MINUTES  
VERNON CITY COUNCIL  
REGULAR MEETING  
TUESDAY, NOVEMBER 19, 2019  
COUNCIL CHAMBER, 4305 SANTA FE AVENUE

CALL TO ORDER & FLAG SALUTE

Mayor Ybarra called the meeting to order at 9:00 a.m. and led the Flag Salute.

Members Present:  Mayor Melissa Ybarra, Mayor Pro Tem Leticia Lopez, Council Members William Davis and Diana Gonzales

Members Absent:  Council Member Carol Menke

CHANGES TO THE AGENDA

City Clerk Pope announced that Items 1 and 3 would be heard concurrently.

PUBLIC COMMENT

None.

PUBLIC HEARING

Items 1 and 3 were heard concurrently.

1.  Fire Department
   Amendments to Vernon Municipal Code Chapter 7 - Fire Regulations, and Adoption of the 2019 California Fire Code by Reference

Recommendation:

A.  Find that the action proposed is not subject to the California Environmental Quality Act (CEQA) as this ordinance is not considered a “project” under CEQA which is defined as an action directly undertaken by a public agency which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, Cal. Pub. Res. Code Section 21065. Under the proposed ordinance, no such activity is being undertaken. Even if the ordinance were to be considered a “project” under CEQA, which is not the case, the ordinance would be covered by the general rule set forth in CEQA Guidelines Section 15061(b)(3) which provides that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Here, the ordinance involves the adoption of state-mandated construction codes, and the revisions to those codes merely improve the safety of buildings and will not have any effect on the environment; and
B. Conduct second reading and adopt Ordinance No. 1262 amending various sections of Chapter 7 of the Vernon Municipal Code, along with amendments, additions and deletions and adopting by reference the following code: (1) the 2019 California Fire Code.

3. **Public Works**


Recommendation:
A. Find that the proposed ordinance is not subject to the California Environmental Quality Act (CEQA) as this ordinance is not considered a “project” under CEQA which is defined as an action directly undertaken by a public agency which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, Cal. Pub. Res. Code Section 21065. Under the proposed ordinance, no such activity is being undertaken. Even if the ordinance were to be considered a “project” under CEQA, which is not the case, the ordinance would be covered by the general rule set forth in CEQA Guidelines Section 15061(b)(3) which provides that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Here, the ordinance involves the adoption of state-mandated construction codes, and the revisions to those codes merely improve the safety of buildings and will not have any effect on the environment; and
B. Conduct second reading and adopt Ordinance No. 1261 amending various sections of Chapter 24 of the Vernon Municipal Code, along with amendments, additions and deletions and adopting by reference the following codes: (1) the 2019 California Building Code, 24 CCR Part 2; (2) the 2019 California Electrical Code, 24 CCR Part 3; (3) the 2006 Edition of the International Code Council (ICC) Electrical Code Administrative Provisions; (4) the 2019 California Mechanical Code, 24 CCR Part 4; (5) the 2019 California Plumbing Code, 24 CCR Part 5; (6) the 2019 California Existing Building Code, 24 CCR Part 10; (7) the 2018 International Existing Building Code; (8) the 2019 California Residential Code, 24 CCR Part 2.5; (9) the 2019 California Green Building Standards Code also known as the CALGreen Code, 24 CCR Part 11, and; (10) the 2019 California Energy Code, 24 CCR Part 6.

Mayor Ybarra opened the Public Hearing.

Director of Public Works Wall presented the staff report.

There being no speakers, Mayor Ybarra closed the Public Hearing.

**MOTION**

Council Member Davis moved and Mayor Pro Tem Lopez seconded a motion to: A. Find that the proposed ordinances are not subject to the California Environmental Quality Act (CEQA); B. Conduct second reading and adopt Ordinance No. 1262 amending various
sections of Chapter 7 of the Vernon Municipal Code, along with amendments, additions and deletions and adopting by reference the following code: (1) the 2019 California Fire Code; and C. Conduct second reading and adopt Ordinance No. 1261 amending various sections of Chapter 24 of the Vernon Municipal Code, along with amendments, additions and deletions and adopting by reference the following codes: (1) the 2019 California Building Code, 24 CCR Part 2; (2) the 2019 California Electrical Code, 24 CCR Part 3; (3) the 2006 Edition of the International Code Council (ICC) Electrical Code Administrative Provisions; (4) the 2019 California Mechanical Code, 24 CCR Part 4; (5) the 2019 California Plumbing Code, 24 CCR Part 5; (6) the 2019 California Existing Building Code, 24 CCR Part 10; (7) the 2018 International Existing Building Code; (8) the 2019 California Residential Code, 24 CCR Part 2.5; (9) the 2019 California Green Building Standards Code also known as the CALGreen Code, 24 CCR Part 11, and; (10) the 2019 California Energy Code, 24 CCR Part 6. The question was called and the motion carried 4-0, Council Member Menke absent.

2. Public Utilities

Public Hearing Regarding Proposed Changes in Water Rates and Resolution Approving and Adopting a Revised Water Rate Schedule

Recommendation:

A. Find that approval of the proposed action is exempt from California Environmental Quality Act (CEQA) review pursuant to CEQA Guidelines § 15273(a)(4), which states that CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies which the public agency finds are for the purpose of obtaining funds for capital projects, necessary to maintain service within existing service areas. Furthermore, even if the proposed changes in water rates were subject to CEQA review, the approval requested is exempt in accordance with CEQA Guidelines § 15061(b)(3), the general rule that CEQA only applies to projects that may have a significant effect on the environment, for the reason that any construction that may occur in the future by a private party relying on this approval would be subject to CEQA review at that time;

B. Conduct a Public Hearing; and

C. Provided that a majority of owners/tenants of the affected properties have not submitted written protests as of the end of the Public Hearing, adopt a resolution adopting a revised schedule of water rates and repealing all resolutions in conflict.

Mayor Ybarra opened the Public Hearing.

Interim Public Utilities General Manager Alemu presented the staff report.

In response to Council questions, Interim Public Utilities General Manager Alemu and City Administrator Fandino explained the single meter at the apartment complex; City paid water; possibility of exploring a surcharge for apartment residents; review of the matter by the Business & Industry Commission; and pipe sizes.
CONSENSUS
By consensus, the Council directed staff to bring back consideration of a surcharge for the apartment complex to collect revenues for water.

There being no speakers, Mayor Ybarra closed the Public Hearing.

MOTION
Council Member Davis moved and Mayor Pro Tem Lopez seconded a motion to find that approval of the proposed action is exempt from California Environmental Quality Act (CEQA); and adopt a resolution adopting a revised schedule of water rates and repealing all resolutions in conflict. The question was called and the motion carried 4-0, Council Member Menke absent.

PRESENTATION
4. City Council
Employee Service Pin Awards for October 2019
Recommendation:
No action required by City Council. This is a presentation only.

Human Resources Director Earl and Mayor Ybarra recognized the following employees for their service:
Dwight Pierce, Facilities Maintenance Worker, Public Works, 5 years
Armando Hinojos, Utilities Dispatcher, Public Utilities, 25 years

CONSENT CALENDAR
MOTION
Council Member Davis moved and Mayor Pro Tem Lopez seconded a motion to approve Consent Calendar Item Nos. 5 through 13. The question was called and the motion carried 4-0, Council Member Menke absent.

The Consent Calendar consisted of the following items:

5. City Clerk
Claim for Damages from Adolfo Cabrera-Martinez received on October 30, 2019
Recommendation:
A. Receive and File

6. City Clerk
Minutes of the Regular City Council Meeting Held on November 5, 2019
Recommendation:
A. Receive and File

7. Finance/Treasury
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. 32 to record Check No. 603951 in the amount of $1095 issued 09/24/19 to Fleming Environmental, Inc.

8. Finance/ Treasury
Approval of City Payroll Warrant Register No. 761 Covering the Period of October 1 through October 31, 2019
Recommendation:
A. Approve City Payroll Account Warrant Register No. 761 which totals $2,876,790.07 and consists of the following:
1) Ratification of direct deposits, checks and taxes totaling $2,274,761.38.
2) Ratification of checks and electronic fund transfers (EFT) paid through Operating bank account totaling $602,028.69.

9. Finance/ Treasury
Approval of Operating Account Warrant Register No. 34 Covering the Period of October 29 through November 11, 2019
Recommendation:
A. Approve Operating Account Warrant Register No. 34 which totals $4,868,036.56 and consists of the following:
1) Ratification of electronic payments totaling $4,323,162.10
2) Ratification of the issuance of early checks totaling $523,274.33
3) Authorization to issue pending checks totaling $21,600.13

10. Police Department
Vernon Police Department Activity Log and Statistical Summary for the period of October 1 through October 15, 2019
Recommendation:
A. Receive and file.

11. Public Works
Acceptance of Electrical Easement at 4665 49th Street (APN 6304-018-022)
Recommendation:
A. Find that the acceptance of the Electrical Easement proposed in this staff report is not a “project” as that term is defined under the California Environmental Quality Act (CEQA) Guidelines Section 15378, and even if it were a project, it would be categorically exempt in accordance with CEQA Guidelines Sections 15301 (maintenance, repair or minor alteration of an existing facility and involves negligible or no expansion of an existing use) and 15061(b)(3) (general rule that CEQA only applies to projects that may have a significant effect on the environment); and
B. Accept the Electrical Easement, in substantially the same form as submitted herewith, and authorize the Mayor to execute the Certificate of Acceptance.

12. Public Works
Amendments to Vernon Municipal Code Chapter 22 - Streets and Sidewalks and Tree City USA Application
Recommendation:
A. Find that the proposed ordinance is not subject to the California Environmental Quality Act (CEQA) as this ordinance is not considered a “project” under CEQA which is defined as an action directly undertaken by a public agency which has the
potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, Cal. Pub. Res. Code Section 21065. Under the proposed ordinance, no such activity is being undertaken. Even if the ordinance were to be considered a “project” under CEQA, which is not the case, CEQA Guidelines Section 15308 categorically exempts actions taken by regulatory agencies that assure the maintenance, restoration, enhancement, or protection of the environment. Here, the ordinance involves the adoption procedures with respect to planting and maintaining trees and a tree plan within the City. Further, the request for authorization to submit an application to the Arbor Day Foundation will have no impact on the environment whatsoever; and

B. Conduct second reading and adopt Ordinance No. 1263 adding Article X to Chapter 22 of the Vernon Municipal Code regarding Streets and Sidewalks to establish the “Tree Ordinance.”

13. **Public Works**

**Notice of Completion - City Contract No. CS-1061 – 53rd St., 54th St., 55th St., 57th St., & Hampton St. Improvements**

Recommendation:

A. Find that approval of the proposed action is exempt from California Environmental Quality Act ("CEQA") review, as it is a governmental administrative activity that will not directly result in physical changes to the environment and is therefore not a "project" as defined by CEQA Guidelines section 15378; and

B. Accept the work of Hardy & Harper, Inc. as related to City Contract No. CS-1061 – 53rd St., 54th St., 55th St., 57th St., & Hampton St. Improvements, and authorize staff to submit the Notice of Completion for the project to the County of Los Angeles Recorder’s Office.

**NEW BUSINESS**

14. **Public Utilities**

**Attorney Services Agreement (Transactional) with Stradling Yocca Carlson & Rauth for bond and disclosure counsel services**

Recommendation:

A. Find that the proposed action is exempt from California Environmental Quality Act (CEQA) review, because retaining legal counsel in connection with bond financing transactions is an administrative activity that will not result in direct or indirect physical changes in the environment, and therefore does not constitute a “project” as defined by CEQA Guidelines §15378;

B. Approve the Attorney Services Agreement (Transactional) Between the City of Vernon and Stradling Yocca Carlson & Rauth, a Professional Corporation, for Bond and Disclosure Counsel Services (“Agreement”), in substantially the same form as submitted herewith, for an amount not to exceed one hundred seventy thousand dollars ($170,000), unless special services are requested; and

C. Authorize the City Administrator to execute the Agreement effective November 19, 2019.
Interim Public Utilities General Manager Alemu presented the staff report.

There were no public comments.

MOTION
Mayor Pro Tem Lopez moved and Council Member Davis seconded a motion to: A. Find that the proposed action is exempt from California Environmental Quality Act (CEQA) review, because retaining legal counsel in connection with bond financing transactions is an administrative activity that will not result in direct or indirect physical changes in the environment, and therefore does not constitute a “project” as defined by CEQA Guidelines §15378; B. Approve the Attorney Services Agreement (Transactional) Between the City of Vernon and Stradling Yocca Carlson & Rauth, a Professional Corporation, for Bond and Disclosure Counsel Services (“Agreement”), in substantially the same form as submitted herewith, for an amount not to exceed one hundred seventy thousand dollars ($170,000), unless special services are requested; and C. Authorize the City Administrator to execute the Agreement effective November 19, 2019. The question was called and the motion carried 4-0, Council Member Menke absent.

15. Public Works
SB 2 Planning Grants Program Funds
Recommendation:
A. Find that approval of the proposed action is exempt from California Environmental Quality Act (“CEQA”) review, as it is a governmental administrative activity that will not directly result in physical changes to the environment and is therefore not a "project" as defined by CEQA Guidelines section 15378; and
B. Adopt a Resolution approving and authorizing the submittal of an application to the Department of Housing and Community Development for, and receipt of SB 2 Planning Grants Program Funds.

Director of Public Works Wall presented the staff report.

There were no public comments.

MOTION
Council Member Davis moved and Mayor Pro Tem Lopez seconded a motion to: A. Find that approval of the proposed action is exempt from California Environmental Quality Act ("CEQA") review, as it is a governmental administrative activity that will not directly result in physical changes to the environment and is therefore not a "project" as defined by CEQA Guidelines section 15378; and B. Adopt a Resolution approving and authorizing the submittal of an application to the Department of Housing and Community Development for, and receipt of SB 2 Planning Grants Program Funds. The question was called and the motion carried 4-0, Council Member Menke absent.
ORAL REPORTS

City Administrator Fandino reported on recent Vernon Police Department activities. He announced upcoming meetings including: Vernon Community Fund Grant Committee meeting on November 20, 2019 at 10 a.m.; Vernon Housing Commission meeting on December 11, 2019 at 6 p.m.; and the City’s Tree Lighting Ceremony on December 5, 2019.

RECESS
Mayor Ybarra recessed the meeting to Closed Session at 9:37 a.m.

CLOSED SESSION

16. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (2)
Government Code Section 54956.9(d)(1)
Bicent (California) Malburg LLC et al. v. City of Vernon et al.,
Los Angeles Superior Court Case No. 19STCV08859 and JAMS Reference No. 1100107175

City of Vernon v. Bicent (California) Malburg LLC
Los Angeles Superior Court Case No. 19STCP02411 and JAMS Reference No. 1220062657

17. CONFERENCE WITH LABOR NEGOTIATORS
Government Code Section 54957.6
Agency Designated Representative: Carlos Fandino, City Administrator
Employee Organizations:
Vernon Professional Firefighters Association, and
Vernon Fire Management Association

18. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant Exposure to Litigation
Facts and Circumstances: Pursuant to Government Code Section 54956.9(e)(3), the City has received written communication threatening litigation on behalf of the Vernon Fire Management Association, which communication is made available for public inspection pursuant to Section 54957.5.
Number of potential cases: 1

RECONVENE
At 9:49 a.m., Mayor Ybarra adjourned Closed Session and reconvened the regular meeting.

City Attorney Patel reported that the Council discussed all items and took no reportable action.
ADJOURNMENT

With no further business, at 9:50 a.m., Mayor Ybarra adjourned the meeting.

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MELISSA YBARRA, Mayor

ATTEST:

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LISA POPE, City Clerk
(seal)