

MINUTES OF THE ADJOURNED REGULAR CITY COUNCIL
MEETING OF THE CITY OF VERNON HELD
MONDAY, JANUARY 14, 2009, AT 4:35 P.M.
IN THE COUNCIL CHAMBERS OF THE CITY HALL
LOCATED AT 4305 SANTA FE AVENUE,
VERNON, CALIFORNIA

MEMBERS PRESENT: Malburg, Gonzales, Davis, McCormick, Maisano

MEMBERS ABSENT: None

The meeting was called to order by Mayor Malburg.

The City Administrator advised that the following five items, which required immediate action, were brought to his attention after the agenda was posted. He asked that votes be taken to determine that said matters required immediate action and to add said matters to the agenda.

1. Warrant Register No. 1257.
2. Light & Power Warrant Register No. 222.
3. Gas Warrant Register No. 13.
4. Request to hire Gustavo Reveles as a Computer Aided Drafting Technician.
5. For the closed session portion: Conference with Real Property Negotiator pursuant to Government Code Section 54956.8 for real property located at 3250, 3316, 3344, and 3376 East 44th Street, with Jeff A. Harrison, City Attorney, as the Agency Negotiator.

It was moved by McCormick, seconded by Gonzales, to add Warrant Register No. 1257 to the agenda. Motion carried.

Ayes: Malburg, Gonzales, Davis, McCormick, Maisano
Noes: None
Absent: None
Abstained: None

It was moved by Davis, seconded by McCormick, to add Light & Power Warrant Register No. 222 to the agenda. Motion carried.

Ayes: Malburg, Gonzales, Davis, McCormick, Maisano
Noes: None
Absent: None
Abstained: None

It was moved by Gonzales, seconded by McCormick, to add Gas Warrant Register No. 13 to the agenda. Motion carried.

Ayes: Malburg, Gonzales, Davis, McCormick, Maisano
Noes: None
Absent: None
Abstained: None

It was moved by McCormick, seconded by Davis, to add the request to hire Gustavo Reveles as a Computer Aided Drafting Technician to the agenda. Motion carried.

Ayes: Malburg, Gonzales, Davis, McCormick, Maisano
Noes: None
Absent: None
Abstained: None

It was moved by McCormick, seconded by Gonzales, to add the Conference with Real Property Negotiator to the closed session portion of the agenda. Motion carried.

Ayes: Malburg, Gonzales, Davis, McCormick, Maisano
Noes: None
Absent: None
Abstained: None

Huntington Park Councilwoman Ofelia Hernandez addressed the City Council and congratulated Mr. Thomas A. Ybarra on his retirement and presented him with a Key to the City of Huntington Park.

RESOLUTION NO. 9808 - A Resolution of the City Council of the City of Vernon Commending and Honoring Councilman Thomas A. Ybarra for His Many Years of Service to the City of Vernon and Conferring the Honorary Title of Mayor Pro Tempore Emeritus upon Thomas A. Ybarra, was read in its entirety.

It was moved by Gonzales, seconded by Davis, that Resolution No. 9808 be approved and adopted. Motion carried.

The Mayor presented Resolution No. 9808 to Mr. Thomas A. Ybarra and, on behalf of the entire City Council, thanked him for his many years of service with the City Council and congratulated him on receiving the honorary title of Mayor Pro Tempore Emeritus.

The City Administrator announced that this was the time for anyone in the audience to address the City Council on any agenda or non-agenda items other than with regard to any public hearings that may be listed.

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

Mr. Mike Ybarra, son of Mayor Pro Tempore Emeritus Ybarra, addressed the City Council on behalf of the entire Ybarra family, and expressed the family's sincere appreciation to the City Council and City staff.

The Mayor asked if there was anyone else who wished to address the City Council at this time.

There was no one else who wished to address the City Council at this time.

ORDINANCE NO. 1154 - An Ordinance of the City Council of the City of Vernon Amending Section 2.69-1 of Chapter 2, Administration, of the Code of the City of Vernon, California, 1959, and Repealing all Ordinances or Parts of Ordinances in Conflict Therewith, was read by title for a second and final reading.

It was moved by McCormick, seconded by Gonzales, that Ordinance No. 1154 be approved and adopted. Motion carried.

Ayes: Malburg, Gonzales, Davis, McCormick, Maisano
Noes: None
Absent: None
Abstained: None

Ratification of the issuance of early checks for Warrant Register No. 1257, covering claims and demands presented during the period of December 30, 2008 through January 13, 2009, drawn on Bank of America totaling **\$896,796.31**, which includes Check Nos. 323722 through 323788, (Accounting period January 2009), was presented.

It was moved by Gonzales, seconded by McCormick, that the issuance of early checks for Warrant Register No. 1257, covering claims and demands totaling \$896,796.31, be ratified. Motion carried. Councilman Davis abstained and disqualified himself on this matter.

Ratification of wire transfers for Warrant Register No. 1257, covering claims and demands presented during the period of December 30, 2008 through January 13, 2009, drawn on Bank of America totaling **\$165,323.94**, which includes Wire Nos. 298 through 299 (Accounting period January 2009), was presented.

It was moved by McCormick, seconded by Davis, that wire transfers for Warrant Register No. 1257, covering claims and demands totaling \$165,323.94, be ratified. Motion carried.

Warrant Register No. 1257, covering claims and demands presented during the period of December 30, 2008 through January 13, 2009, drawn on Bank of America totaling **\$397,260.51**, which includes Check Nos. 323789 through 323903 (Accounting period January 2009), was presented.

It was moved by Gonzales, seconded by Davis, that Warrant Register No. 1257 be approved and payment authorized for claims and demands totaling \$397,260.51. Motion carried.

Ratification of the issuance of early checks for Light & Power Warrant Register No. 222, covering claims and demands presented during the period of December 30, 2008 through January 13, 2009, drawn on Bank of America totaling **\$6,917.88**, which includes Check Nos. 506207 through 506214 (Accounting period January 2009), was presented.

It was moved by Gonzales, seconded by McCormick, that the issuance of early checks for Light & Power Warrant Register No. 222, covering claims and demands totaling \$6,917.88, be ratified. Motion carried. Councilman Davis abstained and disqualified himself on this matter.

Ratification of wire transfers for Light & Power Warrant Register No. 222, covering claims and demands presented during the period of December 30, 2008 through January 13, 2009, drawn on Bank of America totaling **\$1,695,078.61**, which includes Wire Nos. 4179 through 4191 (Accounting period January 2009), was presented.

It was moved by Gonzales, seconded by McCormick, that wire transfers for Light & Power Warrant Register No. 222, covering claims and demands totaling \$1,695,078.61, be ratified. Motion carried. Councilman Davis abstained and disqualified himself on this matter.

Light & Power Warrant Register No. 222, covering claims and demands presented during the period of December 30, 2008 through January 13, 2009, drawn on Bank of America totaling **\$3,014.98**, which includes Check Nos. 506215 through 506217 (Accounting period January 2009), was presented.

It was moved by McCormick, seconded by Davis, that Light & Power Warrant Register No. 222 be approved and payment authorized for claims and demands totaling \$3,014.98. Motion carried.

Ratification of the issuance of early checks for Gas Warrant Register No. 13, covering claims and demands presented during the period of December 30, 2008 through January 13, 2009, drawn on Bank of America totaling **\$218.47**, which includes Check Nos. 89 through 91 (Accounting period January 2009), was presented.

It was moved by Davis, seconded by Gonzales, that the issuance of early checks for Gas Warrant Register No. 13, covering claims and demands totaling \$218.47, be ratified. Motion carried.

Ratification of wire transfers for Gas Warrant Register No. 13, covering claims and demands presented during the period of December 30, 2008 through January 13, 2009, drawn on Bank of America totaling **\$2,680,267.31**, which includes Wire No. 0014 (Accounting period January 2009), was presented.

It was moved by McCormick, seconded by Gonzales, that wire transfers for Gas Warrant Register No. 13, covering claims and demands totaling \$2,680,267.31, be ratified. Motion carried.

The City Administrator advised that there were **no regular printed checks for Gas Warrant Register No. 13**.

Request to hire Gustavo Reveles as a Computer Aided Drafting Technician, step 6, in the Light & Power Department, effective January 20, 2009, was presented.

It was moved by McCormick, seconded by Davis, to hire Gustavo Reveles as a Computer Aided Drafting Technician, step 6, in the Light & Power Department, effective January 20, 2009. *(This item corrects and supersedes the action taken at the City Council Meeting of January 12, 2009, to hire Gustavo Reveles at step 9 of the same position.)*

The City Administrator announced that this was the time to hold the discussion of City-owned housing to be occupied by Police, Fire, Health, Electric Service and Gas Personnel, and the City Treasurer, and all necessary and appropriate changes to be made in existing City-owned housing.

The City Administrator sought direction from the City Council with regard to the following two matters:

1. Installation of broadband access for all City-owned housing units.
2. Installation of air conditioning and heating units for the remaining City-owned housing units on Furlong Place and Fruitland Avenue that have not yet been renovated.

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All City Council Members agreed to authorize the respective Department Heads to seek quotes for the aforementioned matters and report back.

The City Administrator announced that this was the time for elected officials to report on conferences/seminars attended during the period of January 12 through January 14, 2009.

Councilman McCormick reported on the "California Contract Cities Association 42nd Annual Sacramento Legislative Orientation Tour 2009" he attended in Sacramento, California on January 12-14, 2009.

The City Administrator announced that this was the time for reports from departments.

The Fire Chief congratulated Mayor Pro Tempore Emeritus Ybarra on his retirement. He advised that his administrative staff was getting situated in their new office at Fire Station No. 1. He also reported on the benefits of having safety and administrative personnel interact on a daily basis.

The Chief of Police congratulated Mayor Pro Tempore Emeritus Ybarra on his retirement.

The City Treasurer congratulated Mayor Pro Tempore Emeritus Ybarra on his retirement.

The Director of Personnel congratulated Mayor Pro Tempore Emeritus Ybarra on his retirement. She advised that CalPERS would be holding a Retirement Planning Seminar at City Hall on Tuesday, January 27, 2009.

The Director of Finance congratulated Mayor Pro Tempore Emeritus Ybarra on his retirement. He advised that the Redevelopment Agency's Audited Financial Statements would be finalized the following week.

The Risk Manager congratulated Mayor Pro Tempore Emeritus Ybarra on his retirement.

The City Clerk congratulated Mayor Pro Tempore Emeritus Ybarra on his retirement. She sought and received support from the City Council with regard to an invitation extended to her by the City Clerks Association of California to serve on a new committee.

The Director of Health congratulated Mayor Pro Tempore Emeritus Ybarra on his retirement. He distributed packets to the Council Members with regard the general organization and operations of his department, particularly to provide an overview to newly appointed Council Member Maisano.

The Director of Community Services congratulated Mayor Pro Tempore Emeritus Ybarra on his retirement. He advised that he would conduct a presentation on the I-710 project at the conclusion of the department reports.

The Director of Light & Power congratulated Mayor Pro Tempore Emeritus Ybarra on his retirement and wished him the best in his retirement.

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The Director of Human Resources congratulated Mayor Pro Tempore Emeritus Ybarra on his retirement.

Huntington Park Councilman Juan Noguez congratulated Mayor Pro Tempore Emeritus Ybarra on his retirement. He also congratulated Councilman Maisano on his appointment to the Vernon City Council and presented Huntington Park lapel pins to Mr. Ybarra and Mr. Maisano.

Councilman Davis congratulated Mayor Pro Tempore Emeritus Ybarra on his retirement.

Mayor Pro-Tem Gonzales expressed his gratitude to Mr. Ybarra for bringing him aboard many years ago.

The Mayor congratulated Mayor Pro Tempore Emeritus Ybarra on his many years of service.

Councilman McCormick congratulated Mayor Pro Tempore Emeritus Ybarra on his retirement and wished him the best.

Councilman Maisano expressed his respect for Mr. Ybarra and the great example Mr. Ybarra set for him to follow.

The City Attorney commended Mr. Ybarra on his outstanding achievement in providing many years of excellent public service.

The City Administrator encouraged Mr. Ybarra to continue to be an active part of the City's family.

Mayor Pro Tempore Emeritus Ybarra expressed his gratitude for being able to serve all those who were present, as well as the entire Vernon community.

The Director of Community Services distributed handouts to the City Council Members and provided a Power Point presentation on the I-710 Corridor Project, which was in the Environmental Impact Review stage. He addressed the positive economic, environmental, and safety impacts the proposed elevated electric freight system would have and summarized the recommendations he had made on behalf of the City of Vernon as a member of the project's Technical Advisory Committee.

The City Administrator announced that this was the time to go into closed session.

It was moved by Gonzales, seconded by McCormick, that the City Council go into closed session, the time being 5:50 p.m. Motion carried.

Everyone was excluded from closed session, with the exception of the City Administrator, City Attorney, Director of Human Resources and Risk Manager.

It was moved by McCormick, seconded by Davis, that the City Council go out of closed session and resume regular session, the time being 6:33 p.m. Motion carried.

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It was reported out that the following closed session Employee Evaluation matters were deferred:

1. Director of Health & Environmental Control
2. Director of Human Resources
3. City Administrator
4. Finance Director
5. City Attorney/Director of Industrial Development
6. Assistant Director of Industrial Development
7. Risk Manager
8. Director of Personnel/Director of Business Services & Purchasing
9. Chief of Police
10. Fire Chief
11. Director of Community Services & Water
12. Director of Light & Power
13. City Treasurer
14. City Clerk

It was reported out that the City Council had a conference in closed session with legal counsel regarding the following three existing litigation cases, and no action was taken with regard to said cases.

1. Huff, et al. v. Malkenhorst; Giron v. Huff, et al.; LASC No. BS 101423, Court of Appeal Case No. B194722
2. City of Bell v. City of Vernon, LASC BC 390397
3. Venegas, et al. v. County of Los Angeles, et al.; LASC No. BC 207136

It was reported out that the City Council had a conference in closed session with legal counsel regarding three potential cases of litigation pursuant to subdivision (b) of Government Code Section 54956.9, and no action was taken with regard to said matters.

It was reported out that the City Council had a Conference with Real Property Negotiator in closed session as detailed below, and the Agency Negotiator was given authority to submit an offer on the subject property.

1. Agency Negotiator: Jeff A. Harrison, City Attorney
2. Property: Property located 3250, 3316, 3344 & 3376 E. 44th Street
3. Negotiating Party: Kal Kan/MARS Petcare, Inc.
4. Under Negotiation: Property acquisition

There being no further business to come before the City Council at this time, it was moved by McCormick, seconded by Gonzales, that the meeting be adjourned, the time being 6:35 p.m. Motion carried.

Name:
Title:

ATTEST:

Manuela Giron
City Clerk