

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
OF THE CITY OF VERNON HELD MONDAY, MAY 24, 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 9:05 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. No one responded.

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

**PUBLIC HEARING:** Consider a resolution calling a special mailed ballot election to be held on August 31, 2010, and ordering that measures be submitted to the voters of the City to: (a) amend the City Charter regarding City Council member qualifications; (b) amend Section 5.45 of Article IV of Chapter 5 of the City Municipal Code to expand the use of the proceeds of the special parcel tax on warehouses, truck terminals, freight terminals, railroad facilities or other distribution facilities; and (c) amend the City Charter to restrict the use of certain Light and Power revenues to supporting the Light and Power Enterprise.

It was moved by McCormick, seconded by Davis, to open the public hearing on the aforementioned matter, the time being 9:07 a.m. Motion carried. 5-0

City Administrator Donal O'Callaghan outlined the three proposed ballot measures, and asked the City Attorney to explain the procedures outlined in the staff report.

City Attorney Laurence Wiener advised that the first determination the City Council needed to make was whether to place any or all of the three measures proposed on the ballot. If any or all of the proposed measures appear on the ballot, the City Council would need to make the following three choices:

1. Whether to have the City Attorney prepare an impartial analysis of the ballot measures.
2. Whether to authorize one or more members of the City Council to file an argument for or against each ballot measure.
3. Whether to allow for rebuttal arguments in the sample ballot.

The Mayor asked if there was anyone in the audience who wished to address the City Council on this matter. No one responded.

It was moved by McCormick, seconded by Newmire, to close the public hearing, the time being 9:16 a.m. Motion carried. 5-0

It was the consensus of the City Council to include all three proposed measures on the ballot.

City Attorney Wiener clarified that the three choices he outlined during the public hearing are all optional and correspond respectively to Sections 6, 7, and 8 of the draft resolution in the agenda packet. At Councilman Newmire's request, he further explained the option relating to rebuttal arguments.

It was the consensus of the City Council to include only Section 6, the City Attorney's impartial analysis, of the draft resolution, and delete the optional choices outlined in Sections 7 and 8.

**RESOLUTION NO. 2010-60** - A Resolution of the City Council of the City of Vernon Calling a Special Mailed Ballot Election to be Held on August 31, 2010 and Ordering that Measures be Submitted to the Voters of the City to Amend the City Charter Regarding City Council Member Qualifications, to Amend Section 5.45 of Article IV of Chapter 5 of the City Municipal Code to Expand the Use of the Proceeds of the Special Parcel Tax on Warehouses, Truck Terminals, Freight Terminals, Railroad Facilities or Other Distribution Facilities, and to Amend the City Charter to Restrict the Use of Certain Light and Power Revenues to Supporting the Light and Power Enterprise.

It was moved by McCormick, seconded by Newmire, that Resolution No. 2010-60 be approved and adopted with the omission of the optional Sections 7 and 8. Motion carried. 5-0

The Consent Calendar was presented.

#### **CONSENT CALENDAR**

##### **Fire Department**

1. Activity Report for the period of May 1 through May 15, 2010, to be received and filed.

##### **Health & Environmental Control Department**

1. April 2010 Monthly Report, to be received and filed.

##### **Police Department**

1. Activity Log and Statistical Summary of Arrest and Activities for the period of May 1 through May 15, 2010, to be received and filed.

##### **Treasurer's Department**

1. Approval of Payroll Warrant Register No. 647, covering the period March 14 through April 10, 2010, totaling \$2,869,667.57, and consisting of the following:
  - Ratification of electronic fund transfers (EFTs) totaling \$2,749,964.70;
  - Ratification of the issuance of early checks totaling \$103,292.13; and

- Checks paid through prior General Fund Warrant Register totaling \$16,410.74.
2. Approval of the following Warrant Registers covering the period of May 11 through May 17, 2010.
- a. City Warrant Register No. 1314, totaling \$549,811.64, which consists of the following:
    - Ratification of wire transfers totaling \$304,329.41;
    - Ratification of the issuance of early checks totaling \$5,070.43; and
    - Authorization to issue pending checks totaling \$240,411.80.
  - b. Light & Power Warrant Register No. 279, totaling \$171,556.52, which consists of the following:
    - Ratification of wire transfers totaling \$103,013.41;
    - Ratification of the issuance of early checks totaling \$1,342.50; and
    - Authorization to issue pending checks totaling \$67,200.61.
  - c. Gas Warrant Register No. 67, totaling \$28,332.45, which consists of the following:
    - Ratification of the issuance of early checks totaling \$6,839.25; and
    - Authorization to issue pending checks totaling \$21,493.20.

It was moved by Maisano, seconded by Newmire, that the matters on the Consent Calendar be approved as recommended. Motion carried. 5-0

**ORDINANCE NO. 1168** - An Ordinance of the City Council of the City of Vernon Amending Section 2.1 of the Vernon City Code Relating to the Time, Place and Agenda Topics of City Council Meetings, was read by title for a second reading.

It was moved by Maisano, seconded by McCormick, that Ordinance No. 1168 be approved and adopted. Motion carried. 5-0

Councilman Davis asked when the new meeting schedule would commence.

City Attorney Wiener and Deputy City Clerk Kristen Enomoto stated that the last regular meeting under the weekly schedule will occur on June 21, 2010, and the first regular meeting under the new schedule will occur on July 12, 2010, with no regular meetings scheduled between those two dates.

**RESOLUTION NO. 2010-61** - A Resolution of the City Council of the City of Vernon Approving and Authorizing the Execution of a Professional Services Agreement by and between the City of Vernon and R.W. Beck, Inc. for Engineering Services Regarding the Malburg Generation Station.

It was moved by Maisano, seconded by Davis, that Resolution No. 2010-61 be approved and adopted. Motion carried. 5-0

**RESOLUTION NO. 2010-62** - A Resolution of the City Council of the City of Vernon Approving and Adopting City of Vernon Administrative Policy Respecting the Care and Procedures for the Loss, Theft or Damage to City-Owned Property and the Property of City Employees.

It was moved by Maisano, seconded by Newmire, that Resolution No. 2010-62 be approved and adopted. Motion carried. 5-0

**RESOLUTION NO. 2010-63** - A Resolution of the City Council of the City of Vernon Establishing Annual Targets for Energy Efficiency Savings and Demand Reduction for the Next Ten Years and Authorizing the Submission of Reports Relating to Energy Efficiency and Demand Reduction in Accordance with Assembly Bill 2021.

It was moved by Davis, seconded by Maisano, that Resolution No. 2010-63 be approved and adopted. Motion carried. 5-0

**RESOLUTION NO. 2010-64** - A Resolution of the City Council of the City of Vernon Approving and Authorizing the Execution of a Letter Agreement by and between the City of Vernon and Barclays Capital for Financial Advisory Services Regarding the Sale of the Tehachapi Renewable Energy Land.

It was moved by Newmire, seconded by Maisano, that Resolution No. 2010-64 be approved and adopted. Motion carried. 5-0

The City Clerk announced that this was the time for conference/seminar reports from elected officials for the period of May 17 through May 23, 2010.

The Mayor reported that none of the Councilmembers attended conferences or seminars during the period of May 17 through May 23, 2010.

The City Clerk announced that this was the time for reports and announcements from the City Administrator.

City Administrator O'Callaghan reported as follows:

1. The R.W. Beck agreement passed by resolution today provides for third party verification of the annual MGS performance testing. The outage related to the testing is going well and the costs of energy being purchased by the City remain affordable.
2. The final draft of the proposed 2010-2011 fiscal year budget should be completed this week, and will be distributed to the Councilmembers shortly thereafter.
3. A concern was raised recently in a memo from Fire Chief Whitworth regarding Fire Marshal duties. The Vernon City Code includes a provision for the City Administrator to assign certain sections of the Fire Code to the Director of Community Services. Such an assignment was made in 1991 and reaffirmed in 2008 by former City Administrators. Upon conferring with City Attorney Wiener, it was determined that the 1991 assignment should be reversed and the related code section should be repealed in order to comply with current state law, being that the City now has a Fire Marshal. An ordinance repealing the relevant code section will be presented at an upcoming meeting. In the

meantime, written direction will be delivered to the Director of Community Services and the Fire Chief to reverse the 1991 assignment and properly realign the Fire Marshal duties.

The City Clerk announced that this was the time for reports and announcements from members of the City Council.

Councilman Davis asked Director of Light & Power Donal O'Callaghan what caused the major dimming of the lights that occurred this morning in the Council Chamber.

Director O'Callaghan responded that it was more likely a Community Services Department issue and asked Director Kevin Wilson to respond.

Director Wilson advised that a soft start had been installed on the air conditioning motor to decrease the light dimming that had routinely been caused by the unit, but stated that because the intensity and duration of this morning's dimming was much greater than normal, he would investigate the incident with the Director of Light & Power and report back.

Director O'Callaghan speculated that maybe power was switched over on one of the feeders, but stated that he would look into the matter.

Mayor Pro Tem McCormick thanked the Police Chief and Fire Chief for making the units available for the Boy Scout event that took place over the weekend.

None of the other Councilmembers had anything to report at this time.

The City Council recessed into closed session to discuss the items listed on the closed session agenda.

Closed Session Reports: The City Attorney reported that there were no reportable actions.

It was moved by McCormick, seconded by Newmire, that the meeting be adjourned at 10:18 a.m. Motion carried.

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Hilario Gonzales  
Mayor

ATTEST:

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Willard G. Yamaguchi  
City Clerk