

MINUTES OF THE REGULAR CITY COUNCIL  
MEETING OF THE CITY OF VERNON HELD  
MONDAY, MARCH 8, 2010, AT 9:08 A.M.  
IN THE COUNCIL CHAMBER 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 City Clerk advised that there were no changes to the agenda.

The City Clerk 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. No one in the audience responded.

The Consent Calendar was presented.

**CONSENT CALENDAR**

**Community Services & Water**

1. Building Department Report for the month of February 2010.

**Fire**

1. Activity Report for the period of February 16 through February 28, 2010.

**Police**

1. Activity Log and Statistical Summary of Arrest and Activities for the period of February 16 through February 28, 2010.

**Treasurer**

1. Ratification of the following warrant registers to record the following voided checks:
  - a. Warrant Register No. 1297 for voided check no. 328323 in the amount of \$65.82, issued 12/28/2009.
  - b. Warrant Register No. 1297 for voided check no. 328324 in the amount of \$2,361.36, issued 12/28/2009.
  - c. Warrant Register No. 1302 for voided check no. 328942 in the amount of \$1,520.30, issued 2/22/2010.
2. Approval of Warrant Registers covering the period of February 23 through March 1, 2010.
  - a. Warrant Register No. 1304, totaling \$762,418.33, which consists of the following:
    - Ratification of wire transfers totaling \$315,493.95;
    - Ratification of the issuance of early checks totaling \$26,336.16; and

- Authorization to issue pending checks totaling \$420,588.25.
- b. Light & Power Warrant Register No. 269, totaling \$4,245,222.20, which consists of the following:
  - Ratification of wire transfers totaling \$4,046,042.27;
  - Ratification of the issuance of early checks totaling \$17,256.27; and
  - Authorization to issue pending checks totaling \$181,923.66.
- c. Gas Warrant Register No. 59, totaling \$3,440,478.67, which consists of the following:
  - Ratification of wire transfers totaling \$3,420,301.33;
  - Ratification of the issuance of early checks totaling \$393.37; and
  - Authorization to issue pending checks totaling \$19,783.97.

**END OF CONSENT CALENDAR**

It was moved by McCormick, seconded by Newmire, that the items listed on the Consent Calendar be approved as recommended. Motion carried. 5-0

**RESOLUTION 2010-38** of the City Council of the City of Vernon Approving and Authorizing the Execution of an Agreement with JM Crew, Inc., D.B.A. Rhino Construction Services and Allocating Related Funds to the Capital Budget

It was moved by Maisano, seconded by Davis, that Resolution No. 2010-38 be adopted. Motion carried. 5-0

**STAFF DISCUSSIONS**

Mr. Sherwood Natsuhara, Deputy Director of Community Services, reported on current issues related to the National Pollutant Discharge Elimination System (NPDES) Program administered by the Los Angeles Regional Board of the State Water Quality Control Board (Regional Board), and how those issues are impacting or may impact the City of Vernon. He provided an overview of the legislative history of the NPDES Act, as well as other legislative actions that have occurred in connection with the enforcement of the mandates of said act.

Below is an outline summary of the NPDES issues Mr. Natsuhara covered during his report.

**1. Water Quality Plan for Los Angeles County (Basin Plan)**

- The Porter-Cologne Water Quality Control Act requires the development of a Basin Plan for each of nine regions in the State to enforce all efforts to manage water quality in each region.
- There are two main water quality goals, as established by federal legislation, that basin plans should include:
  - (1) "Beneficial use," which refers to uses of a specific body for recreational purposes, drinking water, etc.; and
  - (2) "Water quality objectives," which refers to efforts to limit the concentrations of

constituents and other chemicals in water supplies.

**2. Permit Issues**

**a. General NPDES Permit**

- The Los Angeles County Permit covers 84 cities within the County, including Vernon, but the most recent permit expired in December 2006. A draft permit is expected to be issued in late 2010 and will be presented to the City Council at that time. Vernon is in compliance with the requirements of the previous permit and remains active in monitoring the actions of the Regional Board.

**b. General Construction Permit**

- This permit will become effective July 2010, and will impose restrictions on discharge of soil and debris from public and private sites based on three risk levels. The implementation and interpretation of this permit is currently under debate because the permit is issued by the State Board, but enforcement and monitoring may be required of local agencies. A detailed plan for implementation will be developed with the State Board and presented to the City Council when available.

**c. Potable Water Permit**

- The proposed permit will require restrictions and treatment of discharge from potable water wells. The hearing and consideration of the permit plan had been postponed and is expected to take the next few years to finalize.

**3. Total Maximum Daily Load (TMDL) Program Issues**

**a. Trash TMDL**

- In July 2008, the Los Angeles River Trash TMDL became part of the Basin Plan. The Trash TMDL established waste load allocation reduction goals for every agency in the Los Angeles River watershed, with an ultimate goal of "zero" trash and full compliance by September 30, 2016. In an effort to help agencies meet the Trash TMDL, the Gateway Cities Integrated Regional Water Management Group, of which Vernon is a member, was granted a \$10 million loan to install full capture devices in the catch basins of 16 cities, including Vernon. As a result, it is expected that Vernon will be in full compliance with the Trash TMDL goal of zero by the end of 2010.

**b. Metals TMDL**

- The Los Angeles River (LAR) Metals TMDL originally took effect in January 2006 and was upheld in June 2008 after a temporary court-ordered suspension resulting from a lawsuit filed by several cities regarding Porter-Cologne Act compliance issues.
- The two main requirements of the LAR Metals TMDL are:
  - (1) Submittal of a Coordinated Monitoring Plan (CMP), which was done in April 2007, and monitoring in accordance with said plan; and

- (2) Submittal of a draft Implementation Plan by January 11, 2010, and a final Implementation Plan by July 11, 2010.
  - Initially, the County of Los Angeles was to prepare the Implementation Plan, with each City contributing a fair share of the plan development costs, but the County decided to prepare a plan only for its unincorporated areas. The cities in the Reach 2 jurisdiction (approximately 30), which includes Vernon, formed a Technical Committee to prepare a coordinated Implementation Plan for that area. The Technical Committee secured the services of CDM Consulting to develop the Implementation Plan, feeling that was most cost effective and expeditious means of developing the plan. The draft plan was submitted on time and CDM Consulting is currently completing the final plan.
  - Compliance with the Metals TMDL mandates are expected to cost a grand total of \$588 million over the next 30 years, with Vernon's costs estimated at \$22 million over the next 30 years. Further, these numbers represent dry weather flow estimates only, not wet weather flow.
- c. Bacteria TMDL
  - The City of Los Angeles formed and sponsors the Cleaner Rivers through Effective Stakeholders TMDLs Committee (CREST), which is comprised of many groups and agencies within the cities and County of Los Angeles. A consultant retained by the CREST Committee to investigate the types and sources of bacteria, and propose methods to mitigate these pollutants, presented the following three studies to be conducted at a total cost of \$860,000. The costs have been funded largely by the City of Los Angeles and by contributions from various agencies.
    - (1) Bacteria Source Identification, which will include a DNA analysis;
    - (2) Water Body Survey to determine the actual recreational and actual uses of the L.A. River; and
    - (3) High Flow Suspension Study to determine when actual body contact uses will be suspended during high water flows.
- d. Unfunded Mandates
  - Vernon participated with seven other cities in litigation that determined that the State of California imposed an unfunded mandate on its cities in its requirement of the installation of trash receptacles at every bus stop in the cities. The Commission on Unfunded Mandates approved the claim of the cities and determined that the cost for the installation and maintenance of these trash receptacles must be reimbursed by the State in accordance with Article XIII B of the Constitution of the State of California. Vernon intends to file for

\$170,000 in reimbursements for its compliance with this mandate.

Mr. Kevin Wilson, Director of Community Services & Water, added that the grand total costs for state-wide implementation and compliance with NPDES regulations is estimated at \$93 billion.

Mr. Wilson also stated that, with regard to Potable Water, the Metals TMDL threshold for iron and manganese levels had been lowered, and that Vernon is currently able to meet those levels, but the requirements for selenium levels are difficult for many cities to meet.

Mayor Gonzales asked how Vernon can prepare to pay for the costs associated with meeting the mandates discussed, even if it is the position of the City that it should not be held fiscally responsible for the implementation of and compliance with such mandates.

Mr. Wilson responded that there is no easy or clear answer to that issue, but that Vernon would continue to weigh-in on the regional boards to do their part in reducing the levels of compliance required by many of the mandates, thereby alleviating/lessening some of the associated financial burden.

Mr. Donal O'Callaghan, City Administrator, concurred with Mr. Wilson that Vernon must continue to oppose the current requirement levels of these mandates and urge the regional and state boards to develop requirement levels that provide for a more reasonable cost/benefit ratio of the imposition of these mandates. He also added that the focus of the mandates should be on preventative measures that are intended to correct the root causes of current problems.

The City Council recessed into closed session to discuss the items listed on the closed session agenda.

Closed Session Reports: The City Attorney reported that there were no reportable actions.

It was moved by McCormick, seconded by Newmire, that the meeting be adjourned, the time being 10:10 a.m. Motion carried.

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Mayor Hilario Gonzales

ATTEST:

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Willard G. Yamaguchi  
City Clerk