

**MINUTES
VERNON CITY COUNCIL
REGULAR MEETING
TUESDAY, JUNE 7, 2022
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
Crystal Larios, Mayor Pro Tem (via remote access)
William Davis, Council Member
Judith Merlo, Council Member
Melissa Ybarra, Council Member

STAFF PRESENT:

Carlos Fandino, City Administrator
Angela Kimmey, Deputy City Administrator
Zaynah Moussa, Interim City Attorney (via remote access)
Lisa Pope, City Clerk
Scott Williams, Finance Director
Fredrick Agyin, Health and Environmental Control Director
Michael Earl, Human Resources Director
Robert Sousa, Police Chief
Abraham Alemu, Public Utilities General Manager
Dan Wall, Public Works Director
Todd Dusenberry, Assistant Public Utilities General Manager

APPROVAL OF THE AGENDA

MOTION

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

PUBLIC COMMENT

None.

RECESS

Mayor Lopez recessed the meeting at 9:03 a.m. The meeting reconvened at 9:10 a.m.

PRESENTATIONS**1. Fiscal Year (FY) 2021-22 Docket II Scholarship Grants Awarded by Vernon CommUNITY Fund Grant Committee**

Recommendation: A. Receive and file the report on grants awarded by the Grant Committee for FY 2021-22 Docket II; and B. Acknowledge and present certificates to FY 2021-22 Docket II Scholarship Grant recipients in recognition of their outstanding academic performance, personal achievement, community involvement, and leadership.

City Clerk Pope announced the FY 2021-22 Docket II Scholarship Grant recipients.

Mayor Lopez presented the certificates to: Alejandro Hernandez (Applicant #5), Loyola High School - \$4,000; 2. Lucia Langaney (Applicant #11), Maywood Center for Enriched Studies - \$4,000; 3. Jamilex Soto (Applicant #3), Huntington Park High School - \$4,000; 4. Pauly Vega (Applicant #12), Bell Senior High Magnet - \$4,000; and 5. Priscila Villegas (Applicant #4), Huntington Park Institute of Applied Medicine - \$4,000, in recognition of their outstanding academic performance, personal achievement, community involvement, and leadership.

MOTION

Council Member Ybarra moved and Council Member Merlo seconded a motion to receive and file the report on grants awarded by the Grant Committee for FY 2021-22 Docket II. The question was called and the motion carried unanimously.

2. City Administrator Report:

- Sterigenics Update
- Santa Clara Data Center Tour
- New Business Welcome
- Vernon Business Breakfast
- Vernon Police Provide Active Shooter Training
- Vernon Public Utilities Mutual Assistance Network
- Passport Services in Vernon
- Community Engagement

Recommendation:

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

Al Lopez, Sterigenics, explained company operations.

In response to Council questions, City Administrator Fandino indicated the Vernon Business Breakfasts would continue. Chief Soussa discussed future active shooter trainings.

PUBLIC HEARINGS**3. Truck to Rail Transfer Facilities within the City of Vernon (Continued from May 3, 2022)**

Recommendation: Table consideration of Ordinance No. 1281 amending, adding and renumbering various sections within Chapter 17 of the Vernon Municipal Code (VMC) to allow and regulate Truck to Rail Transfer Facilities within the City of Vernon.

Public Works Director Wall presented the staff report.

Mayor Lopez opened the public hearing. There being no speakers, Mayor Lopez closed the public hearing.

MOTION

Council Member Ybarra moved and Mayor Lopez seconded a motion to table consideration of Ordinance No. 1281 amending, adding and renumbering various sections within Chapter 17 of the Vernon Municipal Code (VMC) to allow and regulate Truck to Rail Transfer Facilities within the City of Vernon. The question was called and the motion carried unanimously.

4. Citywide Annual Operating Budget, Capital Improvement Plan and Appropriations Limit (GANN) for Fiscal Year 2022-2023

Recommendation: A. Adopt Resolution No. 2022-15 approving and adopting the Annual Operating Budget and Capital Improvement Plan for Fiscal Year 2022-2023; and B. Adopt Resolution No. 2022-16 adopting the appropriations limit for Fiscal Year 2022-2023 pursuant to Government Code Section 7910.

Finance Director Williams presented the staff report.

Mayor Lopez opened the public hearing. There being no speakers, Mayor Lopez closed the public hearing.

MOTION

Council Member Ybarra moved and Council Member Davis seconded a motion to: A. Adopt Resolution No. 2022-15 approving and adopting the Annual Operating Budget and Capital Improvement Plan for Fiscal Year 2022-2023; and B. Adopt Resolution No. 2022-16 adopting the appropriations limit for Fiscal Year 2022-2023 pursuant to Government Code Section 7910. The question was called and the motion carried unanimously.

5. Military Equipment Use Policy

Recommendation: A. Find that the proposed action is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 (b)(3) (General Rule) of the CEQA Guidelines because it is not a project and because it can be seen with certainty that there is no possibility that the passage of this Ordinance will have a significant effect on the environment; B. Introduce and conduct first

reading of Ordinance No. 1282 adding Chapter 9.06 to Title 9 Public Peace and Welfare to the Vernon Municipal Code governing the use of military equipment; and C. Direct staff to schedule second reading and adoption of Ordinance No. 1282 for the June 21, 2022 Regular City Council Meeting.

Police Chief Sousa presented the staff report.

Mayor Lopez opened the public hearing. There being no speakers, Mayor Lopez closed the public hearing.

MOTION

Council Member Ybarra moved and Mayor Lopez seconded a motion to: A. Find that the proposed action is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 (b)(3) (General Rule) of the CEQA Guidelines because it is not a project and because it can be seen with certainty that there is no possibility that the passage of this Ordinance will have a significant effect on the environment; B. Introduce and conduct first reading of Ordinance No. 1282 adding Chapter 9.06 to Title 9 Public Peace and Welfare to the Vernon Municipal Code governing the use of military equipment; and C. Direct staff to schedule second reading and adoption of Ordinance No. 1282 for the June 21, 2022 Regular City Council Meeting. The question was called and the motion carried unanimously.

CONSENT CALENDAR

MOTION

Council Member Ybarra moved and Council Member Davis 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:

6. Approval of Minutes

Recommendation: Approve the May 17, 2022 Regular City Council meeting minutes.

7. Conduct of Meetings via Teleconference Pursuant to Assembly Bill 361

Recommendation: Ratify the findings in Resolution No. 2021-36 authorizing continued conduct of City Council and all other City legislative body meetings via teleconference, in accordance with Assembly Bill 361 (AB 361), due to continued public health and safety concerns caused by COVID-19.

8. Operating Account Warrant Register

Recommendation: Approve Operating Account Warrant Register No. 88, for the period of May 1 through May 21, 2022, totaling \$18,223,971.35 and consisting of ratification of electronic payments totaling \$17,827,674.32 and ratification of the issuance of early checks totaling \$396,297.03.

9. Public Works Department Monthly Report

Recommendation: Receive and file the April 2022 Building Report.

10. Services Agreement with Tetra Tech, Inc. for Greenhouse Gas Verification Services

Recommendation: Approve and authorize the City Administrator to execute a Services Agreement with Tetra Tech, Inc., in substantially the same form as submitted, for Greenhouse Gas verification services for a total amount not to exceed \$20,500.

11. Motorola Service Agreement and Related Subscriber Agency Agreement

Recommendation: Approve and authorize the City Administrator to execute a Service Agreement for maintenance and related Subscriber Agency Agreement not to exceed \$77,167.61 for a three-year term.

12. Additional Funds for Fuel Procurement

Recommendation: Approve and authorize additional funds in the amount of \$80,000 to be added to Purchase Order No. 011.0015052 with Merrimac Energy Group for Fiscal Year 2021-2022.

NEW BUSINESS**13. Project Funded by Senate Bill 1: The Road Repair and Accountability Act of 2017**

Recommendation: A. Find that the approval of the proposed resolution 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 Section 15061(b)(3), the general rule that CEQA only applies to projects that may have a significant effect on the environment; and B. Adopt Resolution No. 2022-17 adopting a project list to be funded by Senate Bill 1: The Road Repair and Accountability Act of 2017 for Fiscal Year (FY) 2022-2023.

Public Works Director Wall presented the staff report.

MOTION

Council Member Ybarra moved and Council Member Davis seconded a motion to: A. Find that the approval of the proposed resolution 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 Section 15061(b)(3), the general rule that CEQA only applies to projects that may have a significant effect on the environment; and B. Adopt Resolution No. 2022-17 adopting a project list to be funded by Senate Bill 1: The Road Repair and Accountability Act of 2017 for Fiscal Year (FY) 2022-2023. The question was called and the motion carried unanimously.

14. Commission and Committee Appointments

Recommendation: A. Appoint two business representatives to the Business and Industry Commission (BIC) (terms July 1, 2022 to June 30, 2026); B. Appoint one employee/labor representative to the BIC (term July 1, 2022 to June 30, 2026); C. Appoint one real estate representative to the BIC (term July 1, 2022 to June 30, 2026); D. Appoint one business representative to the Vernon CommUNITY Fund Grant Committee (VCFGC) (term July 1, 2022 to June 30, 2026); E. Appoint one legislative representative to the VCFGC (term July 1, 2022 to June 30, 2026); F. Appoint one Vernon area representative to the VCFGC (term July 1, 2022 to June 30, 2026); G. Appoint two business representatives to the Green Vernon Commission (GVC) (terms July 1, 2022 to June 30, 2026); H. Appoint one environmental representative to the GVC (term July 1, 2022 to June 30, 2026); I. Appoint one environmental representative to the GVC (partial term July 1, 2022 to June 30, 2024); and J. Appoint one employee of a Vernon business to the Vernon Housing Commission (VHC) (partial term July 1, 2022 to June 30, 2023).

City Clerk Pope presented the staff report.

MOTION

Council Member Ybarra moved and Council Member Lopez seconded a motion to: A. Appoint Cathy Browne and Duncan Sachdeva as business representatives to the Business and Industry Commission (BIC) (terms July 1, 2022 to June 30, 2026); B. Appoint Hector Morfin as employee/labor representative to the BIC (term July 1, 2022 to June 30, 2026); C. Appoint Thomas Condon as real estate representative to the BIC (term July 1, 2022 to June 30, 2026); D. Appoint Clara Bustamante as area representative for Vernon CommUNITY Fund Grant Committee (VCFGC) (term July 1, 2022 to June 30, 2026); E. Appoint Ronit Edry as business representative to the Vernon CommUNITY Fund Grant Committee (VCFGC); F. Appoint Mark Gonzales as legislative representative to the VCFGC (term July 1, 2022 to June 30, 2026); G. Appoint Clara Bustamante and Ronit Edry as business representatives to the Green Vernon Commission (GVC) (terms July 1, 2022 to June 30, 2026); H. Appoint Cathy Browne as environmental representative to the GVC (term July 1, 2022 to June 30, 2026); I. Appoint Ron Daerr as environmental representative to the GVC (partial term July 1, 2022 to June 30, 2024); and J. Appoint Steve Spanks as employee of a Vernon business to the Vernon Housing Commission (partial term July 1, 2022 to June 30, 2023). The question was called and the motion carried unanimously.

15. Declaration of Surplus Land

Recommendation: A. Find that approval of the proposed action is exempt from California Environmental Quality Act (CEQA) review, because the designation of the property as surplus does not have the potential for creating a significant effect on the environment and is therefore exempt from further review it is not a "project" as defined by the CEQA Guidelines Section 15378. Adoption of the Resolution does not have the potential for resulting in either a direct physical change in the environment of a reasonably foreseeable indirect physical change in the environment. If and when the property is sold to a purchaser and the purchaser

proposes a use for the property that requires a discretionary permit and CEQA review, that future use and project will be analyzed at the appropriate time in accordance with CEQA; and B. Adopt Resolution No. 2022-13 declaring pursuant to Government Code Section 54221 that real property owned by the City of Vernon located in an unincorporated area of Kern County, is surplus land and not necessary for the City's use, finding that such declaration is exempt from environmental review under the California Environmental Quality Act, and taking related actions.

Finance Director Williams presented the staff report.

MOTION

Council Member Ybarra moved and Council Member Davis seconded a motion to: A. Find that approval of the proposed action is exempt from California Environmental Quality Act (CEQA) review, because the designation of the property as surplus does not have the potential for creating a significant effect on the environment and is therefore exempt from further review it is not a "project" as defined by the CEQA Guidelines Section 15378. Adoption of the Resolution does not have the potential for resulting in either a direct physical change in the environment of a reasonably foreseeable indirect physical change in the environment. If and when the property is sold to a purchaser and the purchaser proposes a use for the property that requires a discretionary permit and CEQA review, that future use and project will be analyzed at the appropriate time in accordance with CEQA; and B. Adopt Resolution No. 2022-13 declaring pursuant to Government Code Section 54221 that real property owned by the City of Vernon located in an unincorporated area of Kern County, is surplus land and not necessary for the City's use, finding that such declaration is exempt from environmental review under the California Environmental Quality Act, and taking related actions. The question was called and the motion carried unanimously.

ORAL REPORTS

City Administrator Reports on Activities and other Announcements.

City Administrator Fandino congratulated Vernon City Elementary's Class of 2022. He announced the 2022 Graduation and Summer Kick-off on June 9, 2022, 5 p.m. to 7 p.m.; upcoming Housing Commission meetings and housing lottery; and Vernon Job Fair on June 23, 2022.

City Council Reports on Activities (including AB 1234), Announcements, or Directives to Staff.

None.

RECESS

Mayor Lopez recessed the meeting to Closed Session at 10:00 a.m.

CLOSED SESSION

16. CONFERENCE WITH LABOR NEGOTIATORS

Government Code Section 54957.6

Agency Designated Representative: Carlos Fandino, City Administrator
Employee Organizations: Teamsters Local 911, IBEW Local 47, Vernon Police Management Association, and Vernon Police Officers' Benefit Association

17. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (2)

Government Code Section 54956.9(d)(1)

Californians for Homeownership, Inc. v. City of Vernon
Los Angeles Superior Court Case No. 22STCP01397

David Moore v. City of Vernon
Workers Compensation Appeals Board Case No. ADJ16019205

18. PUBLIC EMPLOYMENT

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

RECONVENE

At 12:13 p.m., Mayor Lopez adjourned Closed Session and reconvened the regular meeting.

CLOSED SESSION REPORT

Interim City Attorney Moussa reported that the Council met in Closed Session, discussed the items on the agenda, and ratified settlement payment in the case of David Moore v. City of Vernon – Workers Compensation Appeals Board Case No. ADJ16019205.

ADJOURNMENT

Mayor Lopez adjourned the meeting at 12:13 p.m.

DocuSigned by:



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LETICIA LOPEZ, Mayor

ATTEST:

DocuSigned by:



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LISA POPE, City Clerk
(seal)