

**MINUTES
VERNON CITY COUNCIL
REGULAR MEETING
TUESDAY, MARCH 3, 2020
COUNCIL CHAMBER, 4305 SANTA FE AVENUE**

CALL TO ORDER

Mayor Ybarra called the meeting to order at 9:00 a.m.

FLAG SALUTE

Mayor Pro Tem Lopez led the Flag Salute.

ROLL CALL

PRESENT: Melissa Ybarra, Mayor
Leticia Lopez, Mayor Pro Tem
William Davis, Council Member
Carol Menke, Council Member
Diana Gonzales, Council Member

STAFF PRESENT:

Carlos Fandino, City Administrator
Hema Patel, City Attorney
Lisa Pope, City Clerk
Scott Williams, Finance Director
Jim Enriquez, Interim Fire Chief
Fredrick Agyin, Director of Health and Environmental Control
Michael Earl, Human Resources Director
Anthony Miranda, Police Chief
Abraham Alemu, Public Utilities General Manager
Dan Wall, Public Works Director
Veronica Petrosyan, Environmental Health Program Administrator
Lily Hernandez, Executive Assistant to the City Administrator

CHANGES TO THE AGENDA

City Clerk Pope recommended reordering the agenda to consider Closed Session following Public Comment.

MOTION

Council Member Menke moved and Mayor Pro Tem Lopez seconded a motion to reorder the agenda to move Closed Session to follow Public Comment. The question was called and the motion carried unanimously.

PUBLIC COMMENT

None.

RECESS

Mayor Ybarra recessed the meeting to Closed Session at 9:03 a.m.

CLOSED SESSION

10. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (2 cases)
Government Code Section 54956.9(d)(1)

Bicent (California) Malburg LLC et al. v. City of Vernon et al.,
Los Angeles Superior Court Case No. 19STCV08859 and JAMS Reference No.
1100107175

City of Vernon v. Bicent (California) Malburg LLC
Los Angeles Superior Court Case No. 19STCP02411 and JAMS Reference No.
1220062657

11. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant Exposure to Litigation
Government Code Section 54956.9(d)(2)

Number of potential cases: 1

Facts and Circumstances: Pursuant to Government Code Section 54956.9(e)(3), the City has received written communication threatening litigation on behalf of former employee Jerrick Torres related to his termination, in the form of a Complaint of Discrimination filed with the Department of Fair Employment and Housing (DFEH). The DFEH Complaint (DFEH No. 201910-08099730) is made available for public inspection pursuant to Section 54957.5.

RECONVENE

At 10:20 a.m., Mayor Ybarra adjourned Closed Session and reconvened the regular meeting.

City Attorney Patel reported that City Council met in closed session, discussed the two items listed on the agenda and took no reportable action.

RECESS

Mayor Ybarra recessed the meeting at 10:21 a.m. The meeting reconvened at 11:52 a.m., with all Council Members present.

CONSENT CALENDAR

MOTION

Council Member Davis moved and Council Member Gonzales seconded a motion to approve the Consent Calendar. The question was called and the motion carried unanimously.

The Consent Calendar consisted of the following items:

- 1. City Clerk**
Approval of Minutes
Recommendation:
Approve the February 18, 2020 Regular City Council meeting minutes.
- 2. Finance/ Treasury**
Operating Account Warrant Register
Recommendation:
Approve Operating Account Warrant Register No. 40, for the period of February 2 through February 15, 2020, which totals \$4,367,717.51 and consists of ratification of electronic payments totaling \$4,028,259.82 and ratification of the issuance of early checks totaling \$339,457.69.
- 3. Finance/ Treasury**
RDA Obligation Retirement Account Warrant Register
Recommendation:
Approve RDA Obligation Retirement Account Warrant Register No. 57, for the period of January 19 through February 15, 2020, consisting of ratification of electronic payments totaling \$7,000.
- 4. Public Works**
Public Works Monthly Building Report
Recommendation:
Receive and file the January 2020 Building Report.
- 5. Public Works**
Acceptance of Electrical Easement at 4328 Alcoa Avenue (APN 6303-010-047)
Recommendation:
A. Find that acceptance of the Electrical Easement 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.

NEW BUSINESS

6. Public Utilities

Services Agreement with Pacific Advanced Civil Engineering, Inc.

Recommendation:

A. Find that the proposed action is categorically exempt from California Environmental Quality Act (CEQA) review, in accordance with CEQA Guidelines §15306, because the scope of the agreement consists of research, analysis, and resource evaluation activities which will not result in a serious or major disturbances to environmental resources and which will not commit the City to any project; and

B. Approve and authorize the City Administrator to execute the Services Agreement between the City of Vernon and Pacific Advanced Civil Engineering, Inc., for Design Services for Equipment and Site Improvements for Well No. 22, in substantially the same form as submitted, for an amount not to exceed \$232,476.

Public Utilities General Manager Alemu presented the staff report.

MOTION

Council Member Menke moved and Mayor Pro Tem Lopez seconded a motion to: A. Find that the proposed action is categorically exempt from California Environmental Quality Act (CEQA) review, in accordance with CEQA Guidelines §15306, because the scope of the agreement consists of research, analysis, and resource evaluation activities which will not result in a serious or major disturbances to environmental resources and which will not commit the City to any project; and B. Approve and authorize the City Administrator to execute the Services Agreement between the City of Vernon and Pacific Advanced Civil Engineering, Inc., for Design Services for Equipment and Site Improvements for Well No. 22, in substantially the same form as submitted, for an amount not to exceed \$232,476. The question was called and the motion carried unanimously.

7. Public Utilities

Services Agreement with Infrastructure Engineering Corporation

Recommendation:

A. Find that the proposed action is exempt from the California Environmental Quality Act (CEQA) 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, for the reason that any project that may occur in the future relying on this approval would be subject to CEQA review and determination prior to- or at the time of- requesting project approval; and

B. Approve and authorize the City Administrator to execute a Services Agreement with Infrastructure Engineering Corporation for a Water System Operations Analysis and Master Plan, in substantially the same form as submitted, in an amount not to exceed \$273,685.

Public Utilities General Manager Alemu presented the staff report.

MOTION

Mayor Pro Tem Lopez moved and Council Member Davis seconded a motion to: A. Find that the proposed action is exempt from the California Environmental Quality Act (CEQA) 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, for the reason that any project that may occur in the future relying on this approval would be subject to CEQA review and determination prior to- or at the time of- requesting project approval; and B. Approve and authorize the City Administrator to execute a Services Agreement with Infrastructure Engineering Corporation for a Water System Operations Analysis and Master Plan, in substantially the same form as submitted, in an amount not to exceed \$273,685. The question was called and the motion carried unanimously.

8. Public Utilities

Added Facilities Agreement with National Ready Mixed Concrete Co.

Recommendation:

A. Find that approval of the proposed action is exempt from 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 § 15378; and even if the proposed action did constitute a project, it would be exempt from CEQA review, in accordance with CEQA Guidelines § 15301, because the project consists of the maintenance, repair or minor alteration of an existing facility and involves negligible or no expansion of an existing use; and

B. Approve and authorize the City Administrator to execute the Added Facilities Agreement with National Ready Mixed Concrete Co., in substantially the same form as submitted, for natural gas Added Facilities.

Public Utilities General Manager Alemu presented the staff report.

In response to Council questions, Public Utilities General Manager Alemu stated the total cost to the City would be \$70,000 and the project might add revenue.

MOTION

Council Member Menke moved and Mayor Pro Tem Lopez seconded a motion to: A. Find that approval of the proposed action is exempt from 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 § 15378; and even if the proposed action did constitute a project, it would be exempt from CEQA review, in accordance with CEQA Guidelines § 15301, because the project consists of the maintenance, repair or minor alteration of an existing facility and involves negligible or no expansion of an existing use; and B. Approve and authorize the City Administrator to execute the Added Facilities Agreement with National Ready Mixed Concrete Co., in substantially the same form as submitted, for natural gas Added Facilities. The question was called and the motion carried unanimously.

9. City Administration

Letter in Amicus Support of City of Huntington Beach Appeal to California Supreme Court

Recommendation:

A. Find that approval of the proposed action 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. Authorize the City Administrator to submit a letter in Amicus support of the City of Huntington Beach to the California Supreme Court in the matter of City of Huntington Beach v. Xavier Becerra et al., California Supreme Court Case No. S260766.

Executive Assistant to the City Administrator Hernandez presented the staff report.

MOTION

Council Member Menke moved and Mayor Pro Tem Lopez seconded a motion to: A. Find that approval of the proposed action 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. Authorize the City Administrator to submit a letter in Amicus support of the City of Huntington Beach to the California Supreme Court in the matter of City of Huntington Beach v. Xavier Becerra et al., California Supreme Court Case No. S260766. The question was called and the motion carried unanimously.

ORAL REPORTS

City Administrator Reports on Activities and Other Announcements

None.

City Council Reports on Activities (including AB1234), Announcements, or Directives to Staff.

None.

ADJOURNMENT

Mayor Ybarra adjourned the meeting at 12:04 p.m.

MELISSA YBARRA, Mayor

ATTEST:

LISA POPE, City Clerk
(seal)