

**MINUTES
VERNON CITY COUNCIL
REGULAR MEETING
TUESDAY, JULY 21, 2020
COUNCIL CHAMBER, 4305 SANTA FE AVENUE**

CALL TO ORDER

Mayor Lopez called the meeting to order at 9:01 a.m.

FLAG SALUTE

Mayor Lopez led the Flag Salute.

ROLL CALL

PRESENT: Leticia Lopez, Mayor (via remote access)
Melissa Ybarra, 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
Lisa Pope, City Clerk
Scott Williams, Finance Director
Jim Enriquez, Interim Fire Chief
Abraham Alemu, Public Utilities General Manager
Fredrick Agyin, Health and Environmental Control Director
Michael Earl, Human Resources Director
Anthony Miranda, Police Chief
Dan Wall, Public Works Director

APPROVAL OF THE AGENDA

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.

PRESENTATIONS

1. **Employee Service Pin Awards for April and May 2020**

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

Human Resources Director Earl acknowledged recipients of the Employee Service Pin Awards for April and May 2020 including: Carlos G. Ourique, Jason E. Lusca, Jose L. Zermeño, Marisela Martinez.

PUBLIC HEARINGS

2. **Amendment to Municipal Code Chapter 26 - Zoning Map (Continued from July 7, 2020)**

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 property owner seeks to engage in actual physical construction or development, such would be subject to separate and independent CEQA review and analysis; and B. Introduce and conduct first reading of Ordinance No. 1270 amending the Zoning Map in Chapter 26 of the Municipal Code to include the properties located at 2328, and at 2332/2334 E. Vernon Avenue in the Housing Overlay Zone, and direct staff to schedule second reading and adoption for the August 4, 2020 City Council meeting.

Mayor Pro Tem Ybarra recused herself due to property ownership interest and left the dais.

Public Works Director Wall presented the staff report.

In response to Council questions, Public Works Director Wall provided the dimensions of the lots; explained the City's Regional Housing Needs Allocation (RHNA); and issues with mortgages on Industrial Use property.

Council Member Menke referenced the General Plan and Municipal Code sections related to the Housing Overlay Zone and indicated opposition to the proposed amendment.

MOTION

Council Member Menke moved and Council Member Gonzales seconded a motion to reject the staff recommendation.

Interim City Attorney Alvarez-Glasman stated the discretion rested with the Council and he explained the Housing Overlay Zone.

Council Member Menke stated the overlay was created to build the apartments and the existing residential properties were legal, non-conforming.

In response to Mayor Lopez, Public Works Director Wall and City Administrator Fandino stated the property had always been zoned Industrial and the City did not have a Residential Zone.

Interim City Attorney Alvarez-Glasman suggested referring the matter to staff in an effort to present a different approach in the evaluation of the issue.

SUBSTITUTE MOTION

Mayor Lopez moved and Council Member Davis seconded a motion to refer the matter to staff. The question was called and the motion failed 2-2, Council Members Gonzales and Menke dissenting and Mayor Pro Tem Ybarra absent.

The question on the initial motion was called and the motion failed 2-2, Mayor Lopez and Council Member Davis dissenting and Mayor Pro Tem Ybarra absent.

Mayor Pro Tem Ybarra returned to the dais.

CONSENT CALENDAR

Mayor Pro Tem Ybarra pointed out a correction to the minutes.

MOTION

Mayor Pro Tem Ybarra moved and Council Member Menke seconded a motion to approve the Consent Calendar, with the minutes amended. The question was called and the motion carried unanimously.

The Consent Calendar consisted of the following items:

3. **Approval of Minutes**
Recommendation: Approve the July 7, 2020 Regular City Council meeting minutes.
4. **Claims Against the City**
Recommendation: Receive and file the claim submitted by Mercury Insurance on behalf of Andrew Perkins in the amount of \$2,440.90.
5. **Operating Account Warrant Register**
Recommendation: Approve Operating Account Warrant Register No. 49, for the period of June 21 through July 4, 2020, which totals \$4,413,206.16 and consists of ratification of electronic payments totaling \$4,319,898.63 and ratification of the issuance of early checks totaling \$93,307.53.
6. **City Payroll Warrant Register**
Recommendation: Approve City Payroll Warrant Register No. 769, for the period of June 1 through June 30, 2020, which totals \$3,061,746.42 and consists of ratification of direct deposits, checks and taxes totaling \$2,014,145.32 and ratification of checks and electronic fund transfers (EFT) for payroll related disbursements totaling \$1,047,601.10 paid through operating bank account.
7. **Fire Department Activity Report**
Recommendation: Receive and file the May 2020 Report.

8. **Police Department Activity Report**
Recommendation: Receive and file the May 2020 Report.
9. **Warehouse Special Parcel Tax Rate Adjustment for Fiscal Year 2020-21**
Recommendation: A) Adopt Resolution No. 2020-25 determining the Warehouse Special Parcel Tax levied pursuant to Section 5.45 of the Municipal Code for Fiscal Year 2020-2021; and B) Approve and authorize the Finance Director to execute an Agreement for Billing of Direct Assessments (Warehouse Special Parcel Tax) with the Los Angeles County Auditor-Controller's Office for the collection and distribution of the Warehouse Special Parcel Tax for Fiscal Year 2020-21.
10. **Public Safety Special Parcel Tax Rate Adjustment for Fiscal Year 2020-21**
Recommendation: A) Adopt Resolution No. 2020-26 determining the Public Safety Special Parcel Tax levied pursuant to Section 5.46 of the Municipal Code for Fiscal Year 2020-2021; and B) Approve and authorize the Finance Director to execute an Agreement for Billing of Direct Assessments (Public Safety Parcel Tax) with the Los Angeles County Auditor-Controller's Office for the collection and distribution of the Public Safety Parcel Tax for Fiscal Year 2020-21.
11. **Services Agreement with NeoGov**
Recommendation: Approve and authorize the City Administrator to execute the NeoGov Service Agreement for software modules, in an amount not-to-exceed \$90,946.69 for a three-year term, effective July 2, 2020.
12. **Services Agreement with Jemmott Rollins Group, Inc.**
Recommendation: Approve and authorize the City Administrator to execute a Services Agreement with Jemmott Rollins Group, Inc. for administrative management of Vernon CommUNITY Fund Grant Committee activities in an amount not-to-exceed \$320,025, for a three-year term, effective August 1, 2020.
13. **Update on Temporary Emergency Moratorium on Evictions at Residential Properties**
Recommendation: Receive and file the update on Emergency Ordinance No. 1268.
14. **Services Agreement with Athens Administrators for Worker's Compensation Third Party Claims Administration**
Recommendation: Approve and authorize the City Administrator to execute the proposed Worker's Compensation Third Party Claims Administration Services Agreement with Athens Administrators in an amount not to exceed \$227,014, for a three-year term.
15. **Report on Emergency Purchases Secured by the City Administrator**
Recommendation: A. Receive and file this report as it is being provided for informational purposes only; and B. With regard to the Washington Underpass Sump Pump Repair, find that the action is categorically exempt from California Environmental Quality Act (CEQA) review, in accordance with CEQA Guidelines § 15301, because the project consisted of the repair of an existing facility and equipment with negligible or no expansion of an existing use.

NEW BUSINESS

16. **Commission and Committee Appointments**
Recommendation: A. Appoint Business and Industry Commissioners to fill the following vacancies: a. one Business Representative; b. two Real Estate Representatives; and c. one Council Member; B. Appoint CommUNITY Fund Grant Committee Members to fill the following vacancies: a. one Business Representative; b. one Vernon Area Representative;

and c. continued appointment of Mark Gonzales as the Legislative Representative; C. Ratify the Mayor's selection for appointments of the following Green Vernon Commission seats: a. one Business Representative; b. two Environmental Representatives; and c. two Labor Representatives; and D. Ratify the Mayor's selection for appointment of the following Housing Commission seat: a. one Employee of a Vernon Business.

MOTION

Mayor Lopez moved and Council Member Menke seconded a motion to appoint Douglas Williams as the Business Representative to the Business and Industry Commission. The question was called and the motion carried unanimously.

MOTION

Council Member Menke moved and Mayor Pro Tem Ybarra seconded a motion to appoint Jack R. Cline, Jr. as the Real Estate Representative to the Business and Industry Commission for the term ending June 2024. The question was called and the motion carried unanimously.

MOTION

Council Member Menke moved and Mayor Pro Tem Ybarra seconded a motion to appoint Thomas A. Condon as the Real Estate Representative to the Business and Industry Commission for the term ending June 2022. The question was called and the motion carried unanimously.

MOTION

Mayor Lopez moved and Council Member Gonzales seconded a motion to appoint Council Member Davis as the Council Member Representative to the Business and Industry Commission. The question was called and the motion carried unanimously.

MOTION

Mayor Lopez moved and Council Member Davis seconded a motion to appoint James Chang as the Business Representative to the Vernon CommUNITY Fund Grant Committee. The question was called and the motion carried unanimously.

MOTION

Mayor Lopez moved and Mayor Pro Tem Ybarra seconded a motion to appoint Judith Merlo as the Vernon Area Representative to the Vernon CommUNITY Fund Grant Committee. The question was called and the motion carried unanimously.

MOTION

Council Member Menke moved and Council Member Davis seconded a motion to ratify the continued appointment of Mark Gonzalez as the Legislative Representative to the Vernon CommUNITY Fund Grant Committee. The question was called and the motion carried unanimously.

MOTION

Mayor Pro Tem Ybarra moved and Council Member Gonzales seconded a motion to ratify the Mayor's selection of Hector Morfin as the Business Representative, Daniel Alley (term

ending June 2024) and Catherine Brown (term ending June 2022) as the Environmental Representatives, and Martin F. Perez as the Labor Representative to the Green Vernon Commission. The question was called and the motion carried unanimously.

MOTION

Mayor Pro Tem Ybarra moved and Council Member Davis seconded a motion to ratify the Mayor's selection of Steve Hermon as the Vernon Business Employee Representative to the Housing Commission. 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 Police, Fire, and Public Utility incidents.

Health and Environmental Control Director Agyin discussed University of Southern California COVID-19 vaccine trial.

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

None.

RECESS

Mayor Lopez recessed the meeting to Closed Session at 10:08 a.m.

CLOSED SESSION

17. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (four cases)

Government Code Section 54956.9(d)(1)

A. Mayra Jimenez v. City of Vernon, et al,

Los Angeles Superior Court Case No. BC717856

B. Verizon Wireless in State of California, et al., v. Verizon Wireless, et al.,

Sacramento County Superior Court Case No. 34-2012-00127517

C. Bicient (California) Malburg LLC et al. v. City of Vernon et al.,

Los Angeles Superior Court Case No. 19STCV08859 and JAMS Reference No. 1100107175

D. City of Vernon v. Bicient (California) Malburg LLC

Los Angeles Superior Court Case No. 19STCP02411 and JAMS Reference No. 1220062657

18. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Government Code Section 54956.9(d)(4)

Consideration of initiation of litigation – One matter

RECONVENE

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

CLOSED SESSION REPORT

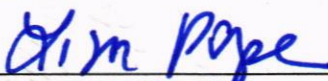
Interim City Attorney Alvarez-Glasman reported that the Council, with all five members being present, met in Closed Session, discussed all items on the agenda. The Interim City Attorney reported that the Council provided direction to settle the cases identified as Items 17.A. and 17.B. consistent with the terms expressed to the City Council in Closed Session and authorized the City Administrator to execute settlement agreements for Items 17.A. and 17.B. Interim City Attorney Alvarez-Glasman also reported that the Council authorized an amendment to the City's retainer agreement with Morgan, Lewis & Bockius for the Bicent matters (Items 17.C. and 17.D) and authorized the City Administrator to execute the amendment.

ADJOURNMENT

Mayor Lopez adjourned the meeting at 11:12 a.m.


LETICIA LOPEZ, Mayor

ATTEST:


LISA POPE, City Clerk
(seal)