

MINUTES OF THE REGULAR CITY COUNCIL  
MEETING OF THE CITY OF VERNON HELD  
MONDAY, JANUARY 4, 2010, AT 9:05 A.M.  
IN THE COUNCIL CHAMBERS OF THE CITY HALL  
LOCATED AT 4305 SANTA FE AVENUE,  
VERNON, CALIFORNIA

MEMBERS PRESENT: Gonzales, McCormick, Davis, Maisano, Newmire

MEMBERS ABSENT: None

The meeting was called to order by Mayor Gonzales.

The Chief Deputy City Attorney advised that there were no changes to the agenda.

The Chief Deputy City Attorney announced that this was the time for public comments.

Mayor Gonzales asked if there was anyone in the audience who wished to address the City Council.

There was no one in the audience who wished to address the City Council at this time.

The Chief Deputy City Attorney announced that this was the time to present the Service Pins.

The Mayor presented the Service Pins and congratulated the following employees on behalf of the entire City Council:

<u>Name</u>	<u>Position</u>	<u>Years</u>
Deborah Juarez	Records Management Assistant	20
Marisol Trujillo	Sr. Administrative Assistant	10

The following employee was unable to attend the meeting and the Service Pin was forwarded to him.

<u>Name</u>	<u>Position</u>	<u>Years</u>
Carlos Gudino	Utilityman III	15

It was moved by Davis, seconded by McCormick that the Minutes of the Regular City Council Meeting held December 21, 2009, be approved and adopted. Motion carried. Councilman Maisano abstained on this matter. 4-0

The City Attorney, Larry Wiener, explained that the following ordinance relates to an election and that therefore it can be adopted without being introduced at a prior meeting. He further explained that if the City Council wishes to adopt the ordinance, the proper motion would be to waive the full reading of Ordinance No. 1165 and to adopt the ordinance.

**Ordinance No. 1165** - An Ordinance of the City of Vernon Amending Chapter 2 of the Code of the City of Vernon, Relating to City Council Elections to Implement Campaign Finance Regulations, was read by title and adopted.

Regular City Council Meeting Minutes  
January 4, 2010

It was moved by McCormick, seconded by Davis, that full reading be waived and that **Ordinance No. 1165**, be adopted. Motion carried. 5-0

Ayes: Gonzales, McCormick, Davis, Maisano, Newmire  
Noes: None  
Absent: None  
Abstained: None

The Chief Deputy City Attorney announced that now was the time to open the **Public Hearing** - to consider granting an amendment to Lubricating Specialties Company (LSC) existing conditional use permit to allow them to store and distribute Class I and Class II liquids at 3365 Slauson Avenue, Vernon, California.

It was moved by McCormick, seconded by Maisano to open the public hearing, the time being 9:09 a.m. Motion carried.

The Director of Community Services, Kevin Wilson, addressed the City Council and presented a slideshow discussing the proposed operation of the facility and advising the council that LSC was requesting an amendment to their existing conditional use permit to allow it to store class I and II combustible and flammable liquids at the site along with the previously approved class III liquids. Mr. Wilson advised the council of staff's approval of proposed modifications to the California Fire Code in accordance with Appendix 1 section 104.8 regarding tank sizes and tank locations. He also discussed the proposed changes to the fire access to the site and the installation of a fire foam system. Finally he advised the council that the project was exempt from CEQA.

The City Administrator, Donal O'Callaghan inquired about fire protection on the tanks.

Fire Chief Whitworth explained that the tanks would have sensors.

Councilman Newmire asked if the tanks would have alarms.

Fire Chief Whitworth informed the Council that the tanks would have alarms.

Councilman Newmire asked Mr. Wilson if there would be two points of access and a gate to secure the location.

Kevin Wilson showed on the slideshow the location of the secondary access road and the location of the gate.

Mayor Gonzales inquired about accessibility to the site from Downey Road.

Mr. Wilson responded that there would be no access from Downey Road.

Mayor Gonzales stated that he was asking about access, because of the access issue that occurred at Norman Fox during the recent fire.

Fire Chief Whitworth explained that typically fighting this type of fire would be from a distance.

Councilman Newmire asked the Fire Chief if it would be safe to allow the tank storage.

Fire Chief Whitworth replied that the storage would be as safe as possible.

Mr. Wilson continued explaining the foam system used to contain fires.

Councilman Davis expressed concern regarding the distance from the building to the tanks.

Mr. Wilson replied that by looking at the image on the slide, it appeared to be approximately 40 feet by scale measurement.

Mayor Gonzales asked if there was anyone in the audience who wished to address the Council on this matter.

There was no one in the audience who wished to address the Council on this matter.

It was moved by McCormick, seconded by Davis, to close the public hearing, the time being 9:27 a.m. Motion carried.

**Resolution 2010-02** of the City Council of the City of Vernon Granting an Amendment to the Conditional Use Permit for Lubricating Specialties Company for the Operation of a Petroleum Related Use Located at 3365 Slauson Avenue in City of Vernon, was read by title.

It was moved by Davis, seconded by Maisano, that **Resolution No. 2010-02** be adopted. Motion carried. 5-0

The Chief Deputy City Attorney announced that now was the time to open the **Public Hearing** - to consider approving a lot line adjustment for the properties located at 2200 55<sup>th</sup> Street and 2001 57<sup>th</sup> Street in the City of Vernon, California.

It was moved by Maisano, seconded by Davis to open the public hearing, the time being 9:28 a.m. Motion carried.

The Director of Community Services, Kevin Wilson, addressed the City Council and presented a slideshow and explained the need to adjust the property line in order to retain a small lot that will contained one of the wells on the property which the city intends convert into a municipal potable water well. He also identified the parcel to be sold to C.R. Laurence and the portion of the property to be retained by the City.

The City Administrator asked what would happen to the second well.

Mr. Wilson responded that the second well would go to C.R. Laurence after the purchase of the property and further stated that more than likely it would be destroyed.

Councilman Davis asked if the property was formerly Hamm's Brewery.

Regular City Council Meeting Minutes  
January 4, 2010

Mr. Wilson responded that it was not formerly Hamm's Brewery. Mr. Wilson continued to further explain how the Water Replenishment District is handling water treatments.

Councilman McCormick asked what business building was located in Parcel A.

Kevin Wilson showed on the slide that the business was Ultra Freeze.

Mayor Gonzales asked if there was anyone in the audience who wished to address the Council on this matter.

There was no one in the audience who wished to address the Council on this matter.

It was moved by Davis, seconded by Maisano, to close the public hearing, the time being 9:33 a.m. Motion carried.

**Resolution 2010-01** of the City Council of the City of Vernon Approving a Lot Line Adjustment for the Properties Located at 2200 55<sup>th</sup> Street and 2001 57<sup>th</sup> Street in the City of Vernon, was read by title.

It was moved by Maisano, seconded by McCormick, that **Resolution No. 2010-01** be adopted. Motion carried. 5-0

The Chief Deputy City Attorney announced that now was the time to open the **Public Hearing** - to consider adoption of an emergency ordinance to amend the City's Zoning Ordinance to define a marijuana dispensary, store, co-op, or cultivation operation and to prohibit this use in the City of Vernon.

It was moved by McCormick, seconded by Newmire to open the public hearing, the time being 9:34 a.m. Motion carried.

The Director of Community Services, Kevin Wilson, addressed the City Council and explained Proposition 215 and its intent to enable persons needing marijuana for medical purposes to obtain it and use it without fear of criminal prosecution and also explained Senate Bill 240 which attempted to implement Proposition 215. Mr. Wilson further discussed the conflict between Federal and State drug laws pertaining to the use of marijuana for medical purposes.

Mr. Wilson referenced several cases involving local cities and marijuana dispensaries; the ruling of the Court of Appeals on a City of Claremont case leaving in place the ruling that cities can prohibit dispensaries through zoning and other regulations; City of Anaheim's adoption of an ordinance banning all medical marijuana dispensaries and resulting in the trial court upholding the ban; and the case involving the City of Corona where the California courts ruled that a medical marijuana dispensary was not permitted in the city because the city's zoning ordinance was drafted in a manner that any use not enumerated in the code is presumptively prohibited.

