; and
 - C. Authorization to issue pending checks totaling \$17,167.76.
- 11. Approval of Gas Warrant Register No. 209, totaling \$28,594.69, which covers the period of August 30 through September 12, 2016, and consists of the following:**
 - A. Ratification of wire transfers totaling \$26,250.00; and
 - B. Ratification of the issuance of early checks totaling \$2,344.69.

Finance Department

- 12. Approval of a Services Agreement with Epic Land Solutions, Inc. for Infrastructure Valuation in accordance with GASB 34 and 51**

Recommendation:

- A. Find that entering into a contract with an appraiser to provide infrastructure valuation services in accordance with GASB 34 and 51 is exempt under the California Environmental Quality Act (CEQA), 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. Even if such were 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. Approve and authorize the City Administrator to enter into a one year professional services agreement with Epic Land Solutions, Inc. (“Epic”), for an amount not to exceed \$175,000.00, to perform infrastructure valuation in accordance with GASB 34 and 51.

Fire Department

- 13. Approval of the Second Amendment to Agreement Number C-125491 of City of Los Angeles Contract between the City of Los Angeles and the City of Vernon in Connection with the Fiscal Year 2014 Urban Areas Security Initiative Grant Program**

Recommendation:

- A. Find that approval of the amendment proposed is exempt from California Environmental Quality Act (“CEQA”) review, because it is a government fiscal 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 Second Amendment to Agreement Number C-125491 of City of Los Angeles Contract between the City of Los Angeles and the City of Vernon in connection with the Fiscal Year 2014 Urban Areas Security Initiative (“2014 UASI”) grant program, in substantially the same form as submitted herewith, and authorize the Mayor to execute documents necessary to obtain additional grant funds. Due to a reallocation of 2014 UASI funds, the City of Los Angeles has

approved and increased the City of Vernon's grant funds by an additional \$235,684.00.

14. Approval of First Amendment to Agreement Number C-127390 of City of Los Angeles Contract between the City of Los Angeles and the City of Vernon in Connection with the Fiscal Year 2015 Urban Areas Security Initiative Grant Program

Recommendation:

- A. Find that approval of the amendment proposed is exempt from California Environmental Quality Act ("CEQA") review, because it is a government fiscal 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 First Amendment to Agreement Number C-127390 of City of Los Angeles Contract between the City of Los Angeles and the City of Vernon in connection with the Fiscal Year 2015 Urban Areas Security Initiative ("2015 UASI") grant program and authorize the Mayor to execute all necessary documents. Due to a reallocation of 2015 UASI funds, the City of Los Angeles approved and decreased the City of Vernon's grant funds by \$70,000.00.

Gas and Electric Department

15. Base Contract with Freepoint Commodities LLC for Sale and Purchase of Natural Gas (the "NAESB Contract")

Recommendation:

- A. Find that (a) the agreement between the City of Vernon and Freepoint Commodities LLC 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 purchasing gas; 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 purchasing gas 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. Authorize the Director of Gas & Electric (as per Resolution No. 9280) to execute the North American Energy Standards Board ("NAESB") contract by and between the City of Vernon ("City") and Freepoint Commodities LLC ("Freepoint") for the purpose of buying and selling natural gas to or from Freepoint, in compliance with the general terms established in the agreement. Pursuant to Vernon Municipal Code § 2.17.12(A)(6), competitive bidding is not required because this is a contract for gas and/or electrical power for the city's power utility, and it would be commercially unreasonable to procure the gas or electricity through standard bidding or request for proposal procedures.

Human Resources Department

16. Adoption of City of Vernon Revised Personnel Policies and Procedures, Salary Plan Administration II-3

Recommendation:

- A. Find that approval of the proposed action is exempt from California Environmental Quality Act ("CEQA") review, because it is an administrative maintenance activity

that will not result in direct physical changes in the environment, and therefore does not constitute a “project” as defined by CEQA Guidelines section 15378; and

- B. Adopt the revised Personnel Policy and Procedure, Salary Plan Administration Policy II-3 and incorporate it into the Personnel Policies and Procedures Manual; and
- C. Authorize the City Administrator and the Director of Human Resources to execute and distribute the above-referenced policy to all employees.

17. Adoption of City of Vernon Revised Personnel Policies and Procedures, Performance Evaluation IV-1

Recommendation:

- A. Find that approval of the proposed action is exempt from California Environmental Quality Act (“CEQA”) review, because it is an administrative maintenance activity that will not result in direct physical changes in the environment, and therefore does not constitute a “project” as defined by CEQA Guidelines section 15378; and
- B. Adopt the revised Personnel Policy and Procedure, Performance Evaluation Policy IV-1 and incorporate it into the Personnel Policies and Procedures Manual; and
- C. Authorize the City Administrator and the Director of Human Resources to execute and distribute the above-referenced policy to all employees.

Police Department

18. Activity Log and Statistical Summary of Arrests and Activities for the period of August 16, through August 31, 2016, to be received and filed

19. Office of Traffic Safety Grant Agreement

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 City Administrator to execute an agreement between the City of Vernon and the Office of Traffic Safety, for participation in the Selective Traffic Enforcement Program (STEP) for the period of October 1, 2016 to September 30, 2017.

Public Works, Water and Development Services Department

20. Building Department Report for the Month of August 2016

21. Acceptance of Electrical Easement at 4700 Alcoa Avenue (APN 6303-019-011)

Recommendation:

- A. Find that the acceptance of the Electrical Easement proposed in this staff report is not a “project” as that term is defined under the California Environmental Quality Act (CEQA) Guidelines Section 15378, and even if it were a project, it would be categorically exempt in accordance with CEQA Guidelines Sections 15301 (maintenance, repair or minor alteration of an existing facility and involves negligible or no expansion of an existing use) and 15061(b)(3) (general rule that

CEQA only applies to projects that may have a significant effect on the environment); and

- B. Accept the Electrical Easement and authorize the Mayor to execute the Certificate of Acceptance.

22. Acceptance of Work of Hoffman Management and Construction Corporation regarding Contract No. CS-0638 – Fire Department Regional Training Center, Phase 1

Recommendation:

- A. Affirm that accepting the work of Hoffman Management and Construction Corporation for the Fire Department Regional Training Center, Phase 1, Contract No. CS-0638 is consistent with the Initial Study and Negative Declaration prepared for this project pursuant to the provisions under the California Environmental Quality Act (CEQA) in accordance with Section 15063, which requires the lead agency to conduct an initial study to determine if the project may have a significant effect on the environment; and
- B. Accept the work of Hoffman Management and Construction Corporation as part of the Fire Department Regional Training Center, Phase 1, Contract No. CS-0638, and authorize staff to submit for recordation a Notice of Completion for the project.

23. Purchase of Four Ford F Series Utility Vehicles (Three 2016 Ford F-250 Models and One 2015 Ford F-150 Model)

Recommendation:

- A. Find that the proposed action is exempt from California Environmental Quality Act (“CEQA”) review, because purchasing supplies 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 even if such an action were a “project,” it would be exempt from CEQA review in accordance with CEQA Guidelines § 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 purchase of four Ford F Series utility vehicles (three 2016 Ford F-250 models and one 2015 Ford F-150 model) for a cost of \$148,467.30.

24. Contract Award for City Contract No. CS-0671: Fire Department Regional Training Center, Phase 2

Recommendation:

- A. Find that approval of the contract award for the Fire Department Regional Training Center Phase 2 is consistent with the Initial Study and Negative Declaration prepared for this project pursuant to the provisions under the California Environmental Quality Act (CEQA) in accordance with Section 15063, which requires the lead agency to conduct an initial study to determine if the project may have a significant effect on the environment; and
- B. Accept the bid proposal from FS Contractors, Inc. as the lowest responsive and responsible bidder and reject all other bids; and
- C. Approve and authorize the Mayor to execute a contract in the amount of \$290,797.50 for the Fire Department Regional Training Center, Phase 2 (City Contract No. CS-0671); and

- D. Authorize a contingency of \$39,000 in the event of an unexpected changed condition in the project and grant authority to the City Administrator to issue change orders for an amount up to the contingency amount.

25. Services Agreement with Jason Addison Smith (JAS Pacific) and Interwest Consulting Group for On-Call Building Plan Check and Inspection Services

Recommendation:

- A. Find that awarding of contracts for on-call plan check and inspection services to Jason Addison Smith (JAS Pacific) and Interwest Consulting Group are 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. Enter into a three-year agreement with Jason Addison Smith (JAS Pacific) for an annual not-to-exceed amount of \$65,000 per year, or grand total not-to-exceed amount of \$195,000 for on-call plan check and inspection services; and
- C. Enter into a three-year contract with Interwest Consulting Group for an annual not-to-exceed amount of \$65,000 per year, or grand total not-to-exceed amount of \$195,000 for on-call plan check and inspection services.

NEW BUSINESS

City Administration Department

26. Approval of Special Event Agreement with the Huntington Park Area Chamber of Commerce for the 24th Annual “Sabor de Mexico Lindo Downtown Festival”

Recommendation:

- A. Find that the approval of the proposed Special Event Agreement with the Huntington Park Area Chamber of Commerce 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 a Special Event Agreement with the Huntington Park Area Chamber of Commerce to co-host the “Sabor de Mexico Lindo Downtown Festival” scheduled for October 1 – October 2, 2016; and
- C. Authorize the City Administrator to sign the aforementioned Special Event Agreement with the Huntington Park Area Chamber of Commerce.

City Administrator Fandino reported on the proposed.

Finance Director William Fox briefly spoke about the contract and logistic effort being a team effort.

Ybarra had questions regarding event security, traffic, and lighting. Police Chief Calleros responded to the questions posed, providing information on each.

Mayor Davis inquired as to the parking plan. Police Chief Calleros explained that ongoing staff meetings were being conducted to discuss strategies to alleviate the parking needs.

Lopez inquired about the effect on the businesses. Police Chief Calleros responded and provided information on the limited impact on businesses, and explained that plans would be in place to ease the congestion.

City Administrator Fandino stated Gas & Electric and Public Works employees would be used to assist with traffic congestion.

It was moved by Ybarra and seconded by Lopez to approve the Special Event Agreement co-host the “Sabor de Mexico Lindo Downtown Festival” and authorize the City Administrator to sign the aforementioned Special Event Agreement. Motion carried, 3-0.

Davis: Yes
Woodruff-Perez: Absent
Martinez: Absent
Ybarra: Yes
Lopez: Yes

City Clerk Department

- 27. Resolution No. 2016-51 - A Resolution of the City Council of the City of Vernon Adopting a Master Conflict of Interest Code for the City of Vernon and All Agencies, Boards, and Commissions Affiliated with the City that Incorporates by Reference the Standard Model Conflict of Interest Code of the Fair Political Practices Commission and Repealing All Resolutions in Conflict Therewith**

Recommendation:

- A. Find that approval of the proposed action 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. Approve resolution adopting the changes to the Master Conflict of Interest Code for the City of Vernon and all affiliated agencies, boards and commissions, which incorporates all recommendations from the various affiliated City of Vernon governing bodies and City staff review effective immediately; and
- C. Repeals all other existing Conflict of Interest Codes for the City of Vernon and all other City of Vernon affiliated governing bodies.

City Clerk Ayala reported on the proposed.

It was moved by Lopez and seconded by Ybarra to approve the Resolution No. 2016-51. Motion carried, 3-0.

Davis: Yes
Woodruff-Perez: Absent
Martinez: Absent
Ybarra: Yes
Lopez: Yes

ORAL REPORTS

- 28. 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: Aug. 19th road rage incident on Downey Boulevard and Bandini Avenue; and Homeless issues within the City.

Mayor Davis stated he observed trailers near him and police responded to remove them.

Director of Public Works, Water and Development Services Derek Wieske provided a brief update on: the Open Streets Event Grant; Housing Commission recommendation; and the Gateway Cities opposition to Measure R.

John Van de Kamp, Independent Counsel, spoke about the permit revenue generated and the infrastructure modernization taking place within the City.

Ybarra, inquired about an outreach effort to businesses to modernize their property. Director Wieske stated that could be done and be brought back to Council.

City Clerk Maria Ayala briefly reported on the yesterday's AB1234 training and ongoing efforts to keep the City compliant with FPPC regulations.

City Administrator Carlos Fandino provided a brief report on the following: USAR and Hazmat; Vernon Chamber of Commerce Golf Tournament; and again welcomed the new Health Director.

Mayor Davis stated that the AB1234 training was informative and enjoyable.

Mr. Van de Kamp encouraged the Council and Staff to use their microphones.

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

No reports provided.

Mayor Davis recessed the meeting at 9:43 a.m. and reconvened at 9:53 a.m.

CLOSED SESSION

At 9:53 a.m., the City Council entered into closed session to discuss the following agenda items:

30. **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

31. **PUBLIC EMPLOYMENT**
Government Code Section 54957(b)(1)

Title: Director of Human Resources

32. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Significant exposure to litigation.
Government Code Section 54956.9(b)(1)

Number of potential cases: 1

Regular City Council Meeting Minutes
September 20, 2016

At 10:40 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 10:40 a.m., Mayor Davis adjourned the meeting.

William J. Davis
Mayor

ATTEST:

Maria E. Ayala
City Clerk