

**MINUTES
VERNON CITY COUNCIL
REGULAR MEETING
TUESDAY, MARCH 17, 2020
COUNCIL CHAMBER, 4305 SANTA FE AVENUE**

CALL TO ORDER

Mayor Ybarra called the meeting to order at 9:02 a.m.

FLAG SALUTE

Mayor Ybarra 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
Arnold Alvarez-Glasman, Interim City Attorney
Zaynah Moussa, Senior Deputy City Attorney
Brian Byun, Senior Deputy 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
Dan Wall, Public Works Director

CHANGES TO THE AGENDA

City Clerk Pope announced staff would be deferring Agenda Item No. 5.

PUBLIC COMMENT

None.

NEW BUSINESS

1. Appointment of Interim City Attorney

Recommendation:

Approve and authorize the City Administrator to negotiate and execute an agreement with Arnold Alvarez-Glasman of the firm Alvarez-Glasman & Colvin to serve as Interim City Attorney.

Human Resources Director Earl presented the staff report.

City Administrator Fandino discussed the proposed hours under the contract. Senior Deputy City Attorney Moussa stated the number of needed hours depended on how the existing staff was utilized.

Arnold Alvarez-Glasman stated unused hours could be rolled over to the next month.

MOTION

Mayor Ybarra moved and Council Member Gonzales seconded a motion to approve and authorize the City Administrator to negotiate and execute an agreement with Arnold Alvarez-Glasman of the firm Alvarez-Glasman & Colvin to serve as Interim City Attorney. The question was called and the motion carried unanimously.

RECESS

At 9:10 a.m., Mayor Ybarra recessed the meeting. The meeting reconvened at 10:06 a.m. with all Council Members present.

PUBLIC HEARINGS

2. Development Agreement between the City of Vernon and the Southern California Curling Center, Inc.

Recommendation:

A. Find that the proposed action is exempt under the California Environmental Quality Act ("CEQA") review, because it is a continuing administrative activity that will not result in any direct or indirect physical changes in the environment, and therefore does not constitute a "project" as defined by CEQA Guidelines section 15378, and to the extent the Southern California Curling Center, Inc. seeks to engage in actual physical construction or development, such would be subject to separate and independent CEQA review and analysis;

B. Approve the first reading, and adopt at a subsequent meeting, an ordinance approving and authorizing the execution of a Development Agreement between the City of Vernon and the Southern California Curling Center, Inc for the purpose of facilitating the development of the Southern California Curling Centers' program and facility located at 4545 Pacific Boulevard in the City of Vernon.

Mayor Ybarra opened the Public Hearing.

Public Works Director Wall presented the staff report.

There being no speakers, Mayor Ybarra closed the Public Hearing.

MOTION

Council Member Menke moved and Mayor Pro Tem Lopez seconded a motion to: A. Find that the proposed action is exempt under the California Environmental Quality Act (“CEQA”) review, because it is a continuing administrative activity that will not result in any direct or indirect physical changes in the environment, and therefore does not constitute a “project” as defined by CEQA Guidelines section 15378, and to the extent the Southern California Curling Center, Inc. seeks to engage in actual physical construction or development, such would be subject to separate and independent CEQA review and analysis; and B. Approve the first reading, and adopt at a subsequent meeting, an ordinance approving and authorizing the execution of a Development Agreement between the City of Vernon and the Southern California Curling Center, Inc for the purpose of facilitating the development of the Southern California Curling Centers’ program and facility located at 4545 Pacific Boulevard in the City of Vernon. The question was called and the motion carried unanimously.

PRESENTATIONS

3. Employee Service Pin Awards for February 2020

Recommendation: No action required by City Council. This is a presentation only.

Human Resources Director Earl acknowledged Employee Service Pin Awards for February 2020.

4. Recognition of Retired Employee - Shirley U. Salas, Business License Clerk

Recommendation: Acknowledge and present a proclamation to retired employee Shirley U. Salas, Business License Clerk, in recognition of her dedicated service to the City of Vernon.

Human Resources Director Earl acknowledged retired employee Shirley U. Salas on her retirement.

5. Vernon's Transit Service Study

Recommendation: No action required by City Council. This is a presentation only.

This item was deferred upon approval of the agenda.

6. Grantee Certificates for Fiscal Year (FY) 2019/2020 Docket II Grants Awarded by Vernon CommUNITY Fund Grant Committee

Recommendation:

A. Present Certificates to FY 2019/2020 Docket II Grant Recipients; and

B. Receive and file the report, as it is being provided for informational purposes only pursuant to Section 2.167(e) of the Vernon Municipal Code.

City Clerk Pope acknowledged the FY 2019/2020 Docket II Grant Recipients.

CONSENT CALENDAR

MOTION

Council Member Davis moved and Mayor Pro Tem Lopez 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:

7. Approval of Minutes

Recommendation:

Approve the March 3, 2020 Regular and March 3, 2020 Special City Council meeting minutes.

8. Operating Account Warrant Register

Recommendation:

Approve Operating Account Warrant Register No. 41, for the period of February 16 through February 29, 2020, which totals \$8,859,256.03 and consists of ratification of electronic payments totaling \$8,493,931.35, ratification of the issuance of early checks totaling \$365,324.68 and voided Check No. 605028 totaling \$8.00.

9. City Payroll Warrant Register

Recommendation:

Approve City Payroll Warrant Register No. 765, for the period of February 1 through February 29, 2020, which totals \$3,607,215.85 and consists of ratification of direct deposits, checks and taxes totaling \$2,414,647.98 and ratification of checks and electronic fund transfers (EFT) for payroll related disbursements totaling \$1,192,567.87 paid through operating bank account.

10. Federal Funds for Street Improvements Account Warrant Register

Recommendation:

Approve Federal Funds for Street Improvements Account Warrant Register No. 32, for the period of February 16 through February 29, 2020, consisting of ratification of electronic payments totaling \$17,399.11.

11. Fire Department Activity Report

Recommendation:

Receive and file the January 2020 Report.

12. Police Department Activity Report

Recommendation:

Receive and file the January 2020 Report.

13. Acceptance of Electrical Easement at 1890 25th Street (APN 6302-009-039)

Recommendation:

A. Find that the 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 for the property at 1890 25th Street (APN 6302-009-039) and authorize the Mayor to execute the Certificate of Acceptance.

14. Amendment No. 1 to Attorney Services Agreement (Transactional) with Stradling Yocca Carlson & Rauth for Bond and Disclosure Counsel Services

Recommendation:

A. Find that 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 §15378; and

B. Approve and authorize the City Administrator to execute Amendment No. 1 to the Attorney Services Agreement (Transactional) Between the City of Vernon and Stradling Yocca Carlson & Rauth, a Professional Corporation, for Bond and Disclosure Counsel Services (Agreement), in substantially the same form as submitted, for an additional \$40,000, modifying the Agreement not-to-exceed \$210,000.

15. Purchase of Records Management System Software from Trittech Software Systems

Recommendation:

A. Find that 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 purchase of Records Management System Software from Trittech Software Systems in the amount not-to-exceed \$148,270.00.

NEW BUSINESS (CONTINUED)

16. Revocable Encroachment Agreement No. 436 with Alisu Investment, Ltd. and Kargo Group GP, LLC

Recommendation:

A. Find that approval of the proposed action is categorically exempt under the California Environmental Quality Act (CEQA), in accordance with CEQA Guidelines Sections 15303, because the project involves construction, location, and installation of a limited number (i.e. 4) of new, small facilities or structures, and 15308, because the installation of monitoring wells is an action to assure the maintenance, restoration, enhancement, or protection of the environment; and

B. Approve and authorize the Mayor to execute Revocable Encroachment Agreement No. 436 (Agreement) between the City of Vernon and Alisu Investment, Ltd. and Kargo Group GP, LLC.

Public Works Director Wall 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 categorically exempt under the California Environmental Quality Act (CEQA), in accordance with CEQA Guidelines Sections 15303, because the project involves construction, location, and installation of a limited number (i.e. 4) of new, small facilities or structures, and 15308, because the installation of monitoring wells is an action to assure the maintenance, restoration, enhancement, or protection of the environment; and B. Approve and authorize the Mayor to execute Revocable Encroachment Agreement No. 436 (Agreement) between the City of Vernon

and Alisu Investment, Ltd. and Kargo Group GP, LLC. The question was called and the motion carried unanimously.

17. Master Encroachment Agreement No. 432 between the City of Vernon and MCIMetro Access Transmission Services Corp., d/b/a Verizon Access Transmission Services

Recommendation:

A. Find that approval of the proposed action is 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 which have the potential for causing a significant effect on the environment;

B. Approve and authorize the City Administrator to execute Master Encroachment Agreement No. 432 between the City of Vernon and MCIMetro Access Transmission Services Corp., d/b/a Verizon Access Transmission Services.

Public Works Director Wall presented the staff report.

MOTION

Mayor Pro Tem Lopez moved and Council Member Gonzales seconded a motion to: A. Find that approval of the proposed action is 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 which have the potential for causing a significant effect on the environment; and B. Approve and authorize the City Administrator to execute Master Encroachment Agreement No. 432 between the City of Vernon and MCIMetro Access Transmission Services Corp., d/b/a Verizon Access Transmission Services. The question was called and the motion carried unanimously.

18. A Resolution Adopting an Amended and Restated Fringe Benefits and Salary Resolution in Accordance with Government Code Section 20636(B)(1) and Repealing All Resolutions in Conflict Therewith

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 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;

B. Adopt the attached resolution amending and restating the Citywide Fringe Benefits and Salary Resolution, to Amend Exhibit A, Classification and Compensation Plan adopting the following: 1. New classification and associated salary range of Electrical Engineering Technician, Salary Grade I 25 (Monthly Salary \$6,493 - \$7,893); 2. New classification and associated salary range of Senior Legal & Policy Advisor, Salary Grade M 39 (Monthly Salary \$12,856 - \$15,627); and

C. Approve the job descriptions for: 1. Electrical Engineering Technician, 2. Senior Legal & Policy Advisor.

Human Resources Director Earl presented the staff report.

MOTION

Council Member Davis moved and Mayor Pro Tem Lopez seconded a motion to: A. Find that approval of the resolution 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; B. Adopt the attached resolution amending and restating the Citywide Fringe Benefits and Salary Resolution, to Amend Exhibit A, Classification and Compensation Plan adopting the following: 1. New classification and associated salary range of Electrical Engineering Technician, Salary Grade I 25 (Monthly Salary \$6,493 - \$7,893); 2. New classification and associated salary range of Senior Legal & Policy Advisor, Salary Grade M 39 (Monthly Salary \$12,856 - \$15,627); and C. Approve the job descriptions for: 1. Electrical Engineering Technician, 2. Senior Legal & Policy Advisor. The question was called and the motion carried unanimously.

ORAL REPORTS

City Administrator Reports on Activities and other Announcements

City Administrator Fandino provided an update on recent Vernon Police Department and Fire Department activities. He announced that ballots for the April 14, 2020 election were mailed on March 16, 2020 and the last day to register to vote is March 30, 2020. He summarized the City’s COVID-19 response plan.

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

Council Member Menke announced that she attended the USC Executive Education Sustainability Summit on February 21 and 22, 2020, in Palm Springs, with a fiscal impact of approximately \$980 and the National League of Cities Congressional City Conference, from March 8 – 11, 2020 in Washington DC, at an estimated cost to the City of \$4870.

RECESS

Mayor Ybarra recessed the meeting to Closed Session at 10:23 a.m.

CLOSED SESSION

19. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (3 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

Vernon Professional Firefighters Association v. City of Vernon
Public Employment Relations Board Unfair Practice Charge No. LA-CE-1423-M

20. CONFERENCE WITH LABOR NEGOTIATORS

Government Code Section 54957.6

Agency Designated Representative: Carlos Fandino, City Administrator

Employee Organizations: Vernon Professional Firefighters Association, and Vernon Fire Management Association

21. 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.

22. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Government Code Section 54957(b)(1)

Title: City Administrator

23. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Government Code Section 54956.9(d)(1)

Name of Case: Miguel A. Hernandez, Jr. vs. City of Vernon

Workers Compensation Appeals Board Case No. ADJ10478591

24. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Government Code Section 54956.9(d)(1)

Name of Case: Miguel A. Hernandez, Jr. vs. City of Vernon

Workers Compensation Appeals Board Case No. ADJ10478642

RECONVENE

At 11:42 a.m., Mayor Ybarra adjourned Closed Session and reconvened the regular meeting.

Interim City Attorney Alvarez-Glasman reported that City Council met in closed session, discussed the items listed on the agenda and approved Amendment No. 3 with Morgan, Lewis & Bockius LLP, for continued representation of City in pending litigation against Bicent (California) Malburg, LLC.

ADJOURNMENT

Mayor Ybarra adjourned the meeting at 11:42 a.m.

ATTEST:

MELISSA YBARRA, Mayor

LISA POPE, City Clerk
(seal)