

MINUTES OF THE REGULAR CITY COUNCIL MEETING
OF THE CITY OF VERNON HELD MONDAY, JULY 19, 2010,
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 at 9:00 a.m. by Mayor Gonzales.

The City Clerk announced that there were no changes to the agenda.

The City Clerk announced that this was the time allotted for public comments.

The Mayor asked if there was anyone in the audience who wished to address the City Council.

Ronald Garcia, Regional Manager and Public Affairs Liaison from Southern California Edison, provided an update on the following recent and upcoming changes.

1. Summer rates are currently in effect and involve a 17% increase to residential customers, with a 14% decrease in October;
2. Contracted with a third party for equipment review. All repairs and replacements must be completed within 90 days;
3. Planned service interruptions for which 10-day advance notices are given. Attempts are made to conduct these Saturday night to Sunday morning for business customers, and on weekdays for residential customers;
4. Upgrading many of the circuits at the Cudahy substation, including three brand new circuits;
5. Converting the Maywood substation to from a 4 kV to a 16 kV system; and
6. Preparing transmission lines to bring renewable energy from Tehachapi.

The Mayor thanked Mr. Garcia for the updates and asked if there was anyone else who wished to address the City Council. No one responded.

MINUTES

1. **Minutes of the Regular City Council Meeting held April 26, 2010.**

It was moved by McCormick and seconded by Maisano, that the Minutes of the Regular City Council Meeting held April 26, 2010, be approved and adopted as submitted. Motion carried, 5-0.

2. **Minutes of the Regular City Council Meeting held May 3, 2010.**

It was moved by Davis and seconded by Maisano, that the Minutes of the Regular City Council Meeting held May 3, 2010, be approved and adopted as submitted. Motion carried, 5-0.

3. Minutes of the Regular City Council Meeting held May 10, 2010.

It was moved by McCormick and seconded by Newmire, that the Minutes of the Regular City Council Meeting held May 10, 2010, be approved and adopted as submitted. Motion carried, 5-0.

4. Minutes of the Regular City Council Meeting held May 17, 2010.

It was moved by McCormick and seconded by Maisano, that the Minutes of the Regular City Council Meeting held May 17, 2010, be approved and adopted. Motion carried, 4-0, with Councilman Davis abstaining.

5. Minutes of the Regular City Council Meeting held May 24, 2010.

It was moved by Newmire and seconded by McCormick, that the Minutes of the Regular City Council Meeting held May 24, 2010, be approved and adopted as submitted. Motion carried, 5-0.

6. Minutes of the Regular Police & Fire Commission Meeting held May 24, 2010.

It was moved by Davis and seconded by McCormick, that the Minutes of the Regular Police & Fire Commission Meeting held May 24, 2010, be approved and adopted as submitted. Motion carried, 5-0.

7. Minutes of the Regular Police & Fire Commission Meeting held June 7, 2010.

It was moved by Maisano and seconded by Newmire, that the Minutes of the Regular Police & Fire Commission Meeting held June 7, 2010, be approved and adopted as submitted. Motion carried, 5-0.

8. Minutes of the Regular Police & Fire Commission Meeting held June 14, 2010.

It was moved by McCormick and seconded by Newmire, that the Minutes of the Regular Police & Fire Commission Meeting held June 14, 2010, be approved and adopted as submitted. Motion carried, 5-0.

9. Minutes of the Regular Police & Fire Commission Meeting held June 21, 2010.

It was moved by Davis and seconded by Maisano, that the Minutes of the Regular Police & Fire Commission Meeting held June 21, 2010, be approved and adopted as submitted. Motion carried, 5-0.

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PRESENTATIONS

1. Service Pin Awards

The Mayor presented service pins to the following employees and congratulated them on behalf of the entire City Council.

<u>Employee Name</u>	<u>Job Title</u>	<u>Years</u>
1. Martin Sanchez	Utilityman III	25
2. Debra Nickens	Sr. Admin. Assistant	20

The following employees were unable to attend the meeting to receive their service pins.

<u>Employee Name</u>	<u>Job Title</u>	<u>Years</u>
1. Michael Chavez	Sergeant	25
2. Benjamin Potter	Police Officer	20

CONSENT CALENDAR

1. Business Services & Purchasing Department

- a. Approval of the following open purchase orders for the 2010-2011 fiscal year:

DEPARTMENT - COMMUNITY SERVICES & WATER:

<u>VENDOR</u>	<u>DESCRIPTION</u>	<u>ANNUAL LIMIT</u>
AMERIPRIDE UNIFORM SERVICES	UNIFORM RENTAL SERVICES	\$19,000.00
BEACON CONCRETE, INC.	BULK CONCRETE	\$23,000.00
CALIFORNIA FRAME & AXLE	FRONT END REPAIR AND ALIGNMENT SERVICES	\$22,000.00
D'ANGELO CO.	WATER PARTS AND HARDWARE	\$21,000.00
HOME DEPOT	BUILDING MATERIALS	\$36,000.00
INTER-VALLEY POOL SUPPLY	BULK LIQUID CHLORINE	\$28,000.00
LOPEZ & LOPEZ TIRE	TIRES, ACCESSORIES AND REPAIRS	\$12,000.00
NAPA AUTO PARTS	AUTO PARTS	\$45,000.00
SUPER FORD LINCOLN MERCURY	AUTO PARTS	\$12,000.00
VULCAN MATERIALS	ASPHALT PAVING MATERIAL	\$20,000.00
ZUMAR INDUSTRIES, INC.	REGULATORY SIGNS & MOUNTING HARDWARE	\$24,000.00

DEPARTMENT - FIRE:

<u>VENDOR</u>	<u>DESCRIPTION</u>	<u>ANNUAL LIMIT</u>
HAGEMEYER NORTH AMERICA	HYDRO TESTING AIR BOTTLES	\$15,000.00

2. Community Services & Water Department

- a. Approval to extend for one year beginning September 1, 2010, the Services Agreement (as amended) between the City of Vernon and General Pump Company, Inc. for emergency booster and well pump repair services pursuant to Section 1.01 of Amendment No. 1 to the Agreement, with a 1.98% rate increase.
- b. Building Department Report for the month of June 2010, to be received and filed.

- c. Traffic Collision Review for the 2009 calendar year, to be received and filed.

3. Fire Department

- a. Activity Report for the period of June 1 through June 15, 2010, to be received and filed.
- b. Activity Report for the period of June 16 through June 30, 2010, to be received and filed.

4. Police Department

- a. Activity Log and Statistical Summary of Arrest and Activities for the period of June 16 through June 30, 2010, to be received and filed.

5. Treasurer's Department

- a. Ratification of the following warrant registers to record voided checks:
 1. Warrant Register No. 1307 to record voided check no. 329376 in the amount of \$950.00, issued 03/29/10;
 2. Warrant Register No. 1309 to record voided check no. 329625 in the amount of \$36.15, issued 04/19/10;
 3. Warrant Register No. 1305 to record voided check no. 329236 in the amount of \$200.00, issued 03/15/10;
 4. Warrant Register No. 1315 to record voided check no. 330155 in the amount of \$34.80 issued 06/07/10; and
 5. Warrant Register No. 1317 to record voided check no. 330272 in the amount of \$23,729.80 issued 06/21/10.
- b. Approval of Payroll Warrant Register No. 649, totaling \$2,688,943.07, which covers the period of May 9 through June 5, 2010, and consists of the following:
 1. Ratification of electronic fund transfers (EFTs) totaling \$2,673,184.03; and
 2. Checks paid through prior General Fund Warrant Register totaling \$15,759.04.
- c. Approval of Warrant Register No. 1318, totaling \$1,807,446.91, which covers the period of June 15 through July 12, 2010, and consists of the following:
 1. Ratification of wire transfers totaling \$837,347.69;
 2. Ratification of the issuance of early checks totaling \$589,237.44; and
 3. Authorization to issue pending checks totaling \$380,861.78.

It was moved by McCormick and seconded by Maisano that the matters on the Consent Calendar be approved as recommended.

The Mayor asked if the expenses for the New York trip listed on Warrant Register No. 1318 should have been on the Light & Power Warrant Register.

City Administrator Donal O'Callaghan confirmed that the expenses in question should have been on the Light & Power Warrant Register, and that he would have the recording of the charges corrected.

City Attorney Larry Wiener recommended that the City Council approve the warrant registers as presented, since the Council governs both General and Light & Power funds, and direct the City Treasurer to make sure that the charges in question are accounted for in the appropriate Light & Power account.

Hearing no further questions or comments on this matter, the motion to approve the matters on the Consent Calendar was carried, 5-0.

ORDINANCES

- 1. ORDINANCE NO. 1173** - An Ordinance of the City Council of the City of Vernon Amending the Vernon City Code to Authorize the Fire Chief to Report Directly to the City Council and Defining the Term "Reporting to the City Council." (First Reading)

It was moved by Newmire and seconded by Maisano, that Ordinance No. 1173 be approved for a first reading.

Mayor Pro Tem McCormick asked that the phrase, "reporting directly to the Council," be defined.

City Attorney Wiener stated that the respective department head would have the authority to directly place any item impacting his department on the City Council agenda in accordance with the City Clerk's agenda procedures, while providing a copy of the item to the City Administrator.

Hearing no further questions or comments on this matter, the motion to approve Ordinance No. 1173 for a first reading was carried, 5-0.

RESOLUTIONS

- 1. RESOLUTION NO. 2010-92** - A Resolution of the City Council of the City of Vernon Authorizing the Sale of Surplus Property from the Community Services & Water Department, Fire Department and Police Department Pursuant to Section 2.31 of the Vernon City Code

It was moved by Davis and seconded by Maisano, that Resolution No. 2010-92 be approved and adopted. Motion carried, 5-0.

- 2. RESOLUTION NO. 2010-93** - A Resolution of the City Council of the City of Vernon Approving and Authorizing the Execution of Two Seized Property Custodial Agreements with the United States Marshals Service for a 2007 Toyota Camry and a 2008 Toyota Sequoia

It was moved by McCormick and seconded by Maisano, that Resolution No. 2010-93 be approved and adopted.

The Mayor asked the Police Chief what the two seized vehicles would be used for.

Interim Police Chief Jim Rodino responded that the vehicles would be used by the Detective Bureau; one by a detective on City detail and the other by a detective assigned to the Southwest Borders Team.

Hearing no further questions or comments on this matter, the motion to approve Resolution No. 2010-93 was carried, 5-0.

- 3. RESOLUTION NO. 2010-94** - A Resolution of the City Council of the City of Vernon Approving and Authorizing the Execution of a Service Agreement By and Between the City of Vernon and Interwest Consulting Group, Inc. for On-Call Building Plan Review Services and Certified Access Specialist Consulting Services

It was moved by Davis and seconded by McCormick, that Resolution No. 2010-94 be approved and adopted. Motion carried, 5-0.

- 4. RESOLUTION NO. 2010-95** - A Resolution of the City Council of the City of Vernon Approving and Authorizing the Execution of Contract Change Order No. 10 to Services Agreement By and Between the City of Vernon and Common Area Maintenance Services, Inc. for Janitorial Services

It was moved by McCormick and seconded by Maisano, that Resolution No. 2010-95 be approved and adopted. Motion carried, 5-0.

- 5. RESOLUTION NO. 2010-96** - A Resolution of the City Council of the City of Vernon Approving and Authorizing the Execution of an Agreement with Advanced Electronics, Inc. for Maintenance of the Radio and Closed-Circuit Television System

It was moved by Davis and seconded by McCormick, that Resolution No. 2010-96 be approved and adopted. Motion carried, 5-0.

- 6. RESOLUTION NO. 2010-97** - A Resolution of the City Council of the City of Vernon Approving the Payment of Premiums for Insurance for Life, Medical and Dental Benefits for Employees During the 2010-2011 Fiscal Year

It was moved by McCormick and seconded by Maisano, that Resolution No. 2010-97 be approved and adopted. Motion carried, 5-0.

DISCUSSIONS

- 1. Personnel Department: Proposed amendment to the City's vacation policy for the 2011 calendar year.**

City Administrator Donal O'Callaghan explained that he was seeking a way to better manage the City's potential liability with respect to the payout of unused vacation hours.

Director of Personnel Martha Valenzuela advised that maximum payouts for miscellaneous employees range from 80 to 170 hours, and from 312 to 384 hours for fire safety personnel. Police Group 2 personnel is not covered by the vacation policy. For the 2008 calendar year, the total payout was \$369,000. For 2009, the total payout was \$511,000. For 2010, it is believed the payout will

escalate. Valenzuela recommended the vacation policy be amended to restrict the maximum vacation payout to 40 hours for miscellaneous employees and 48 hours for fire safety personnel.

O'Callaghan added that the current maximum liability is in the region of \$2.4 million. The attempt is to make that a more manageable number in the region of \$700,000 to \$1,000,000. He advised that staff would attempt to present a couple different options to the Council in the next month or two for its consideration and advice.

2. City Administration: The City's annual membership to the Gateway Cities Council of Governments.

City Administrator O'Callaghan explained that he wanted to alert the Council to various membership renewal requests as they were received to ensure the City is only participating in those agencies/organizations deemed relevant.

Director of Community Services & Water Kevin Wilson advised that he serves on two of Gateway Cities' technical advisory committees: Public Works Committee and Planning Committee, and recommended continuing the membership for the regional perspective the agency provides on regional projects, including the I-710 Project. He offered to answer any questions.

O'Callaghan concurred with Wilson and there was a general consensus to continue the Gateway Cities membership.

ORAL REPORTS

1. Conference/Seminar reports from Elected Officials for the period of June 21 through July 18, 2010.

Mayor Pro Tem McCormick reported that he attended the 50th Annual Independent Cities Association Seminar in Rancho Bernardo, California on July 8-10, 2010. He spent one day at the Board of Directors meeting and the other two attending various sessions, including those on building code enforcement, pension reforms, and renewable energy. John Shirley, Director of the California Redevelopment Agency, spoke at the Board of Directors meeting, seeking support for Proposition 22, a November ballot initiative for a constitutional amendment to prevent the State from taking cities' general fund monies for redevelopment agencies. Seminar attendance was down only 10% from the prior year, compared to the 40% drop off the Contract Cities Association Conference experienced this year.

2. City Administrator Reports.

City Administrator O'Callaghan asked the Fire and Police Chiefs to report on their departments' respective activities.

Fire Chief Mark Whitworth reported as follows:

- a. The current CERT classes are wrapping up and another group of 20 members of the business community will be

sworn in as certified members of the Community Emergency Response Team.

- b. July 10, 2010, Verdugo Fire Academy conducted various drills at Fire Station No. 1.
- c. Currently working with the Risk Manager on the Bowers contract and making sure the ambulance company is fulfilling its obligation as the City's transport company.
- d. Interviewed 24 new candidates for the Reserve Program, hoping to add seven or eight of those to the eighteen currently in the program.
- e. Currently working with the Fire Marshal on the upcoming Fire Code adoption in December 2010/January 2011.

Whitworth asked to invite the Assistant Fire Chief up to report on some of the more significant incidents that occurred over the past couple weeks.

Assistant Fire Chief Mike Wilson reported as follows:

- a. Crews responded to several recent structure fires, a couple in the City and a couple outside the City, including the following:
 - 1. July 10, 2010, at LA Fiber, 4920 Boyle Avenue, caused by a metal spark on a shredding machine;
 - 2. July 17, 2010, assisted L.A. City at a junkyard near Alameda, caused by a propane explosion; Vernon units were first on the scene;
 - 3. July 18, 2010, at Farmer John, caused by the ham machine; and
 - 4. July 18, 2010, assisted L.A. County at Randolph and Alamos with a full assignment, including Haz Mat and USAR, due to toxic fumes.
- b. Currently working alongside the Fire Marshal with the railroads and business to keep the tracks and backs of buildings clear in attempts to prevent future grass fires.
- c. To this point in 2010, there have been about ten grass fires, six dumpster fires, and five extrications of trapped victims, including one the prior week as a result of a traffic collision at Pacific Improvement.

Interim Police Chief Jim Rodino reported as follows:

- 1. Two serious industrial accidents are currently under investigation by Cal OSHA: one occurred June 19, 2010 at Jobbers Meat and the other June 29, 2010 at Overhill Farms.
- 2. Vernon is experiencing a rash of water meter thieves involving fifteen victims to date. A reverse 911 notification call was issued to all businesses.
- 3. Officer Vanover and Canine Officer Rico provided assistance to Montebello PD on a narcotics search warrant at 644 West 119th Street, recovering 21 kilos of cocaine and methamphetamines, 40 pounds of marijuana, guns, and \$70,000 in cash.
- 4. July 6, 2010, the department received a report of electricity theft at MFJ, Inc., which is being investigated by the Detective Bureau, and amounts to a \$75,000 loss so far.

5. July 6, 2010, the department received a call of a robbery and attempted murder on 48th Street east of Alameda. The Detective Bureau apprehended both suspects, who have been involved in numerous robberies in LAPD's jurisdiction, and filed charges with the D.A.'s office. The shooter, a gang member, is facing two life sentences, and the accomplice is looking at the possibility of ten to twenty years.
6. On July 30, 2010, there will be a DUI checkpoint at Alcoa and Slauson, which the Council Members were encouraged to attend as an informative experience.
7. Out of 100 jail facilities in the larger L.A. area inspected annually by the Civil Grand Jury for cleanliness and proper working conditions, Vernon was one of only nine to receive commendations.

Rodino asked Captain Daniel Calleros to brief the Council on any graffiti incidents.

Calleros reported on the following two incidents of graffiti:

1. One at 4717 District, involving a building and a boxcar, and the arrest of two juveniles by Patrol Staff; and
2. The second on July 16, 2010, at 5899 Downey Road, involving four company vehicles, but no witnesses or suspect information.

O'Callaghan provided additional information on the meter fraud case reported by Rodino, advising that appropriate legal action will be taken to recover the City's \$75,000 loss. It was suggested that more frequent inspections of meters may be necessary.

O'Callaghan advised that the brief monthly budgetary reports to the Council would commence next month.

5. City Council Reports.

None of the City Council Members had anything to report at this time.

The City Clerk announced that this was the time for the closed session portion of the agenda.

At 9:44 a.m., the Mayor called a short recess.

At 9:50 a.m., all five members of the City Council in attendance prior to the recess reconvened in open session.

It was moved by McCormick and seconded by Newmire, that the City Council enter into closed session to discuss the items listed on the closed session agenda. Motion carried, 5-0.

At 11:10 a.m., the City Council resumed open session.

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CLOSED SESSION REPORT OUT

The City Attorney reported as follows:

1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(b)(3).

Number of potential cases: 2

The City has received two claims for damages pursuant to the Tort Claims Act. The claims are available for public inspection.

The City Council unanimously voted to reject the claim filed by Meatco.

The City Council unanimously voted to approve the settlement of the Claim for Damages filed by Jose Rivera. The details of the settlement will be made available once finalized by all parties.

2. PUBLIC EMPLOYEE APPOINTMENT

a. Title: Chief of Police

No reportable action was taken.

b. Title: Firefighter/Paramedic (Number of positions: 3)

The City Council unanimously voted to approve the appointments of the following personnel to the position of Firefighter/Paramedic, Step 3, effective July 4, 2010:

1. Paul Hallenberg
2. Anthony Rotell
3. Jonathan Sudduth

3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

a. Title: City Administrator

No reportable action was taken.

b. Title: City Attorney

No reportable action was taken.

4. CONFERENCE WITH LABOR NEGOTIATOR

**a. Agency Designated Representative: City Administrator
Unrepresented Employee: Fire Marshal**

No reportable action was taken.

**b. Agency Designated Representative: City Administrator
Employee Organization: Vernon Police Officers Benefit Association**

No reportable action was taken.

Regular City Council Meeting Minutes
July 19, 2010

RESOLUTION NO. 2010-98 - A Resolution of the City Council of the City of Vernon Amending Resolution No. 9639 by Amending Schedule No. VIII, of Said Resolution Regarding the Compensation, Costs and Benefits of its Employees (Amendment No. 18).

It was moved by McCormick and seconded by Davis, that Resolution No. 2010-98 be approved and adopted. Motion carried, 5-0.

The City Clerk announced there were no further items on the agenda.

At 11:12 a.m., it was moved by McCormick and seconded by Newmire, that the meeting be adjourned. Motion carried.

Hilario Gonzales
Mayor

ATTEST:

Willard G. Yamaguchi
City Clerk