MINUTES OF THE REGULAR CITY COUNCIL MEETING OF THE CITY OF VERNON HELD TUESDAY, APRIL 17, 2018, IN COUNCIL CHAMBER OF CITY HALL LOCATED AT 4305 SANTA FE AVENUE, VERNON, CALIFORNIA

MEMBERS PRESENT: Ybarra, Woodruff-Perez, Davis, Martinez, and Lopez

MEMBERS ABSENT: None.

CALL TO ORDER & FLAG SALUTE

The meeting was called to order at 9:00 a.m. by Mayor Ybarra; she also led the flag salute.

CHANGES TO THE AGENDA

PUBLIC COMMENT

At this time the public is encouraged to address the City Council on any matter that is within the subject matter jurisdiction of the City Council. The public will also be given a chance to comment on matters which are on the posted agenda during City Council deliberation on those specific matters.

Marisa Olguin, Vernon Chamber of Commerce, congratulated newly re-elected William Davis. She also spoke about the passage of Measure R and the need to develop further plans for sustainability.

ELECTION

1. City Clerk
   A Resolution of the City Council of the City of Vernon, California, Reciting the Fact of the General Municipal Election held on April 10, 2018, Declaring the Result and Such Other Matters as Provided by Law

   Recommendation:
   A. Find that the proposed actions are exempt from California Environmental Quality Act (“CEQA”) review, because each is an administrative activity of government that will not result in direct or indirect physical changes in the environment, and therefore do not constitute a “project” as defined by CEQA Guidelines section 15378. Moreover, even if the activity in question were a project, it would be exempt from CEQA review, in accordance with Section 15061(b)(3), the general rule that CEQA only applies to projects that may have an effect on the environment; and

   B. Accept the Certificate of Canvass; and

   C. Adopt a Resolution declaring the results of the General Municipal Election held April 10, 2018, declaring that William J. Davis is elected to the Office of Member of the City Council; and

   D. Declaring that Measure R is approved; and

   E. Authorize the City Clerk to deliver the Certificate of Election and administer the Oath of Office to William J. Davis

   City Clerk Maria Ayala provided the final election report.

   No public comment received.

   It was moved by Woodruff Perez and seconded by Martinez to approve items A through E, adopting Resolution No. 2018-12. Motion carried, 5-0.

   Ybarra: Yes
   Woodruff-Perez: Yes
   Davis: Yes
   Martinez: Yes
   Lopez: Yes
City Clerk Ayala administered the Oath of Office to newly re-elected councilmember William J. Davis.

Councilmember Davis briefly spoke about his election victory, thanked the residents and business community for their support.

2. **City Clerk**  
**Election of Mayor and Mayor Pro Tempore**

Recommendation:  
A. Find that election of Mayor and Mayor Pro Tempore do not constitute a “project” pursuant to section 15378(b)(2) of the Guidelines to the California Environmental Quality Act (“CEQA”), because it constitutes an administrative activity that will not result in direct or indirect physical changes to the environment; and even if the proposed actions did constitute a project, they would be exempt from CEQA in accordance with Section 15061(b)(3), the general rule that CEQA only applies to projects that may have an effect on the environment; and  

B. Elect one of its members as Mayor; and  

C. Elect one of its members as Mayor Pro Tempore.  

City Clerk Maria Ayala provided the report and announced that items B and C would be addressed individually, and action taken on each that would include item A.

No public comment received.

It was moved by Ybarra and seconded by Martinez to elect Mayor Pro Tem Woodruff Perez as Mayor. Motion carried, 5-0.

Ybarra: Yes  
Woodruff-Perez: Yes  
Davis: Yes  
Martinez: Yes  
Lopez: Yes  

It was moved by Martinez and seconded by Ybarra to elect Davis as Mayor Pro-Tem. It was moved by Woodruff-Perez to elect Lopez as Mayor Pro-Tem, motion failed for lack of a second.

Ybarra: Yes  
Woodruff-Perez: Yes  
Davis: Yes  
Martinez: Yes  
Lopez: Yes  

Public Comment

Antonio Chapa, District Director for the Office of Hilda Solis, First District Supervisor, congratulated the newly elected members and presented a Certificate of Commendation for previous Mayor Ybarra.

The Meeting went into recess at 9:15 am

The Meeting reconvened at 9:24 a.m.

Newly elected Mayor Woodruff-Perez and Mayor Pro-Tem Davis assumed their new seats.

**PRESENTATION**

3. **Human Resources**  
**Service Pin Presentation for March Recipients**
Recommendation:
None.

Human Resources Director Michael Earl presented the service pin to Alexy Escobedo who was in attendance.

DISCUSSION AND POSSIBLE DIRECTIVES TO STAFF

4. **Public Works**
   **Discussion and Possible Directives to Staff from Eco-Rapid Transit and Metro Regarding the Development of a Corridor Transit Oriented Development (TOD) Strategic Plan.**

   Recommendation:
   A. Find that a presentation from the Eco-Rapid Transit and Metro regarding the development of a Corridor Transit Oriented Development (TOD) Strategic Plan is exempt from California Environmental Quality Act (“CEQA”) review, because the activity, which is purely administrative in nature, will not result in direct or indirect physical changes in the environment and therefore does not constitute a “project” as that term is defined under CEQA Guidelines Section 15378, and even if it were a project, it would be categorically exempt from CEQA review in accordance with CEQA Guidelines Section 15306, since the presentation and requested input/guidance is for information collection purposes and will not result in a serious or major disturbance to an environmental resource; and
   B. Review proposed vision statements for the TOD Strategic Plan and provide input/guidance in the development of a vision statement and a City statement.

   Public Works Director Daniel Wall introduced Eco-Rapid Transit Executive Director Michael Kodama.

   Mr. Kodama provided a PowerPoint presentation.

   No public comment received.

CONSENT CALENDAR

No public comment was provided.

It was moved by Davis and seconded by Lopez to approve all matters listed under the Consent Calendar under one motion as presented. Motion carried, 5-0.

Woodruff-Perez: Yes
Davis: Yes
Martinez: Yes
Lopez: Yes
Ybarra: Yes

5. **City Clerk**
   **Claim for Damages from Marc Anthony Jose Navarro received March 29, 2018**

   Recommendation:
   A. Receive and File

6. **City Clerk**
   **Claim for Damages from Mishell Edwards received on April 4, 2018**

   Recommendation:
   A. Receive and File

7. **City Clerk**
   **Claim for Damages from Juan Covarubias received on April 10, 2018**
Recommendation:
A. Receive and File

8. **City Clerk**
   Minutes of the Regular City Council Meeting Held April 3, 2018

Recommendation:
A. Receive and File

9. **Finance/ Treasury**
   Ratification of Warrant Registers to Record Voided Checks

Recommendation:
A. Ratify the following warrant registers to record voided checks:

   1) Public Utilities Account Warrant Register No. 444 to record voided Check No. 512878 in the amount of $37.54.
   2) Public Utilities Account Warrant Register No. 452 to record voided Check No. 513084 in the amount of $3,074.79.

10. **Finance/ Treasury**
    Approval of General Account Warrant Register No. 1492 Covering the Period of March 27 through April 09, 2018

Recommendation:
A. Approve General Account Warrant Register No. 1492 which totals $1,009,745.70 and consists of the following:

   1) Ratification of electronic payments totaling $771,960.44.
   2) Ratification of the issuance of early checks totaling $198,139.84.
   3) Authorization to issue pending checks totaling $39,645.42.

11. **Finance/ Treasury**
    Approval of City Payroll Warrant Register No. 742 Covering the Period of March 01 through March 31, 2018

Recommendation:
A. Approve City Payroll Warrant Register No. 742 which totals $4,209,756.80 and consists of the following:

   1) Ratification of direct deposits, checks and taxes totaling $3,321,996.91
   2) Checks and electronic fund transfers (EFT) paid through General bank account totaling $887,759.89

12. **Finance/ Treasury**
    Approval of Public Utilities Account Warrant Register No. 457 Covering the Period of March 27 through April 09, 2018

Recommendation:
A. Approve Public Utilities Account Warrant Register No. 457 which totals $2,369,284.75 and consists of the following:

   1) Ratification of electronic payments totaling $2,314,226.15.
   2) Ratification of the issuance of early checks totaling $55,058.60.

13. **Finance/ Treasury**
    Approval of Gas Account Warrant Register No. 245 Covering the Period of March 27 through April 09, 2018

Recommendation:
A. Approve Gas Account Warrant Register No. 245 which totals $306,176.63 and consists of the following:
1) Ratification of electronic payments totaling $295,109.98.
2) Ratification of the issuance of early checks totaling $11,066.65.

14. **Health and Environmental Control Department**
   **March 2018 Monthly Report**

   Recommendation:
   A. Receive and File.

15. **Health and Environmental Control Department**
   **2018 Electronic Waste (E-Waste) Recycling Event**

   Recommendation:
   A. Find that because proposed one day waste collection event at the fire station is an action taken to protect the environment and constitutes normal operations of the fire station, the activity is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines sections 15308 (actions taken to protect the environment), 15323 (normal operations of public facilities) and 15061(b)(3), the general rule that CEQA only applies to projects that may have an effect on the environment.

   B. Approve the scheduling of the next City of Vernon E-Waste event for May 29, 2018, at Fire Station #76 at 3375 Fruitland Ave. and related agreement with Arion Global, Inc. for e-waste pick-up and disposal services.

16. **Police Department**
   **Vernon Police Department Activity Log and Statistical Summary for the period of March 16 through March 31, 2018**

   Recommendation:
   A. Receive and file.

**NEW BUSINESS**

17. **Public Utilities**
   **Approval of Master Power Purchase and Sale Agreement and Collateral Annex Agreement with Southern California Edison**

   Recommendation:
   A. Find that (a) the agreements between the City of Vernon and Southern California Edison Co. (SCE) are not in reference to a “project” subject to the California Environmental Quality Act (“CEQA”) under Guidelines section 15378 because they involve the continuing administrative activity of purchasing power and resource adequacy; and (b) even if this approval were a “project” subject to CEQA, the approval requested is exempt in accordance with CEQA Guidelines Section 15061(b)(3), the general rule that CEQA only applies to projects that may have a significant effect on the environment, and any construction that may occur by a private party in the future in reliance on this approval would be subject to CEQA review by another governmental agency at that time when actual details of any physical proposal would be more than speculative; and

   B. Approve the Edison Electric Institute (EEI) Master Power Purchase and Sale Agreement and related Amendment by and between the City of Vernon (“City”) and Southern California Edison Co. (“SCE”), in substantially the same form as submitted herewith, for the purpose of buying and selling power and resource adequacy capacity to or from SCE; and

   C. Authorize the General Manager of Public Utilities to execute the Edison Electric Institute (EEI) Master Power Purchase and Sale Agreement and related Amendment; and

   D. Approve the Edison Electric Institute (EEI) Collateral Annex and related Amendment by and between the City of Vernon (“City”) and Southern California Edison Co. (“SCE”), in substantially the same form as submitted herewith, for the purpose of buying and selling power and resource adequacy capacity to or from SCE; and
E. Authorize the General Manager of Public Utilities to execute the Edison Electric Institute (EEI) Collateral Annex and related Amendment.

General Manager Kelly Nguyen reported on the proposed.

No public comment was provided.

It was moved by Ybarra and seconded by Martinez to approve the Edison Electric Institute (EEI) Master Power Purchase and Sale Agreement and related Amendment by and between the City of Vernon (“City”) and Southern California Edison Co. (“SCE”), in substantially the same form as submitted herewith, for the purpose of buying and selling power and resource adequacy capacity to or from SCE; and authorize the General Manager of Public Utilities to execute the Edison Electric Institute (EEI) Master Power Purchase and Sale Agreement and related Amendment; and approve the Edison Electric Institute (EEI) Collateral Annex and related Amendment by and between the City of Vernon (“City”) and Southern California Edison Co. (“SCE”), in substantially the same form as submitted herewith, for the purpose of buying and selling power and resource adequacy capacity to or from SCE; and Authorize the General Manager of Public Utilities to execute the Edison Electric Institute (EEI) Collateral Annex and related Amendment. Motion carried, 5-0.

Woodruff-Perez: Yes
Davis: Yes
Martinez: Yes
Lopez: Yes
Ybarra: Yes

18. Public Works
Approval of the Contract between the City of Vernon and Petrochem Materials Innovation, LLC (PMI) for the Citywide Slurry Seal, Phase V Project, CS-0804

Recommendation:
A. Find that the approval of the proposed Citywide Slurry Seal (Phase V) Project at various locations along Vernon Avenue, District Boulevard, Leonis Boulevard and Alameda Street is categorically exempt under the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15301, Existing Facilities, part (c), existing highways and streets, because the project is merely to repair existing streets and involves negligible or no expansion of use beyond that existing currently; and

B. Approve and authorize the City Administrator to execute a contract with Petrochem Materials Innovation, LLC for the Material, Delivery and Application for the Citywide Slurry Seal (Phase V) Project, Contract CS-0804, in substantially the same form as submitted herewith, for an amount of $403,845.83; and

C. Authorize a 10% contingency of $40,384.58 in the event of an unexpected changed condition in the project and grant authority to the City Administrator to issue a change order for an amount up to the contingency amount, if necessary.

Director Wall reported on the proposed.

No public comment was provided.

It was moved by Davis and seconded by Ybarra to approve and authorize the City Administrator to execute a contract with Petrochem Materials Innovation, LLC for the Material, Delivery and Application for the Citywide Slurry Seal (Phase V) Project, Contract CS-0804, in substantially the same form as submitted herewith, for an amount of $403,845.83; and authorize a 10% contingency of $40,384.58 in the event of an unexpected changed condition in the project and grant authority to the City Administrator to issue a change order for an amount up to the contingency amount, if necessary. Motion carried, 5-0.

Woodruff-Perez: Yes
Davis: Yes
Martinez: Yes
Lopez: Yes
ORAL REPORTS
City Administrator Reports – brief reports on activities and other brief announcements.

City Administrator Carlos Fandino reported on the following: the Fire Department regional hazardous materials training exercise; Fire Department’s Open House for the Regional Training Center; the April 19th annual St. Baldrick’s and Children’s Hospital Fundraiser; “Fill the Boot” fundraising campaign; various Police Department incidents throughout the City; Congratulated Vernon’s Mayor and Mayor Pro-Tem; upcoming budget study session presentations; May 1st Harassment Prevention training for Councilmembers and Commissioners; and the California Contract Cities Association 59th Annual Municipal Seminar on May 17th-20th.

City Council Reports – brief AB1234 reports, or report on: activities, announcements, or directives to staff.

At 9:43 a.m., the City Council entered into closed session to discuss the following agendized items:

CLOSED SESSION

19. City Attorney
   CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

   Significant exposure to litigation.
   Government Code Section 54956.9(d)(2)

   Number of potential cases: 1

20. City Attorney
   CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

   Significant exposure to litigation.
   Potential retaliation claim by City employee
   Government Code Section 54956.9(e)(2)

   Number of potential cases: 1

At 10:09 a.m. the City Council exited closed session. City Attorney Hema Patel reported that two items were discussed and that no reportable action was taken.

ADJOURNMENT

With no further business, at 10:09 a.m., Mayor Woodruff-Perez adjourned the meeting.

Yvette Woodruff-Perez
Mayor

ATTEST:

Maria E. Ayala
City Clerk