

California Public Records Act ("PRA"): In compliance with the PRA, the documents pertaining to agenda items, including attachments, which are presented to the City Council in open session are available for public inspection. They may be inspected during regular business hours in the City Clerk's Office at Vernon City Hall, 4305 Santa Fe Avenue; Vernon, California 90058, and on the City's website at www.cityofvernon.org. No prior appointment is required.

Americans with Disabilities Act ("ADA"): In compliance with the ADA, if you need special assistance to participate in a city meeting, please contact the City Clerk's office at (323) 583-8811. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

**AGENDA
CITY OF VERNON
REGULAR CITY COUNCIL MEETING
TUESDAY, OCTOBER 15, 2013, 9:00 A.M.
COUNCIL CHAMBER
4305 SANTA FE AVENUE
VERNON, CALIFORNIA**

*W. Michael McCormick, Mayor
William J. Davis, Mayor Pro-Tem
Richard J. Maisano, Council Member
Michael Ybarra, Council Member
Luz Martinez, Council Member*

CALL TO ORDER & FLAG SALUTE

CHANGES TO THE AGENDA

PUBLIC COMMENT - At this time the public is encouraged to address the City Council on any matter that is within the subject matter jurisdiction of the City Council. The public will also be given a chance to comment on matters which are on the posted agenda during City Council deliberation on those specific matters.

PRESENTATIONS

1. Personnel Matters - Service Pin Awards

September 2013 Anniversary

Employee Name	Job Title	Years
Alex Kung	Assistant to City Administrator	5

2. Presentation from the City of Huntington Park on the status of the Soccer Field Project at Salt Lake Park.

3. Presentations from the Community Services & Water Department and Fire Department on their respective pages of the new City website.

PUBLIC HEARINGS

1. **Public hearing to consider evidence to establish Vernon's new Transmission Revenue Balancing Account Adjustment ("TRBAA") for its high voltage (over 200kV) transmission entitlements (all located outside the City) pursuant to Vernon's Transmission Owner Tariff:**

A Resolution of the City Council of the City of Vernon Establishing a Transmission Revenue Balancing Account Adjustment for 2014 in accordance with Vernon's Transmission Owner Tariff and providing for tariff sheet changes to implement the adjustment

Recommendation:

- (1) Find that the approval of the TRBAA 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
- (2) Approve the Resolution establishing a New Transmission Revenue Balancing Account Adjustment (TRBAA) for 2014 that:
 - a. Adopts the newly calculated TRBAA of a positive \$13,331; and
 - b. Adopts the replacement of the existing TRBAA of negative \$34,766 with the new TRBAA for 2014 of a positive \$13,331; and
 - c. Adopts the attached revised Appendix I of Vernon's TO Tariff reflecting the TRBAA of positive \$13,331; and
 - d. Authorizes outside counsel to submit Vernon's TRBAA and supporting documentation to FERC on behalf of the City of Vernon.

2. **Public hearing to consider evidence to establish Vernon's new Existing Transmission Contract Adjustment for its high voltage (over 200kV) transmission entitlements (all located outside the City) pursuant to Vernon's Transmission Owner Tariff:**

A Resolution of the City Council of the City of Vernon Adopting a new Transmission Revenue Requirement for 2014 in accordance with Vernon's Transmission Owner Tariff and Providing for tariff sheet changes to implement the adjustment

Recommendation:

- (1) Find that the approvals referenced in the resolution 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
 - (2) Approve the attached Resolution to thereby:
 - a. Approve pursuant to the Transmission Owner Tariff, and to be effective on January 1, 2014, the establishment of the City's new Transmission Revenue Requirement (TRR) and Appendix I to the TO Tariff implementing the new TRR, as described in the Light & Power Staff TRR Report dated on or about October 3, 2013; and
 - b. Authorize outside counsel to submit the City's TRR, the amended Appendix I to the Vernon TO Tariff, and supporting documentation such as the TRR Report, to the Federal Energy Regulatory Commission (FERC) on behalf of the City of Vernon.
3. **Public hearing on whether to establish a policy to limit the costs the city may incur in procuring renewable energy pursuant to the "City of Vernon Renewable Resources Procurement Plan and Enforcement Program (SBX1 2 Compliance Plan)":**

Request for Approval of "City of Vernon Renewable Resources Procurement Plan and Enforcement Program (SBx1 2 Compliance Plan) Cost Limitation Policy"

Recommendation:

- (1) Find that the approval of the proposed "City of Vernon Renewable Resources Procurement Plan and Enforcement Program (SBx1 2 Compliance Plan) Cost Limitation Policy Renewable Portfolio Standard Cost Limitation Policy" (the "Cost Limitation Policy") is exempt from the California Environmental Quality Act ("CEQA") because merely changing a procurement policy is an "administrative action that will not result in direct or indirect physical changes in the environment" and is therefore not a "project." It is further recommended that the Council find that even if adoption of the policy were to constitute a "project" under CEQA, it would be exempt from 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, because (a) this policy does not prevent the City Council from revising the policy in the future, and therefore does not irrevocably commit the City Council to specified actions; and (b) declaring the City's intent to not purchase certain commodities in the future if certain hypothetical events occur

at some future date, and replacing them with unknown other commodities is far too speculative of an event to have any quantifiable effect or other effect on the environment that is subject to CEQA; and

- (2) Approve the Renewable Portfolio Standard ("RPS") Cost Limitation Policy to mitigate the impact of the RPS requirements of SBx1 2. Consistent with Public Utilities Code Section 399.15(c), the proposed policy would cap the city's procurement of RPS expenses at 19% of its Total net Power Supply Costs, and serve the purpose of preventing disproportionate rate impacts.

4. Public hearing on approval of a conditional use permit and variance for Joie Jeans.

A Resolution of the City Council of the City of Vernon Approving a Conditional Use Permit and Variance for Dutch, LLC (d.b.a. Joie Jeans) to operate a commercial facility located at 5300 Santa Fe Avenue

Recommendations:

- (1) Find that approval of the proposed Conditional Use Permit and variance are categorically exempt under the California Environmental Quality Act (CEQA) in accordance with Guidelines section 15061, the general rule exempting projects that will not have a significant effect on the environment and CEQA Guidelines section 15303, because: (i) no significant physical changes will occur as a result of this approval; (ii) the proposed construction converts an existing 4,765 square foot parking structure into an office building in an urban area, (iii) the project is an area where all public services and facilities are available to allow for maximum development permissible in the General Plan, (iv) the project does not involve significant amounts of hazardous substances, and (v) the area is not in an environmentally sensitive area; and
- (2) Adopt a resolution approving a conditional use permit and variance to allow Joie Jeans to operate a commercial facility, subject to the conditions of approval for the property located at 5300 Santa Fe Avenue.; and
- (3) In accordance with Vernon Municipal Code Section 26.5.1-6, as fully described in the resolution, concur with the recommendation of the Director of Community Services in setting the minimum parking and loading and maneuvering requirement for office uses for this, and future projects, involving office uses in Vernon: (1) Automobile Parking: 3 stalls per 1,000 square feet; (2) Tandem Parking Stalls -up to 1/3 of the required automobile parking spaces may be provided as tandem parking spaces if a valet is on site whenever any vehicle is parked in a

tandem parking space and blocks access to or from another parking space; (3) Truck Loading - 1 stall per 25,000 square feet, (4) Truck Parking stalls are not required.

5. **Public hearing on the modification to condition of approval "f" of the Tentative Parcel Map that was issued on May 15, 2012 pursuant to Resolution No. 2012-66, which required Bandini XC to: "have fire hydrants placed every 300-feet along the eastside of Pennignton Way and the north side of Bandini Boulevard frontage":**

A Resolution of the City Council of the City of Vernon Amending Resolution 2012-66 by Deleting Subsection F from Section 4 to remove a Condition of Approval for Tentative Parcel Map No. 71920 for Bandini XC, LLC, located at 5553 Bandini Boulevard.

Recommendations:

- (1) Find that approval of the proposed Tentative Parcel Map Modification is categorically exempt from the California Environmental Quality Act ("CEQA") under Section 15315, Class 15 "Minor land division of industrial property into four or fewer parcels", of the CEQA Guidelines and Section 15061(b)(3), the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment because removing a requirement to install a limited number of fire hydrants cannot cause a significant impact on the environment where there is already more than sufficient fire suppression support available; and
- (2) Adopt the resolution deleting the condition of approval set forth in Subsection F of Section 4 of Resolution No. 2012-66. This will allow Bandini XC, LLC to still subdivide property located at 5553 Bandini Boulevard in conformance with the City's subdivision ordinance and Subdivision Map Act, but remove an otherwise duplicative condition of approval which requires fire hydrants to be placed in specified locations.

CONSENT CALENDAR - All matters listed on the Consent Calendar are to be approved with one motion. Items may be removed from the Consent Calendar by Council. Those items removed will be considered immediately after the Consent Calendar.

Claims Against the City (to be received and filed)

1. Claim for Damages received on October 3, 2013, for claimant Tadin Inc. for an amount of \$20,424.32.

Minutes

2. Minutes of the Regular City Council Meeting held September 17, 2013, to be received and filed.
3. Minutes of the Special and Regular City Council Meeting held October 1, 2013, to be received and filed.

Warrant Registers

4. Ratification of the following City Warrant Registers to record the following voided checks:
 - a. Register No. 1376 to record voided Check No. 340317 in the amount of \$87.50; and
 - b. Register No. 1376 to record voided Check No. 340321 in the amount of \$977.50; and
 - c. Register No. 1386 to record voided Check No. 342143 in the amount of \$353.78; and
 - d. Register No. 1386 to record voided Check No. 342141 in the amount of \$84.44; and
 - e. Register No. 1385 to record voided Check No. 342051 in the amount of \$15,000; and
 - f. Register no. 1385 to record voided Check No. 341936 in the amount of \$143.00.
5. Approval of City Payroll Warrant Register No. 688, totaling \$2,466,438.34, which covers the period of August 11, 2013, through September 7, 2013, and consists of the following:
 - a. Ratification of direct deposits, checks and taxes totaling \$1,833,116.90; and
 - b. Checks and electronic fund transfers totaling \$633,321.44.
6. Approval of City Warrant Register No. 1387, totaling \$899,711.76, which covers the period of September 24, 2013, through October 7, 2013, and consists of the following:
 - a. Ratification of wire transfers totaling \$629,241.32; and
 - b. Ratification of the issuance of early checks totaling \$173,858.54; and
 - c. Authorization to issue pending checks totaling \$96,611.90.
7. Approval of Federal Funds Street Improvements Warrant Register No. 18, totaling \$3,120.23, which covers the period of May 28, 2013 through October 7, 2013, and consists of ratification of wire transfers for said amount.

Regular City Council Meeting Agenda
October 15, 2013

8. Approval of Light & Power Warrant Register No. 352, totaling \$1,875,293.61, which covers the period of September 24, 2013, through October 7, 2013, and consists of the following:
 - a. Ratification of wire transfers totaling \$1,809,546.26; and
 - b. Ratification of the issuance of early checks totaling \$10,306.46; and
 - c. Authorization to issue pending checks totaling \$55,440.89.
9. Approval of Gas Warrant Register No. 140, totaling \$2,137,869.47, which covers the period of September 24, 2013, through October 7, 2013, and consists of the following:
 - a. Ratification of wire transfers totaling \$2,137,074.85; and
 - b. Ratification of the issuance of early checks totaling \$794.62.

City Administration

10. Councilmembers' attendance report to the League of California Cities Conference from September 18-20, 2013.
11. Councilmembers' attendance report to the California Contract Cities Association 33rd Annual Fall Seminar from October 4-5, 2013.

Fire Department

12. Activity Report for the period of September 16, through September 30, 2013, to be received and filed.

Health and Environmental Control Department

13. September 2013 Monthly Report, to be received and filed.

Police Department

14. Activity Log and Statistical Summary of Arrest and Activities for the period of September 16, through September 30, 2013, to be received and filed.

NEW BUSINESS

Community Services and Water Department

1. Approval of Electrical Easement at 2910 Ross Street (Dedeaux Properties, LLC).

Recommendation:

- (1) Find that approval of the Electrical Easement is categorically exempt under the California Environmental Quality Act ("CEQA") in accordance with CEQA Guidelines Section 15061(b)(3), the general rule that CEQA only applies to projects that may have an effect on the environment; and
- (2) Accept the Electrical Easement and authorize the Mayor and Interim City Clerk to execute said documents; and
- (3) Direct the Interim City Clerk, or his designee, to record the Electrical Easement with the County Recorder.

2. Approval of Amendment No. 2 for Engineering Design and Construction Support Services for Well 21 between the City of Vernon and Cannon Corporation.

Recommendation:

- (1) Find Amendment No. 2, amending the plans and specifications to reflect the removal of two 20,000 gallon baker tanks, modification of piping details, the reduction in the size of the pump motor from 300 horsepower to 250 horsepower and related modification of electrical components and material, and final plan check; to the existing Service Agreement for Engineering Design and Construction Support Services for Well 21 between the City of Vernon and Cannon Corporation, 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
- (2) Authorize the City Administrator to enter into Amendment No. 2, amending the existing Services Agreement for Engineering Design and Construction Support Services for Well 21 between the City of Vernon and Cannon Corporation. The amendment will be in a not to exceed amount of \$8,050 bringing the grand total not to exceed amount of the Agreement to \$135,218.

Human Resources Department

3. A Resolution of the City Council of the City of Vernon Amending Resolution No. 2013-57 regarding the Compensation, Costs and Benefits of its Employees ("Citywide Personnel and Salary Resolution") by Amending Schedule No. VII (Finance Department) and Eliminating Schedule No. XVII (Risk Management Department) of the Citywide Personnel and Salary Resolution (Amendment No. 2).

Recommendation:

- (1) Find that approval of the proposed amendment to the Citywide Personnel and Salary Resolution No. 2013-57 amending schedule no. VII (Finance Department) and eliminating schedule no. XVII

(Risk Management Department) 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

- (2) Adopt the attached resolution to amend Citywide Personnel and Salary Resolution No. 2013-57 to amend Schedule No. VII (Finance Department) and Eliminate Schedule No. XVII (Risk Management Department) to revise the updated job classification and salary range for the Risk Manager and approve the position allocation change in the Finance Department's budget.

4. A Resolution of the City Council of the City of Vernon Approving the Payment of Medical and Dental Insurance Premiums for Full Time Employees and Retirees under the Age of 65 and Life Insurance Premiums for Full Time Employees for the 2014 Calendar Year.

Recommendation:

- (1) Find that approval of the proposed resolution authorizing the payment of the 2014 medical, dental and life insurance premiums and change from Aetna medical and dental insurance benefit packages to Anthem Blue Cross and MetLife dental insurance plans 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
- (2) Approve and adopt the resolution authorizing the payment of medical, dental and life insurance premiums for calendar year 2014 and the change from Aetna medical and dental insurance benefit packages to Anthem Blue Cross and MetLife dental insurance plans for full time employees and retirees under the age of 65 at an approximate annual premium cost of \$3,537,284 for medical and dental premiums, and \$186,000 for HSA contributions for employees enrolled under the HSA PPO Medical plan. The resolution also proposes to change the Life Insurance carrier from Lincoln Financial to Mutual of Omaha; the approximate annual cost for Life Insurance premiums for full time employees is \$5,578.

Light and Power Department

5. Request Approval of the Purchase of Seven (7) EDEN Software Modules.

Recommendation:

- (1) Find that the requested approval 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

- (2) Approve the purchase of seven (7) EDEN software modules designed to enhance the City's existing technology platform which provides essential financial and asset management tools for City personnel for an amount not to exceed \$174,812, and as exempt from competitive bidding (Vernon Municipal Code, Section 2.17.12(A)(2)(sole source) and from competitive selection (Vernon Municipal Code, Section 2.17.12(B)(1)(sole source).

OLD BUSINESS

Light and Power Department

1. **Request Approval of a Nonbinding Letter of Intent by and between the City of Vernon and New Dimension Energy Company, LLC for Wind Energy Development Exploration of Land Owned by the City of Vernon in Kern County.**

Recommendation:

- (1) Find that the approval is exempt under the California Environmental Quality Act ("CEQA") in accordance with Section 15061(b)(3), wherein the proposed Nonbinding Letter of Intent is not an approval or commitment by the City of Vernon to engage in any project or to pursue any defined course of action as it relates to the environment; therefore abiding by the general rule that CEQA only applies to projects that may have an effect on the environment; and
- (2) Approve the Nonbinding Letter of Intent ("LOI"), in substantially the same form, and authorize the Director of Light & Power to execute the LOI by and among New Dimension Energy Company, LLC ("NDEC") and the City of Vernon to establish a non-binding relationship to explore the wind energy development of land owned by Vernon in Kern County with wind turbines manufactured by FloDesign Wind Turbine Corp. ("FDWT").

ORDINANCES

1. **Ordinance No. 1215 - An Ordinance of the City Council of the City of Vernon, California, correcting Section 5.22(c)(8) of Article II of Chapter 5 of the Code of the City of Vernon to reduce the rate of the Business License Tax for Catering Vehicle Businesses ("Hot Food Trucks") (first reading).**

// /

// /

Recommendation:

- (1) Find that correcting Section 5.22(c)(8) of the Code of the City of Vernon, which modified the annual Business License Tax for hot food catering vehicles, is exempt under the California Environmental Quality Act ("CEQA") in accordance with Section 15061(b)(3). The general rule is that CEQA only applies to activities that may have an effect on the environment. Modifying the annual business license tax rates would not be subject to CEQA; and
- (2) Hold the first reading of Ordinance No. 1215, correcting the Annual Business License Tax rate for Catering Vehicle - Hot Food to reduce the rate and mirror the County of Los Angeles at \$787.00/yr. This will correct a clerical error which resulted in the rate not being changed at all for hot food trucks.

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Government Code Section 54956.9(d)(1)

Name of Case: Larry Walker vs. City of Vernon

Workers Compensation Appeals Board Case No. RIV0084265

ORAL REPORTS

1. City Administrator Reports - brief reports on activities and other brief announcements by the City Administrator and Department Heads.
2. City Council Reports -brief report on activities, announcements, or directives to staff.

ADJOURNMENT

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing agenda was posted on the bulletin board at the main entrance of the City of Vernon City Hall, located at 4305 Santa Fe Avenue, Vernon, California, and on the City's website, not less than 72 hours prior to the meeting set forth on this agenda. Dated this 10th day of October 2013.

By: _____

Dana Reed
Interim City Clerk