

**MINUTES
VERNON CITY COUNCIL
REGULAR MEETING
TUESDAY, SEPTEMBER 1, 2020
COUNCIL CHAMBER, 4305 SANTA FE AVENUE**

CALL TO ORDER

Mayor Lopez called the meeting to order at 9:00 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 Menke moved and Council Member Davis seconded a motion to approve the agenda. The question was called and the motion carried unanimously.

PUBLIC COMMENT

Marisa Olguin, Vernon Chamber of Commerce, discussed the Southern California News Group article regarding the Los Angeles District Attorney's Office investigation and raids on developer Bill Barkett and Frank Hill, the same consultants approaching the City on its Kern County property. She expressed concern over the City's leadership and its deliberate intent to push forward a deal shunning the competitive bidding process. She reminded the

Council that it was critical to follow the reforms, spirit of good governance policies, and make the right decisions moving forward.

Susie Ybarra thanked the Council for providing personal computers to the students in the community.

City Clerk Pope a read letter from Jamie Lopez requesting the Council's views on Black Lives Matter.

PUBLIC HEARING

1. Amendment to Municipal Code Chapter 26 - Zoning Map

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 September 15, 2020 City Council meeting.

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

Public Works Director Wall presented the staff report.

Mayor Lopez opened the Public Hearing.

Susie Ybarra discussed the residential properties in 2015; her family's history in Vernon; zoning on her property; 2015 land use decisions; residential use; RHNA numbers and General Plan Housing Element; and City's housing stock.

Marisa Olguin, Chamber of Commerce, discussed the intent of the General Plan to preserve existing housing and indicated support for correcting the error.

Mayor Lopez closed the Public Hearing.

MOTION

Council Member Davis moved and Mayor 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 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 September 15, 2020 City Council meeting. The question was called and the motion failed 2-2, Council Member Menke and Council Member Gonzales dissenting.

Mayor Pro Tem Ybarra returned to the dais.

CONSENT CALENDAR

MOTION

Council Member Davis moved and Council Member Menke seconded a motion to approve the Consent Calendar. The question was called and the motion carried 3-0, Mayor Pro Tem Ybarra and Council Member Gonzales abstaining.

The Consent Calendar consisted of the following items:

2. **Approval of Minutes**
Recommendation: Approve the August 4, 2020 Regular City Council Minutes.
3. **Claims Against the City**
Recommendation: Receive and file the claims submitted by: 1) Leydi Sanchez in the amount of \$3,361.84; and 2) Edwin Silveira in the minimum amount of \$3,925.93.
4. **City Payroll Warrant Register**
Recommendation: Approve City Payroll Warrant Register No. 770, for the period of July 1 through July 31, 2020, which totals \$4,258,150.66 and consists of ratification of direct deposits, checks and taxes totaling \$2,996,148.77 and ratification of checks and electronic fund transfers (EFT) for payroll related disbursements totaling \$1,262,001.89 paid through operating bank account.
5. **Operating Account Warrant Register**
Recommendation: Approve Operating Account Warrant Register No. 51, for the period of July 19 through August 15, 2020, which totals \$10,223,414.19 and consists of ratification of electronic payments totaling \$9,796,376.07 and ratification of the issuance of early checks totaling \$427,038.12.
6. **Fire Department Activity Report**
Recommendation: Receive and file the June 2020 Report.
7. **Police Department Activity Report**
Recommendation: Receive and file the June 2020 Report.
8. **Public Works Monthly Building Report**
Recommendation: Receive and file the July 2020 Building Report.
9. **Fiscal Year 2019/2020 Vernon COMMUNITY Fund Grant Committee Activity Report**
Recommendation: Receive and file the report, as it is being provided for informational purposes only.
10. **Office of Traffic Safety Selective Traffic Enforcement Program (STEP) Grant Agreement**
Recommendation: Approve and authorize the City Administrator, Police Chief, and Police Sergeant to execute an agreement between the City of Vernon and the Office of Traffic

Safety, in substantially the same form as submitted for a one (1) year term, for participation in the Selective Traffic Enforcement Program (STEP) with an effective date of October 1, 2020.

11. Managed Print Services Agreement with MRC Smart Technology Solutions and Xerox

Recommendation: A. Approve and authorize the City Administrator to execute a Services Agreement with MRC Smart Technology Solutions, in substantially the same form as submitted, for a three-year term in an amount not-to-exceed \$206,360 (\$68,786.82 per year) for Managed Print Services (MPS) with an effective date of September 20, 2020; and B. Approve and authorize the City Administrator to execute a related Lease Agreement with Xerox, in substantially the same form as submitted, for a three-year term in an amount not-to-exceed \$83,640 (\$27,879.84 per year) for MPS with an effective date of September 20, 2020.

NEW BUSINESS

12. Memorandum of Understanding with the University of Southern California (USC) for Corona Virus-19 (COVID-19) Vaccine Trial

Recommendation: Approve the Memorandum of Understanding between the City of Vernon and USC, in substantially the same form as submitted, for COVID-19 vaccine trial.

Health and Environmental Control Director Agyin presented the staff report.

Public Works Director Wall explained the proposed location of the testing facility.

Michael Dube, USC, provided a PowerPoint outlining the vaccine trial.

In response to Council questions, Dr. Dube discussed expressed interest in the study and timing for the study. Public Works Director Wall discussed efforts for safety and reduced liability. City Administrator Fandino and Mayor Pro Tem Ybarra suggested alternative public access.

MOTION

Mayor Pro Tem Ybarra moved and Council Member Menke seconded a motion to approve the Memorandum of Understanding between the City of Vernon and USC, in substantially the same form as submitted, for COVID-19 vaccine trial. The question was called and the motion carried unanimously.

13. Contract for Fire Station Remodeling Required for Transition to the Consolidated Fire Protection District of Los Angeles County (LA County Fire)

Recommendation: A. Find that approval of the proposed action is categorically exempt from California Environmental Quality Act (CEQA) review, in accordance with CEQA Guidelines Sections 15301 - 15332 for Class 1: Existing Facilities; B. Accept the bid from Fasone Construction, Inc.; C. Approve and authorize the City Administrator to execute a contract with Fasone, Construction Inc. in substantially the same form as submitted, in an amount not to exceed \$547,034.72 for the required remodeling of Fire Station 76; and D. Authorize a contingency amount of \$25,000 in the event of an unexpected changed

condition in the project and grant authority to the City Administrator to issue Change Orders for an amount up to the contingency amount, if necessary.

Public Works Director Wall presented the staff report.

In response to Council questions, Public Works Director Wall explained the process for the agreement between the City and LA County Fire Management, and the use of Fasone Construction to ensure County approval. City Administrator Fandino discussed the use of Station 76 and City Hall offices, and transition of Search and Rescue and Hazmat into the City. Fire Chief Enriquez explained the use of Station 77 for Hazmat operation personnel and clarified that Station 79 would remain vacant.

MOTION

Mayor Pro Tem Ybarra moved and Council Member Gonzales seconded a motion to: A. Find that approval of the proposed action is categorically exempt from California Environmental Quality Act (CEQA) review, in accordance with CEQA Guidelines Sections 15301 - 15332 for Class 1: Existing Facilities; B. Accept the bid from Fasone Construction, Inc.; C. Approve and authorize the City Administrator to execute a contract with Fasone, Construction Inc. in substantially the same form as submitted, in an amount not to exceed \$547,034.72 for the required remodeling of Fire Station 76; and D. Authorize a contingency amount of \$25,000 in the event of an unexpected changed condition in the project and grant authority to the City Administrator to issue Change Orders for an amount up to the contingency amount, if necessary. 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 activity; the Fire Department End of Watch Badge Presentation on September 29, 2020; recent housing lottery; and VPU incidents.

Health and Environmental Control Director Agyin provided an update on COVID-19 mitigation efforts.

Mayor Pro Tem Ybarra requested City Administrator review grant funds to assist with COVID-19 testing.

City Administrator Fandino discussed the successful Back to School event on August 24, 2020; upcoming resident newsletter; Housing Commission meeting on September 9, 2020; Census Chalk-a-thon on September 7, 2020; and Family Game Nights September 1 to September 17, 2020. He indicated the warrant registers were available and iPads would be provided for each Councilmember. He announced Bob Gutterman's, Crown Poly, retirement and indicated a proclamation would be prepared for presentation at an upcoming meeting.

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

None.

RECESS

Mayor Lopez recessed the meeting to Closed Session at 10:32 a.m.

CLOSED SESSION

14. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Government Code Section 54956.9(d)(1)

A. Bicent (California) Malburg LLC et al. v. City of Vernon et al.,

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

B. City of Vernon v. Bicent (California) Malburg LLC

Los Angeles Superior Court Case No. 19STCV02411 and JAMS Reference No. 1220062657

C. Christina Sanchez, et al. v. City of Vernon, et al.

Los Angeles Superior Court Case No. 19STCV38779

15. 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.

16. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Government Code Section 54956.9(d)(4)

Consideration of initiation of litigation – One matter

RECONVENE

At 11:43 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, and took no reportable action.

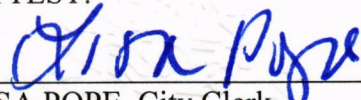
ADJOURNMENT

Mayor Lopez adjourned the meeting at 11:44 a.m.



LETICIA LOPEZ, Mayor

ATTEST:



LISA POPE, City Clerk
(seal)