

**MINUTES
VERNON CITY COUNCIL
REGULAR MEETING
TUESDAY, APRIL 7, 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 Ybarra led the Flag Salute.

ROLL CALL

PRESENT: Melissa Ybarra, Mayor
Leticia Lopez, Mayor Pro Tem (via remote access)
William Davis, Council Member
Carol Menke, Council Member
Diana Gonzales, Council Member

STAFF PRESENT:

Carlos Fandino, City Administrator
Arnold Alvarez-Glasman, Interim City Attorney
Lisa Pope, City Clerk
Scott Williams, Finance Director (via remote access)
Jim Enriquez, Interim Fire Chief
Fredrick Agyin, Director of Health and Environmental Control
Michael Earl, Human Resources Director (via remote access)
Anthony Miranda, Police Chief (via remote access)
Dan Wall, Public Works Director (via remote access)

APPROVAL OF THE AGENDA

City Clerk Pope announced that Agenda Item No. 1 would be deferred.

MOTION

Council Member Davis moved and Council Member Menke seconded a motion to approve the agenda. The question was called and the motion carried unanimously.

PUBLIC COMMENT

None.

PUBLIC HEARINGS

1. General Fee Schedule for Fiscal Year 2020-2021

Recommendation:

Continue the public hearing to a date uncertain.

This item was deferred upon approval of the agenda.

PRESENTATIONS

2. Fiscal Year 2020/2021 Budget Study Session

Recommendation:

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

City Administrator Fandino and Finance Director Williams presented a PowerPoint regarding the Fiscal Year 2020/2021 Budget Study Session.

City Administrator Fandino, Finance Director Williams, and Director of Health and Environmental Control Agyin responded to Council questions.

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:

3. Approval of Minutes

Recommendation: Approve meeting minutes for the March 12, 2020 Special City Council Meeting and the March 17, 2020 Regular and Special City Council Meetings.

4. Operating Account Warrant Register

Recommendation: Approve Operating Account Warrant Register No. 42, for the period of March 1 through March 21, 2020, which totals \$10,664,989.54 and consists of ratification of electronic payments totaling \$10,061,949.14 and ratification of the issuance of early checks totaling \$603,040.40.

5. Claims Against the City

Recommendation: Receive and file the claim submitted by Geo Plastics in the amount of \$10,000.

6. Public Works Monthly Building Report

Recommendation: Receive and file the February 2020 Building Report.

7. Second Reading of Ordinance No. 1264 - 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; and B. Conduct second reading, and adopt Ordinance No. 1264 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.

8. POST Entry-Level Dispatcher Selection Test Battery Security Agreement with the California Commission on Peace Officer Standards and Training

Recommendation: A. Find that the proposed action is exempt under 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 section 15378; and B. Approve and authorize the Director of Human Resources to execute a POST Entry-Level Dispatcher Selection Test Battery Security Agreement between the City of Vernon and the California Commission on Peace Officer Standards and Training in substantially the same form as submitted.

9. Project Funded by Senate Bill 1: The Road Repair and Accountability Act of 2017

Recommendation: A. Find that the proposed action does not constitute a “project” pursuant to sections 15378(b)(2) and (4) of the Guidelines to the California Environmental Quality Act (“CEQA”), because it constitutes an administrative activity and government funding mechanism that does not involve any commitment to any specific project which may result in a potentially significant impact on the environment; and even if the adoption of the proposed resolution did constitute a project, it would be exempt from CEQA in accordance with CEQA Guidelines Sections 15302, because the proposed project consists of the replacement of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced; and 15061(b)(3), the general rule that CEQA only applies to projects that may have a significant effect on the environment; and B. Adopt a resolution adopting a project funded by Senate Bill 1: The Road Repair and Accountability Act of 2017 for Fiscal Year 2020/2021.

10. Drug Enforcement Administration Agreement

Recommendation: A. Find that the approval of the proposed agreement 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 and authorize the Police Chief to execute an agreement with the Drug Enforcement Administration, for continued participation in the Southwest Border Initiative (SWBI) taskforce with an effective date of April 7, 2020.

11. Authorized Agents for California Governor’s Office of Emergency Services (Cal OES) Public Assistance Grants

Recommendation: A. Find that approval of the proposed action is exempt from the California Environmental Quality Act (CEQA), because it is a general policy and procedure making 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. Adopt a resolution recognizing the State of California Governor’s

Office of Emergency Services, Form 130, for designation of authorized agents for non-state agencies.

NEW BUSINESS

12. Agreement for Medicare Group Health Coverage

Recommendation: A. Find that the proposed action is exempt under 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 section 15378; and B. Approve and authorize the City Administrator to execute the Medicare Advantage Group Agreement between the City of Vernon and Blue Cross of California doing business as Anthem Blue Cross in substantially the same form as submitted, for a total amount of approximately \$182,150, for calendar year 2020.

Human Resources Director Earl 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 under 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 section 15378; and B. Approve and authorize the City Administrator to execute the Medicare Advantage Group Agreement between the City of Vernon and Blue Cross of California doing business as Anthem Blue Cross in substantially the same form as submitted, for a total amount of approximately \$182,150, for calendar year 2020. The question was called and the motion carried unanimously.

13. Temporary Emergency Moratorium on Evictions at Commercial Properties

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 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 Emergency Ordinance No. 1267 pursuant to Chapter 4.4 of the City Charter, enacting a Temporary Emergency Moratorium on Evictions for renters and owners of commercial properties in the City, and late fee assessments and service shut-offs for rent and utility payments.

City Administrator Fandino presented the staff report.

City Administrator Fandino and Interim City Attorney Alvarez-Glasman responded to questions.

MOTION

Council Member Gonzales moved and Council Member Davis 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

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 Emergency Ordinance No. 1267 pursuant to Chapter 4.4 of the City Charter, enacting a Temporary Emergency Moratorium on Evictions for renters and owners of commercial properties in the City, and late fee assessments and service shut-offs for rent and utility payments, amending Section 5.G. to change "residential" to "commercial". The question was called and the motion carried unanimously.

14. Fund Allocation, Eligibility, and Criteria for Vernon CommUNITY Fund Grants

Recommendation: A. Find that the action is exempt under the 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. Introduce and conduct first reading of Ordinance No. 1265 amending Article XX of Chapter 2, Sections 2.162 and 2.164 through 2.166, of the Vernon Municipal Code to modify Vernon CommUNITY Fund grant fund allocation, eligibility, and criteria and direct staff to schedule second reading and adoption at the April 21, 2020 Council meeting.

City Administrator Fandino presented the staff report.

MOTION

Council Member Davis moved and Mayor Pro Tem Lopez seconded a motion to: A. Find that the action is exempt under the 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. Introduce and conduct first reading of Ordinance No. 1265 amending Article XX of Chapter 2, Sections 2.162 and 2.164 through 2.166, of the Vernon Municipal Code to modify Vernon CommUNITY Fund grant fund allocation, eligibility, and criteria and direct staff to schedule second reading and adoption at the April 21, 2020 Council meeting. The question was called and the motion carried unanimously.

15. First Responders Housing Priority

Recommendation: A. Find that approval of the proposed Ordinance is categorically exempt from California Environmental Quality Act (CEQA) review, because it is a continuing administrative activity that will not result in any direct or indirect physical change to the environment, and therefore does not constitute a "project" as defined by CEQA Guidelines section 15378; and B. Introduce and conduct first reading of Ordinance No. 1266 amending Chapter 2, Section 2.125 (b) of the Vernon Municipal Code to delete any reference to a "first responders" priority and direct staff to schedule second reading and adoption at the April 21, 2020 Council meeting.

Public Works Director Wall presented the staff report.

Marisa Olguin, Vernon Chamber of Commerce, indicated support for removing the first responder priority.

MOTION

Mayor Pro Tem Lopez moved and Council Member Gonzales seconded a motion to: A. Find that approval of the proposed Ordinance is categorically exempt from California Environmental Quality Act (CEQA) review, because it is a continuing administrative activity that will not result in any direct or indirect physical change to the environment, and therefor does not constitute a "project" as defined by CEQA Guidelines section 15378; and B. Introduce and conduct first reading of Ordinance No. 1266 amending Chapter 2, Section 2.125 (b) of the Vernon Municipal Code to delete any reference to a "first responders" priority and direct staff to schedule second reading and adoption at the April 21, 2020 Council meeting. The question was called and the motion carried unanimously.

16. COVID-19 Emergency Microloan Program

Recommendation: A. Find that the proposed action is exempt under 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 section 15378; and B. Approve the implementation of the City's COVID-19 Emergency Microloan Program that will offer support to Vernon restaurants with an objective to prevent staff reductions, offset losses related to COVID-19, and sustain operations through the COVID-19 crisis.

City Administrator Fandino presented the staff report.

Marisa Olguin, Vernon Chamber of Commerce, indicated the Chamber supported the proposed use of funds.

Council Member Menke asked if it was an appropriate use of the Community Fund. Mayor Pro Tem Lopez responded that it was a great way to give back to the community. City Administrator Fandino clarified that funds for the program would be taken from the Community Development Fund.

MOTION

Council Member Menke moved and Council Member Gonzales seconded a motion to: A. Find that the proposed action is exempt under 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 section 15378; and B. Approve the implementation of the City's COVID-19 Emergency Microloan Program that will offer support to Vernon restaurants with an objective to prevent staff reductions, offset losses related to COVID-19, and sustain operations through the COVID-19 crisis. The question was called and the motion carried unanimously.

17. Grant Agreement with AltaMed Health Services Corporation for COVID-19 Screening/Testing

Recommendation: A. Find that the proposed action is exempt under 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 section 15378; and B. Approve

and authorize the City Administrator to execute a Grant Agreement between the City of Vernon and AltaMed Health Services Corporation (AltaMed) in substantially the same form as submitted, for a total amount of \$75,000 to support AltaMed's COVID-19 screening/testing services in the Southeast Los Angeles Area.

City Administrator Fandino presented the staff report.

Jennie Carreon, AltaMed, provided an overview of the services provided and responded to questions.

City Administrator Fandino stated staff would send postcard to residents and inform businesses of the available services.

MOTION

Mayor Pro Tem Lopez moved and Council Member Menke seconded a motion to: A. Find that the proposed action is exempt under 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 section 15378; and B. Approve and authorize the City Administrator to execute a Grant Agreement between the City of Vernon and AltaMed Health Services Corporation (AltaMed) in substantially the same form as submitted, for a total amount of \$75,000 to support AltaMed's COVID-19 screening/testing services in the Southeast Los Angeles Area. The question was called and the motion carried unanimously.

18. Jaw Bone Canyon Property in Kern County

Recommendation: Hold a discussion and provide direction to staff.

City Administrator Fandino presented a PowerPoint regarding the Jaw Bone Canyon Property in Kern County.

City Administrator Fandino, Public Utilities General Manager Alemu, Consultant Peter Hervish and Finance Director Williams responded to questions regarding bond payments; bond debt; the covenant on the land; opposition by Kern County; and NextERA.

City Clerk Pope read written comments submitted by Ron Miller, Executive Secretary, Los Angeles/Orange Counties Building and Construction Trades Council.

William Barkett, Chairman of Silverado Company, discussed the company's work with various cities in public-private partnerships; experience with real estate projects; potential of the State overriding Kern County regulations; and their proposed development on the City's Kern County property.

Marisa Olguin, Vernon Chamber of Commerce, indicated the Chamber's support of the City's goals for renewable energy and recognized the value of the land and interest to outside groups; expressed surprise that a developer was presenting a proposed project during the pandemic and concern with the rush to do a project; presented articles of concern

on the proposed developer; and indicated opposition to the City moving forward with any project due to the current pandemic and state of the economy.

In response to Council Member Menke, Mr. Barkett confirmed the rush due to the April 1 California ISO application deadline. He provided an overview of the City of Industry litigation, and his firm's involvement with the City of Industry and City of Bell. Council Member Menke requested Mr. Barkett inform the Council of his proposal. Mr. Barkett requested the Council allow them to move forward to study the possibilities of the City's Kern County property.

Mayor Ybarra asked the State's position when the City previously went out to bid. City Administrator Fandino discussed Senate Bills 100 and 350 related to renewable energy and the City's current solar energy projects.

Council Member Menke stated the project would create a lot of jobs and confirmed that Mr. Barkett was not requesting money from the City. Mr. Barkett requested an exclusive right (lease) of the land and the opportunity to try to move forward.

Mayor Ybarra recommended holding off and bringing back additional information in a month.

Council Member Menke suggested moving ahead with a project.

Mayor Ybarra stated the City should go out to bid.

Mayor Pro Tem Lopez stated it was not responsible to move forward given the current pandemic and economic uncertainty.

Council Member Davis stated the City had already spent significant funds on the property.

Mayor Ybarra indicated timing was not good as other internal matters needed to be addressed and stated the City should go out to bid as required under the City's Good Governance Reform.

Council Member Menke asked if the City needed to go out to bid. Interim City Attorney Alvarez-Glasman stated it was generally within the discretion of the Council whether or not to go out to bid, therefore, it was not required.

Mayor Ybarra requested information on whether the bid requirement was part of the City's reform or its Charter. He indicated he would provide that information to the Council. City Administrator Fandino confirmed that the City's Good Governance Reform Measures and procedures adopted by the City Council required the City go out to bid for such projects. Public Utilities General Manager Alemu reminded the Council of the purchasing ordinance requirements.

MOTION

Mayor Ybarra moved and Mayor Pro Tem Lopez seconded a motion to defer action on any project.

Council Member Davis discussed the City's past efforts and issues with the property. City Administrator Fandino discussed the environmental issues, covenant restrictions, and opposition to projects in the area. He discussed the City's participation in SCPA and the City's goal to have the lowest electrical rates. He recommended holding off on any project.

The question was called and the motion carried 4-1, Council Member Menke dissenting.

ORAL REPORTS

City Administrator Reports on Activities and other Announcements

City Administrator Fandino provided an update on COVID-19 actions.

City Council Reports on Activities, Announcements, or Directives to Staff

Mayor Ybarra requested information on residential housing evictions.

RECESS

Mayor Ybarra recessed the meeting at 12:03 p.m. The meeting reconvened at 12:21 p.m. and the Council recessed to Closed Session.

CLOSED SESSION

19. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Government Code Section 54956.9(d)(1)
Signal Hill v. Central Basin Municipal Water District, et al.
Los Angeles Superior Court Case No. 19STCP03882

20. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Government Code Section 54957(b)(1)
Title: City Administrator

RECONVENE

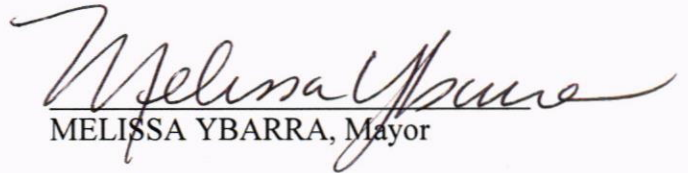
At 12:35 p.m., Mayor Ybarra adjourned Closed Session and reconvened the regular meeting.

CLOSED SESSION REPORT

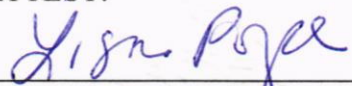
Interim City Attorney Alvarez-Glasman reported that the Council met in Closed Session and discussed both items listed on the agenda. With regard to Item 19, the Council directed staff to not participate in the Brown Act litigation. Additionally, the Council discussed Item 20 and no reportable action was taken.

ADJOURNMENT

Mayor Ybarra adjourned the meeting at 12:36 p.m.


MELISSA YBARRA, Mayor

ATTEST:



LISA POPE, City Clerk
(seal)