MINUTES OF THE REGULAR CITY COUNCIL MEETING OF THE CITY OF VERNON HELD TUESDAY, TUESDAY, APRIL 16, 2019, IN COUNCIL CHAMBER OF CITY HALL LOCATED AT 4305 SANTA FE AVENUE, VERNON, CALIFORNIA

Members Present: Yvette Woodruff-Perez, William Davis, Luz Martinez (Outgoing Councilmember), Leticia Lopez, Melissa Ybarra, Carol Menke (Newly Elected Councilmember)

Members Absent: None

CALL TO ORDER & FLAG SALUTE

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

CHANGES TO THE AGENDA

City Clerk Maria Ayala announced that Agenda Item No. 1 was updated with the latest information as to the results of the second and final canvassing of the April 9, 2019, General Municipal Election.

PUBLIC COMMENT

No public comment provided.

ELECTIONS

1. A Resolution of the City Council of the City of Vernon, California, Reciting the Fact of the General Municipal Election held on April 9, 2019, 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. Adopt a Resolution declaring the results of the General Municipal Election held April 9, 2019, declaring that Carol R. Menke is elected to the Office of Member of the City Council.
City Clerk Maria Ayala reported on the final election results.

No public comment provided

It was moved by Melissa Ybarra and seconded by William Davis to: 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. Adopt a Resolution declaring the results of the General Municipal Election held April 9, 2019, declaring that Carol R. Menke is elected to the Office of Member of the City Council. Motion carried, 5 - 0.

Yes: Yvette Woodruff-Perez, William Davis, Luz Martinez, Leticia Lopez, Melissa Ybarra
No: None

City Clerk Maria Ayala administered the Oath of Office to newly elected City Councilmember Carol Menke.

Councilmember Carol R. Menke said a few words and thanked everyone who supported her candidacy and the Vernon voters who elected her to serve as a member of the City Council.

Councilmember Luz Martinez completed her term of office and stepped down from the dais, and new Councilmember Carol Menke assumed her Council seat at the dais.

2. 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 would also include Item A.
No public comment provided.

It was moved by William Davis and seconded by Carol Menke to elect Councilmember Melissa Ybarra as Mayor for one year term. Motion carried, 4 - 0.

Yes: William Davis, Leticia Lopez, Melissa Ybarra, Carol Menke
No: None
Abstain: Yvette Woodruff-Perez

It was moved by Melissa Ybarra to elect Leticia Lopez as the Mayor Pro Tempore for one year term. Motion died for lack of second.

It was moved by Carol Menke to elect William Davis as the Mayor Pro Tempore for one year term. Motion died for lack of second.

It was moved by Melissa Ybarra and seconded by Yvette Woodruff-Perez to elect Leticia Lopez as the Mayor Pro Tempore for one year term. Motion carried, 5 - 0.

Yes: Yvette Woodruff-Perez, William Davis, Leticia Lopez, Melissa Ybarra, Carol Menke
No: None

At this time Mayor Ybarra and Mayor Pro Tem Lopez assumed their new positions.

**PRESENTATION**

3. Employee Service Pin Awards for March 2019

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

Human Resources Director Michael Earl announced the Service Pin Awards recipients.

Mayor Melissa Ybarra presented the pins to Firefighters Norm Sutherlin and Derek Meyer, who were in attendance.

4. Proclamation Honoring Retiring Council Member Luz Martinez

**Recommendation:** A. Acknowledge and present a proclamation and commemorative flag to retiring City Council Member Luz Martinez in recognition of her dedicated service to the City of Vernon.

City Clerk Maria Ayala read the proclamation.

City Council presented the proclamation and commemorative flag to former Council Member Luz Martinez.
Antonio Chapa, District Director/Veteran and Homeless Liaison for the Office of Hilda Solis, First District Supervisor, presented a Certificate of Recognition to former Council Member Luz Martinez.

Former Councilmember Luz Martinez said a few words and thanked everyone for the support she received during her tenure.

Marissa Olguin, Vernon Chamber of Commerce, thanked former Council Member Martinez for her years of service and leadership.

City Administrator Carlos Fandino said a few words on behalf of the City to former Council Member Martinez and thanked her for her leadership and good governance.

Mr. Chapa also presented a Certificate of Recognition to outgoing Mayor Yvette Woodruff-Perez.

Mayor Melissa Ybarra recessed the meeting at 9:28 a.m.

Mayor Ybarra reconvened the meeting at 9:37 a.m.

**CONSENT CALENDAR**

5. Claim for Damages from Saul Romero received on April 9, 2019
   **Recommendation:** A. Receive and File

6. Claim for Damages from Francisco Molina received on April 10, 2019
   **Recommendation:** A. Receive and File

7. Minutes of the Regular City Council Meeting Held on April 2, 2019
   **Recommendation:** A. Receive and File

8. Approval of City Payroll Warrant Register No. 754 Covering the Period of March 01 through March 31, 2019
   **Recommendation:** A. Approve City Payroll Warrant Register No. 754 which totals $2,901,559.93 and consists of the following:

   1) Ratification of direct deposits, checks and taxes totaling $2,277,051.04.
   2) Checks and electronic fund transfers (EFT) paid through General bank account totaling $624,508.89.

9. Ratification of Warrant Registers to Record Voided Checks
   **Recommendation:** A. Ratify the following warrant registers to record voided checks:

   1) Operating Account Warrant Register No. 11 to record voided Check No. 601409 in the amount of $5,456.56 issued 11/20/18 to United 26, Inc.
   2) Operating Account Warrant Register No. 19 to record voided Check No. 602510 in the amount of $385.00 issued 03/21/19 to Gray, Brandon.
10. Approval of Operating Account Warrant Register No. 20 Covering the Period of March 26 through April 08, 2019

**Recommendation:** A. Approve Operating Account Warrant Register No. 20 which totals $3,558,082.46 and consists of the following:

1) Ratification of electronic payments totaling $3,068,414.63.
2) Ratification of the issuance of early checks totaling $442,684.98.
3) Authorization to issue pending checks totaling $46,982.85.

11. Fire Department Activity Report for the Period of March 16 through March 31, 2019

**Recommendation:** A. Receive and file.

12. Vernon Police Department Activity Log and Statistical Summary for the period of March 16 through March 31, 2019

**Recommendation:** A. Receive and file.

No public comment provided.

It was moved by William Davis and seconded by Leticia Lopez to approved Consent Calendar Agenda Items 5 through 12. Motion carried, 5 - 0.

Yes: Melissa Ybarra, Leticia Lopez, Yvette Woodruff-Perez, William Davis, Carol Menke
No: None

**ORAL REPORTS**

Anthony Miranda, Police Chief, reported on the following: April 2\textsuperscript{nd} Vernon PD participated in the 2019 Los Angeles Dodger Law Enforcement Appreciation Night; April 5\textsuperscript{th}, Detective Sergeant Cross graduated from The Sherman Block Leadership Institute; and April 9\textsuperscript{th} Vernon PD apprehended and arrested a suspect for evading police and a no bail warrant.

Bruce English, Fire Chief, reported on the following: April 12\textsuperscript{th} Vernon FD responded to a structure fire at Hobart Tower (photo displayed); April 24\textsuperscript{th}, Vernon Professional Firefighter Association is hosting their annual St. Baldrick’s Cancer Fundraiser & Los Angeles Children’s Hospital blood drive at Fire Station 76; April 8\textsuperscript{th}, Vernon FD units responded to Ameritech Corporation and found multiple bins of used rags on fire.

Todd Dusenberry, Assistant General Manager of Public Utilities, reported on the following: update on the Water Replenishing District New Well Loan Program; Outages throughout the City.

William Fox, Director of Finance, congratulated Council Member Menke on a successful election.
Carlos Fandino, City Administrator, welcomed and congratulated newly elected Council Member Carol Menke on her election victory.

Second Public Comment:

Eddie Tafoya, CEO Executive Director, Southeast Community Foundation, provided a brief summary about the Southeast Community Foundation non-profit organization recently established in the City of Vernon.

The City Council entered closed session at 9:48 a.m.

CLOSED SESSION

13. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Government Code Section 54956.8

Assessor’s Parcel Numbers: 6314-003-001, 6314-003-800, 6304-007-800, 6304-010-806, 6314-033-802, 6314-033-271, and 6304-007-274

Agency negotiator: Carlos Fandino, City Administrator

Negotiating parties: Krystal Enterprises, LLC, Burlington North Santa Fe Railway Company, and Los Angeles Department of Water and Power

Under negotiation: Price and Terms of Payment

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

Government Code Section 54956.9(d)(1)

Bicent (California) Malburg LLC et al. vs. City of Vernon et al., U.S. Dist. Ct. C.D. Cal., Case No. 2:19-ev-02178, removed from Cal. Sup. Ct., Case No. 19STCV08859

Jerry Chavez v. City of Vernon
Los Angeles Superior Court Case No. BC719460

15. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Government Code Section 54956.9(d)(2) and (4)

Number of potential cases: 1

The City is currently in a dispute with Bicent (California) Malburg, LLC (“Bicent”), the owner and operator of the Malburg Generating Station (“MGS”), and issued multiple Notices of Default under that certain Power
Purchase Tolling Agreement, dated as of April 10, 2008 (as amended, the “PPTA”). Subsequently, Bicent has initiated suit against the City (see “Existing Litigation” closed session item). The City’s Notices of Default related to Bicent’s failure to timely repair equipment, failure to timely produce documents requested under the PPTA, misrepresentation of available capacity, and improper overbilling (by over $6 million). The City’s claims also include various statutory claims arising out of the improper billing by Bicent of Vernon.

At 10:34 a.m. City Council exited closed session. City Attorney Hema Patel reported that there is no reportable action on Agenda Items Nos. 14 and 15. On Agenda No. 13 Council approved appraisals of easements as just compensation to be offered to respective property owners.

**ADJOURNMENT**

With no further business, at 10:35 a.m. Mayor Melissa Ybarra adjourned the meeting.

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Melissa Ybarra
Mayor

**ATTEST:**

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Maria E. Ayala
City Clerk