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, Carol Menke, and Diana Gonzales

Members Absent: None.

CHANGES TO THE AGENDA

None.

PUBLIC COMMENT

Jack Monger, Chief Executive Officer, Industrial Environmental Association, expressed appreciation for the City’s support and encouraged extension of the agreement under Item No. 10.

PRESENTATION

1. **Human Resources**
   **Recognition of Retired Employee – Craig Peltier, Fire Battalion Chief**
   Recommendation:
   A. Acknowledge and present a proclamation to retired employee Craig Peltier, Fire Battalion Chief, in recognition of his dedicated service to the City of Vernon.

   Interim Fire Chief Enriquez acknowledged the service of Fire Battalion Chief Peltier and indicated he was unavailable to attend the meeting.

2. **Human Resources**
   **Recognition of Retired Employee – Ana E. Quinones, Police Officer**
   Recommendation:
   A. Acknowledge and present a proclamation to retiring employee Ana E. Quinones, Police Officer, in recognition of her dedicated service to the City of Vernon.

   Police Chief Miranda recognized Police Officer Quinones and City Clerk Pope read the proclamation.
CONSENT CALENDAR

MOTION

Council Member Davis moved and Mayor Pro Tem Lopez seconded a motion to approve Consent Calendar Item Nos. 3 through 13. The question was called and the motion carried unanimously.

The Consent Calendar consisted of the following items:

3. Vernon Police Department Activity Log and Statistical Summary for the period of October 16 through October 31, 2019
   Recommendation:
   A. Receive and file.

   Recommendation:
   A. Receive and file.

5. Acceptance of Electrical Easement at 4224 District Blvd. (APN 6304-027-025)
   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 and authorize the Mayor to execute the Certificate of Acceptance.

6. Second Amendment to the Memorandum of Understanding for the Purposes of the National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Permit Requirements
   Recommendation:
   A. Find that approval of the proposed action is exempt from California Environmental Quality Act ("CEQA") review, because it is an administrative and governmental fiscal activity which does not involve any commitment to any specific project and 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 section 15378. Furthermore, even if the proposed action were subject to CEQA review, the action is exempt in accordance with CEQA Guidelines § 15061(b)(3), the general rule that CEQA only applies to activities that may have a significant effect on the environment, for the reason that any construction that may occur in the future relying on this approval would be- and has been- subject to CEQA review at that time;
   B. Approve the Second Amendment to the Memorandum of Understanding (“MOU”) between the Los Angeles Gateway Regional Water Management Joint Powers Authority (“GWMA”) and the Cities of Bell, Bell Gardens, Commerce,
Cudahy, Huntington Park, Maywood, Vernon and the Los Angeles County Flood Control District ("FCD"), (hereinafter collectively referred to as the "Watershed Permittees") for an extension to the term of the MOU to update and continue implementing a Watershed Management Program ("WMP") and Coordinated Integrated Monitoring Program ("CIMP") as required by the Regional Water Quality Control Board, Los Angeles Region ("Regional Board"), National Pollutant Discharge Elimination System ("NPDES") Municipal Separate Storm Sewer System ("MS4") Permit Order No. R4-2012-0175 (hereinafter referred to as the "Second Amendment to the MOU"); and

C. Authorize the City Administrator to execute the Second Amendment to the MOU

7. Amendment No. 1 to the Services Agreement with CH2M Hill Engineers, Inc., for Environmental Support Services

Recommendation:
A. Find that approval of the proposed action is exempt from California Environmental Quality Act ("CEQA") review, because it 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 section 15378;
B. Approve Amendment No. 1 to the Services Agreement ("Agreement") with CH2M Hill Engineers, Inc., in substantially the same form as submitted, to amend Exhibit C of the Agreement to accurately reflect the amount and allocation of funding needed to support the City with its environmental compliance needs during the remaining phases of the contract, with no increase in the total not-to-exceed contract amount; and
C. Authorize the City Administrator to execute the Amendment No. 1 to the Agreement with CH2M Hill Engineers, Inc. with an effective date of December 3, 2019.

8. Ratify the Execution of an Agreement to Accept Ownership of 12 Vehicles from Kia Motors America, Inc. for Vehicle Extrication Training

Recommendation:
A. Find that approval of the proposed donation is exempt under the California Environmental Quality Act ("CEQA") review, because it is a government fiscal 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 section 15378; and
B. Ratify execution of the Donation Acceptance Form and the Agreement, in substantially the same form as submitted, with Kia Motors America, Inc. for the donation of 12 new vehicles.

9. Approval of Amendment No. 1 to the Attorney Services Agreement (Litigation) Between the City of Vernon and Burke, Williams & Sorensen, LLP for Specialized Outside Legal Services

Recommendation:
A. Find that approval of the proposed action is exempt from California Environmental Quality Act ("CEQA") review, because it is a continuing administrative and fiscal 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 section 15378;
B. Approve Amendment No. 1 to the Attorney Services Agreement (Litigation) with Burke, Williams & Sorensen, LLP (“Burke Williams”), in substantially the same form as submitted, to increase the total not-to-exceed amount by an additional $150,000.00; and
C. Authorize the City Administrator to execute Amendment No. 1 to the Attorney Services Agreement (Litigation) with Burke Williams with an effective date of December 3, 2019.

10. **Award of a Services Agreement to Industrial Environmental Association (IEA) to provide Environmental Compliance, Outreach, Training, and Education Services**
Recommendation:
A. Find that approval of the proposed action is exempt under the California Environmental Quality Act (CEQA), because it 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 section 15378;
B. Approve the Services Agreement with Industrial Environmental Association (IEA), in substantially the same form as submitted, to provide environmental compliance outreach, training, and education services for a period of three years and an amount not-to-exceed $150,000; and
C. Authorize the City Administrator to execute the proposed Services Agreement with IEA with an effective date of December 1, 2019.

11. **Council Conference Attendance Report**
Recommendation:
A. Find that receiving this Council Conference Attendance Report is exempt from California Environmental Quality Act ("CEQA") review, because it is an administrative activity of government 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 section 15378; and
B. Receive and file.

12. **Approval of RDA Obligation Retirement Account Warrant Register No. 56 Covering the Period of November 12 through November 25, 2019**
Recommendation:
A. Approve RDA Obligation Retirement Account Warrant Register No. 56 which totals $2,702.30 and consists of the following:
   1) Ratification of electronic payments totaling $2,702.30.

13. **Approval of Operating Account Warrant Register No. 35 Covering the Period of November 12 through November 25, 2019**
Recommendation:
A. Approve Operating Account Warrant Register No. 35 which totals $11,102,930.59 and consists of the following:
   1) Ratification of electronic payments totaling $10,715,256.02.
   2) Ratification of the issuance of early checks totaling $344,781.87.
   3) Authorization to issue pending checks totaling $42,892.70.
NEW BUSINESS

14. April 14, 2020 General Municipal Election
Recommendation:
A. Find that this action is exempt from the California Environmental Quality Act (CEQA) review, because it 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 Section 15378;
B. Adopt a Resolution calling and giving notice of an all-mail ballot General Municipal Election to be held on Tuesday, April 14, 2020 for the election of a City Council Member as required by the provisions of the Charter of the City of Vernon and submitting a ballot measure to amend the Charter related to Mayoral rotation and a ballot measure levying a transactions and use tax to the voters at said election;
C. Determine authors of arguments and rebuttals;
D. Adopt a Resolution requesting the Board of Supervisors of the County of Los Angeles to render specified services to the City relating the conduct of the General Municipal Election to be held on Tuesday, April 14, 2020; and
E. Direct the City Clerk to transmit a copy of the measures to the city attorney for preparation of impartial analyses.

City Clerk Pope and Finance Director Williams presented the staff report.

City Administrator Fandino explained the Mayor and Mayor Pro Tem rotation if the Charter Amendment passed.

MOTION
Council Member Menke moved and Council Member Davis seconded a motion to:
A. Find that this action is exempt from the California Environmental Quality Act (CEQA) review, because it 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 Section 15378;  
B. Adopt a Resolution calling and giving notice of an all-mail ballot General Municipal Election to be held on Tuesday, April 14, 2020 for the election of a City Council Member as required by the provisions of the Charter of the City of Vernon and submitting a ballot measure to amend the Charter related to Mayoral rotation and a ballot measure levying a transactions and use tax to the voters at said election;  
C. Authorize the Mayor to author the arguments and rebuttals;  
D. Adopt a Resolution requesting the Board of Supervisors of the County of Los Angeles to render specified services to the City relating the conduct of the General Municipal Election to be held on Tuesday, April 14, 2020; and  
E. Direct the City Clerk to transmit a copy of the measures to the city attorney for preparation of impartial analyses. The question was called and the motion carried unanimously.
15. **Resolution Appointing Tilahun (Abraham) Alemu to Serve as General Manager of Public Utilities and Approving and Authorizing the Execution of a Related At-Will Employment Agreement**

Recommendation:
A. Find that approval of the proposed actions are exempt from California Environmental Quality Act (CEQA) review, because they are administrative activities 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; and
B. Adopt a resolution appointing Tilahun Alemu to Serve as General Manager of Public Utilities for the City of Vernon effective December 3, 2019, and approving and authorizing the execution of a related at-will employment agreement.

Human Resources Director Earl presented the staff report.

**MOTION**

Council Member Davis moved and Mayor Pro Tem Lopez seconded a motion to: A. Find that approval of the proposed actions are exempt from California Environmental Quality Act (CEQA); and B. Adopt a resolution appointing Tilahun Alemu to Serve as General Manager of Public Utilities for the City of Vernon effective December 3, 2019, and approving and authorizing the execution of a related at-will employment agreement. The question was called and the motion carried unanimously.

General Manager of Public Utilities Alemu thanked the Council and expressed his gratitude for the opportunity.

16. **Access and License Agreement with the Water Replenishment District of Southern California**

Recommendation:
A. Find that approval of the proposed action is exempt from California Environmental Quality Act (CEQA) review because it 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. Furthermore, even if the proposed action were subject to CEQA review, the action is exempt in accordance with CEQA Guidelines § 15061(b)(3), the general rule that CEQA only applies to activities that may have a significant effect on the environment, for the reason that any construction that may occur in the future relying on this approval would be-and has been- subject to CEQA review at that time and the Department of Toxic Substances Control (DTSC) would be-and has been- the lead agency;
B. Approve an Access and License Agreement with the Water Replenishment District of Southern California, in substantially the same form as submitted, in the amount of twenty-seven thousand dollars ($27,000) per year and adjusted annually based upon increases in the Consumer Price Index; and
C. Authorize the City Administrator to execute the Access and License Agreement for an initial term of twenty years, with an option to extend the term for four additional five-year terms.
Public Utilities General Manager Alemu presented the staff report.

In response to Mayor Ybarra, Public Utilities General Manager Alemu explained that clean-up determined the cost of $27,000.

MOTION
Council Member Menke moved and Council Member Davis seconded a motion to: A. Find that approval of the proposed action is exempt from California Environmental Quality Act (CEQA) review because it 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. Furthermore, even if the proposed action were subject to CEQA review, the action is exempt in accordance with CEQA Guidelines § 15061(b)(3), the general rule that CEQA only applies to activities that may have a significant effect on the environment, for the reason that any construction that may occur in the future relying on this approval would be- and has been- subject to CEQA review at that time and the Department of Toxic Substances Control (DTSC) would be- and has been- the lead agency; B. Approve an Access and License Agreement with the Water Replenishment District of Southern California, in substantially the same form as submitted, in the amount of twenty-seven thousand dollars ($27,000) per year and adjusted annually based upon increases in the Consumer Price Index; and C. Authorize the City Administrator to execute the Access and License Agreement for an initial term of twenty years, with an option to extend the term for four additional five-year terms. The question was called and the motion carried unanimously.

ORAL REPORTS
City Administrator Fandino provided an update on recent Vernon Police and Fire Department activities. He announced upcoming events including: Spark of Love Toy Drive through December 24; City Hall Tree Lighting on December 5; Employee Recognition Event on December 12; Huntington Park Parade on December 14; Operation Santa on December 19; and delivery of a Christmas tree to the Elementary School on December 3, 2019. He discussed the Vernon Power Plant lube oil spill and indicated no oil entered the storm drain. He played the Spooktacular Video for the Council.

RECESS
Mayor Ybarra recessed the meeting to Closed Session at 9:50 a.m.
CLOSED SESSION

17. 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

   City of Vernon v. Dennis Roberts, et al.,
   Los Angeles Superior Court Case No. 19NWUD02332

   Torres et al. v. City of Vernon et al.,
   Court of Appeal Case No. B288558; Los Angeles Superior Court Case No. BC620265

18. 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

19. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
   Significant Exposure to Litigation
   Government Code Section 54956.9(d)(2)
   Number of potential cases: 2

   Facts and Circumstances: Pursuant to Government Code Section 54956.9(e)(3), the City
   has received notice that the Vernon Professional Firefighters Association has filed an
   Unfair Practice Charge related to the City’s decision to contract with the Los Angeles
   County Fire Protection District for fire protection and related coverage services during the
   transition period; the City has not yet received confirmation of this filing from the Public
   Employment Relations Board.

   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.

RECONVENE
At 10:12 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 10:13 a.m., Mayor Ybarra adjourned the meeting.

_________________________
MELISSA YBARRA, Mayor

ATTEST:

_________________________
LISA POPE, City Clerk
(seal)