

MINUTES OF THE REGULAR CITY COUNCIL
MEETING OF THE CITY OF VERNON HELD
MONDAY, MAY 11, 2009, AT 10:01 A.M.
IN THE COUNCIL CHAMBERS OF THE CITY HALL
LOCATED AT 4305 SANTA FE AVENUE,
VERNON, CALIFORNIA

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

MEMBERS ABSENT: None

The meeting was called to order by Mayor Gonzales.

It was moved by Davis, seconded by Maisano, that the Minutes of the Regular City Council Meeting held April 27, 2009, be approved and adopted as submitted. Motion carried.

The City Administrator announced that this was the time to present the Service Pins.

The Mayor presented a service pin to Eric Anderson, Utilityman III, for his 15 years of service.

The following employee was unable to attend the meeting. His service pin was forwarded to him.

- David Muniz, Utilityman III, 20 years

It was noted for the record that service pin recipient Gary Sawyer was inadvertently placed on the agenda.

The City Administrator announced to the audience that this was the time for public comments.

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

Marisa Olguin, Executive Director of the Vernon Chamber of Commerce addressed the City Council to congratulate the City Council on their new reorganization. She also informed the City Council of the Chamber's attempt to work with the Fire Department on a fire prevention briefing that will be offered to the business community in the near future.

Councilman Felipe Aguirre from the City of Maywood addressed the City Council to congratulate the entire City Council on their reorganization and the proposed appointment of a new City Administrator for the City of Vernon. He also introduced the City of Maywood's new City Manager, Mr. Paul Phillips.

City of Maywood, City Manager Paul Phillips addressed the City Council and made himself available to meet with City of Vernon representatives to discuss mutual issues that could of interest to both cities.

Mayor Gonzales asked if there was anyone else in the audience who wished to address the City Council at this time. There was no one who wished to address the City Council at this time.

Ratification of a Proclamation of the Mayor and the City Council of the City of Vernon Commending and Honoring Feliberto Navarro in Recognition of His Service and Support of the Vernon Community, was presented.

It was moved by McCormick, seconded by Davis, that a Proclamation of the Mayor and the City Council of the City of Vernon Commending and Honoring Feliberto Navarro in Recognition of His Service and Support of the Vernon Community be ratified. Motion carried.

RESOLUTION NO. 9944 - A Resolution of the City Council of the City of Vernon Appointing Donal O'Callaghan to the Position of City Administrator and Repealing All Resolutions or Parts of Resolutions in Conflict Herewith, was read by title.

It was moved by McCormick, seconded by Maisano, that Resolution No. 9944 be approved and adopted. Motion carried.

The City Administrator announced that this was the time for a Public Hearing to consider the adoption of an amendment to the budget for the City of Vernon for fiscal year 2008-2009.

It was moved by McCormick, seconded by Malburg, to open the public hearing to consider the adoption of an amendment to the budget for the City of Vernon for fiscal year 2008-2009, the time being 10:10 a.m. Motion carried.

The City Administrator advised that the changes in the proposed budget amendment were related to the appointment of the new City Administrator, mainly transfer of funds from one department to another.

It was moved by McCormick, seconded by Malburg, to close the public hearing to consider the adoption of an amendment to the budget for the City of Vernon for fiscal year 2008-2009, the time being 10:11 a.m. Motion carried.

RESOLUTION NO. 9941 - A Resolution of the City Council of the City of Vernon Amending Resolution No. 9638, which Approved a Budget for the Fiscal Year 2008-2009, to Reflect Changes (Amendment No. 5), was presented.

It was moved by Malburg, seconded by Davis, that Resolution No. 9941 be approved and adopted. Motion carried.

ORDINANCE NO. 1155 - An Ordinance of the City Council of the City of Vernon Amending Sections 16.15 and 16.16 of the Code of the City of Vernon, California, 1959, to Change Speed Limits on Certain Streets and to Repeal all Ordinances or Parts of Ordinances in Conflict Herewith, was read by title for a second and final reading.

It was moved by Maisano, seconded by Davis, that Ordinance No. 1155 be approved. Motion carried.

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

ORDINANCE NO. 1156 - 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 first reading.

It was moved by McCormick, seconded by Malburg, that Ordinance No. 1156 be approved for a first reading. Motion carried.

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

The Consent Calendar was presented.

Fire Department

1. Fire Department Activity Report for the period of April 16 through April 30, 2009, to be received and filed.

Light & Power Department

2. Light & Power Resource Procurement Report for the Month of January 2009, to be received and filed.

Personnel Department

3. Granting of merit step increase to the following employee as specified, effective July 1, 2009:

Efrain Sandoval, Resource Scheduler, from step 3 to step 2

Police Department

4. Police Department Activity Log for the period of April 16 through April 30, 2009, to be received and filed.

Treasury Department

5. Ratification of the following Warrant Register to record the following void check:

a. Warrant Register No. 1268 to record voided Check No. 325137 in the amount of \$18.00 issued on April 9, 2009

6. Ratification of the issuance of early checks for Warrant Register No. 1270, covering claims and demands presented during the period of April 22 through May 5, 2009, drawn on Bank of America totaling \$420,777.20, which includes Check Nos. 325321 through 325352 (Accounting period May 2009).

7. Ratification of wire transfers for Warrant Register No. 1270, covering claims and demands presented during the period of April 22 through May 5, 2009, drawn on Bank of America totaling \$6,471.18, which includes Wire Nos. 322 through 324 (Accounting period May 2009).

8. Warrant Register No. 1270, covering claims and demands presented during the period of April 22 through May 5, 2009, drawn on Bank of America totaling \$428,414.94, which includes Check Nos. 325353 through 325541 (Accounting period May 2009).
9. Ratification of wire transfers for Light & Power Warrant Register No. 235, covering claims and demands presented during the period of April 22 through May 5, 2009, drawn on Bank of America totaling \$1,901,056.85, which includes Wire Nos. 4286 through 4300 (Accounting period May 2009).
10. Ratification of the issuance of early checks for Light & Power Warrant Register No. 235, covering claims and demands presented during the period of April 22 through May 5, 2009, drawn on Bank of America totaling \$12,853.43, which includes Check Nos. 506522 through 506530 (Accounting period May 2009).
11. Light & Power Warrant Register No. 235 covering claims and demands presented during the period of April 22 through May 5, 2009, drawn on Bank of America totaling \$132,171.81, which includes Check Nos. 506531 through 506553 (Accounting period May 2009).
12. Ratification of the issuance of early checks for Gas Warrant Register No. 26, covering claims and demands presented during the period of April 22 through May 5, 2009, drawn on Bank of America totaling \$5,677.61, which includes Check Nos. 139 through 142 (Accounting period May 2009).
13. Ratification of wire transfers for Gas Warrant Register No. 26, covering claims and demands presented during the period of April 22 through May 5, 2009, drawn on Bank of America totaling \$2,214,000.21, which includes Wire Nos. 28 through 31 (Accounting period May 2009).
14. Gas Warrant Register No. 26 covering claims and demands presented during the period of April 22 through May 5, 2009, drawn on Bank of America totaling \$35,365.98, which includes Check Nos. 143 through 146 (Accounting period May 2009).
15. City of Vernon Report of Cash and Investments for the Quarter Ended March 31, 2009, to be received and filed.

End of Consent Calendar

Councilman Davis asked that item number six and nine be removed from the Consent Calendar to be considered separately.

It was moved by McCormick, seconded by Malburg, that the matters on the Consent Calendar, with the exception of item numbers six and nine, be approved as recommended. Motion carried.

Item No. 6 - Ratification of the issuance of early checks for Warrant Register No. 1270, covering claims and demands presented during the period of April 22 through May 5, 2009, drawn on Bank of America totaling \$420,777.20, which includes Check Nos. 325321 through 325352 (Accounting period May 2009), was presented.

It was moved by McCormick, seconded by Maisano, that the issuance of early checks for Warrant Register No. 1270, covering claims and demands totaling \$420,777.20, be ratified. Motion carried. Councilman Davis abstained and disqualified himself on this matter.

Item No. 9 - Ratification of wire transfers for Light & Power Warrant Register No. 235, covering claims and demands presented during the period of April 22 through May 5, 2009, drawn on Bank of America totaling \$1,901,056.85, which includes Wire Nos. 4286 through 4300 (Accounting period May 2009), was presented.

It was moved by Malburg, seconded by Maisano, that wire transfers for Light & Power Warrant Register No. 235, covering claims and demands totaling \$1,901,056.85, be ratified. Motion carried. Councilman Davis abstained and disqualified himself on this matter.

Request from the Business Services and Purchasing Department to issue a purchase order to Motorola, c/o Advanced Electronics, for the purchase of (3) Motorola XTL 5000 VHF Mobile Radios and (1) Motorola XTL 5000 UHF Mobile Radio and related equipment, for the Police Department in the amount of \$14,453.36, including taxes, was presented.

It was moved by Davis, seconded by McCormick, to approve the request from the Business Services and Purchasing Department to issue a purchase order to Motorola, c/o Advanced Electronics, for the purchase of (3) Motorola XTL 5000 VHF Mobile Radios and (1) Motorola XTL 5000 UHF Mobile Radio and related equipment, for the Police Department in the amount of \$14,453.36, including taxes. Motion carried.

Request from the City Administrator that agendas be posted at 5:00 p.m. on the Wednesdays prior to the meetings and the agenda packets be distributed and made available for public review at that time, in order to provide the Public with sufficient time to review all agenda items before those items are considered by the City Council, was presented.

It was moved by McCormick, seconded by Davis, to approve the request from the City Administrator that agendas be posted at 5:00 p.m. on the Wednesdays prior to the meetings and the agenda packets be distributed and made available for public review at that time, in order to provide the public with sufficient time to review all agenda items before those items are considered by the City Council. Motion carried.

RESOLUTION NO. 9942 - A Resolution of the City Council of the City of Vernon Amending Resolution No. 9639 by Amending Schedule Nos. III and XXIV, of said Resolution Regarding the Compensation, Costs and Benefits of its Employees (Amendment No. 8), was read by title.

It was moved by Malburg, seconded by McCormick, that Resolution No. 9942 be approved and adopted. Motion carried.

RESOLUTION NO. 9943 - A Resolution of the City Council of the City of Vernon Approving and Authorizing the Execution of an Amendment Number Two to Employment Agreement By and Between the City of Vernon and Donal O'Callaghan, was read by title.

It was moved by Maisano, seconded by Davis, that Resolution No. 9943 be approved and adopted. Motion carried.

RESOLUTION NO. 9945 - A Resolution of the City Council of the City of Vernon Approving and Authorizing the Execution of an Amended and Restated Legal Services Agreement By and Between the City of Vernon and the Law Offices of Eric T. Fresch, was read by title.

It was moved by McCormick, seconded by Maisano, that Resolution No. 9945 be approved and adopted. Motion carried.

RESOLUTION NO. 9946 - A Resolution of the City Council of the City of Vernon Accepting the Bid of Wondries Fleet Group on Bid No. 1460 for the Purchase of a 2009 Chevrolet Tahoe for the Police Department, Approving and Authorizing the Execution of a Vehicle Purchase Contract and the Issuance of a Purchase Order Respecting Said Bid, was read by title.

It was moved by Davis, seconded by Maisano, that Resolution No. 9946 be approved and adopted. Motion carried.

RESOLUTION NO. 9947 - A Resolution of the City Council of the City of Vernon Approving and Authorizing the Execution of a Grant Application Under the California Beverage Container Recycling and Litter Reduction Act to the Department of Conservation's Division of Recycling, was read by title.

It was moved by Malburg, seconded by Davis, that Resolution No. 9947 be approved and adopted. Motion carried.

RESOLUTION NO. 9948 - A Resolution of the City Council of the City of Vernon Approving and Authorizing the Execution of a Letter in Support of Comments Developed by the Los Angeles County Solid Waste Management Committee Regarding the California Integrated Waste Management Board's Interim Report for the Life Cycle Assessment of Organics Diversion Alternatives, was read by title.

It was moved by McCormick, seconded by Maisano, that Resolution No. 9948 be approved and adopted. Motion carried.

RESOLUTION NO. 9949 - A Resolution of the City Council of the City of Vernon Approving and Authorizing the City's Participation in the Edward Byrne Memorial Justice Assistance Grant Program by the Vernon Police Department in Accordance with the American Recovery and Reinvestment Act of 2009, was read by title.

It was moved by Malburg, seconded by Davis, that Resolution No. 9949 be approved and adopted. Motion carried.

RESOLUTION NO. 9950 - A Resolution of the City Council of the City of Vernon Approving and Authorizing a Standard Indemnification and Hold Harmless Agreement for Use of Private Property by Both the Vernon Fire and Police Departments for Training and Related Activities, was read by title.

It was moved by Malburg, seconded by McCormick, that Resolution No. 9950 be approved and adopted. Motion carried.

RESOLUTION NO. 9951 - A Resolution of the City Council of the City of Vernon Approving and Authorizing the Execution of a CAISO Non-Disclosure and Use of Information Agreement for Congestion Revenue Rights Full Network Model By and Between the City of Vernon and the California Independent System Operator Corporation, was read by title.

It was moved by McCormick, seconded by Davis, that Resolution No. 9951 be approved and adopted. Motion carried.

RESOLUTION NO. 9952 - A Resolution of the City Council of the City of Vernon Approving and Adopting an Amended Renewable Portfolio Standard, was read by title.

It was moved by Davis, seconded by McCormick, that Resolution No. 9952 be approved and adopted. Motion carried.

RESOLUTION NO. 9953 - A Resolution of the City Council of the City of Vernon Approving and Authorizing the Execution of a Second Supplemental Agreement By and Between the City of Vernon and the City of Los Angeles Regarding the Use of 2006 Urban Areas Security Initiative Grant Funds, was read by title.

It was moved by McCormick, seconded by Maisano, that Resolution No. 9953 be approved and adopted. Motion carried.

RESOLUTION NO. 9954 - A Resolution of the City Council of the City of Vernon Approving and Authorizing the Filing of an Applicant Live Scan Service Application and Related Documents with the Department of Justice, Bureau of Criminal Identification and Information, by the Vernon Fire Department, was read by title.

It was moved by Maisano, seconded by Malburg, that Resolution No. 9954 be approved and adopted. Motion carried.

RESOLUTION NO. 9955 - A Resolution of the City Council of the City of Vernon Approving and Authorizing the Execution of a Letter in Support of Assembly Bill 222 Relating to Biorefineries, was read by title.

It was moved by Malburg, seconded by McCormick, that Resolution No. 9955 be approved and adopted. Motion carried.

RESOLUTION NO. 9956 - A Resolution of the City Council of the City of Vernon Approving and Authorizing the Execution of a Vehicle Purchase Contract By and Between the City of Vernon and California Seagrave aka Seagrave Fire Apparatus, LLC for Custom Pumpers for the Fire Department, was read by title.

It was moved by Davis, seconded by McCormick, that Resolution No. 9956 be approved and adopted. Motion carried.

RESOLUTION NO. 9957 - A Resolution of the City Council of the City of Vernon Approving and Ratifying the Execution of a Legal Services Agreement By and Between the City of Vernon and Bradley & Gmelich, was read by title.

It was moved by Malburg, seconded by McCormick, that Resolution No. 9957 be approved and adopted. Motion carried.

The City Administrator announced that this was the time for elected officials to report on conference/seminars for the period of April 27 through May 10, 2009.

It was reported that Elected Officials did not attend any conferences/seminars during the period of April 27 through May 10, 2009.

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

Assistant Fire Chief Wilson congratulated Donal O'Callaghan on his new appointment as City Administrator and reported that three strike teams from Area E responded to the Santa Barbara fires.

Police Captain Rodino congratulated Donal O'Callaghan on his new appointment as City Administrator.

The City Treasurer congratulated Donal O'Callaghan on his new appointment as City Administrator, informed the City Council that she had volunteered to serve as a juror for the League of California Cities in the selection of the 2009 Helen Putnam Awards for Excellence, and spoke about the upcoming budget review hearing proposed schedule.

The Director of Personnel congratulated Donal O'Callaghan on his new appointment as City Administrator.

The Finance Director congratulated Donal O'Callaghan on his new appointment as City Administrator and thanked Eric Fresch for leading the City for the past few years.

The Risk Manager congratulated Donal O'Callaghan on his new appointment as City Administrator, thanked Eric Fresch for his service during the past few years.

The City Clerk congratulated Donal O'Callaghan on his new appointment as City Administrator and thanked Eric Fresch for his service as the City Administrator and his recent completion of the refinancing of the gas bonds at a low interest rate.

The Director of Health & Environmental Control congratulated Donal O'Callaghan on his new appointment as City Administrator and extended his appreciation to Eric Fresch for his service over the past few years.

The Director of Community Services & Water addressed the following:

- Congratulated Donal O'Callaghan on his new appointment as City Administrator.

- Asked for direction from the Council regarding the graphics to place on the exterior of the new graffiti truck.
- The letter of opposition, unless language is amended on AB139, regarding the Los Angeles County Flood Control Initiative.

The Director of Utilities & Government Infrastructure reported on the following:

- The outage that occurred Saturday morning, May 9, 2009, on Pacific Boulevard.
- The modification to the Malburg Generating Station (MGS) to increase its capacity by May or June of 2010.
- The great honor to be considered for the City Administrator position and proud to accept such position.

The Director of Human Resources congratulated Donal O'Callaghan on his new appointment as City Administrator and reported on Personnel Department's involvement in the recruitment of the Fire Department Paramedic personnel and open positions in the Police Department. She also reported on the upcoming three big insurance renewals for city property, general liability, and workers compensation for the new fiscal year.

The City Attorney congratulated Donal O'Callaghan on his new appointment as City Administrator.

The City Administrator provided to the City Council a detailed summary of the refinancing of the \$420 million gas bonds.

The Mayor called a short recess at 11:09 a.m.

The City Council reconvened in regular session at 11:17 a.m., all members present before the recess again being present.

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

It was moved by McCormick, seconded by Davis, that the City Council go into closed session, the time being 11:17 a.m. Motion carried.

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

The Director of Personnel was excused from closed session at 11:22 p.m.

The City Attorney, Director of Human Resources, Risk Manager, and Councilman Malburg were excused from closed session at 11:29 p.m.

It was moved by McCormick, seconded by Davis, to go out of closed session and resume regular session, the time being 11:53 a.m. Motion carried.

It was reported out that the City Council had a conference in closed session regarding three Employee Evaluation matters pursuant to Government Code Section 54957, and merit step increases were granted to the following employees as specified:

1. Daniel Onopa, Police Officer, for the period of April 2008 through April 2009.
2. Mohamad Elmasri, Assistant Engineer, for the period of June 2008 through May 2009.
3. Deborah Juarez, Records Management Assistant, for the period of May 2008 through May 2009.

It was reported out that the City Council had a conference in closed session regarding one Employee Appointment matter pursuant to Government Code Section 54957 and approval was granted to reclassify Robin Tolmasoff from Executive Secretary to the Director of Utilities, step 4, to Executive Secretary to the City Administrator, step 4, and to transfer her from the Light & Power Department to the City Administration Department effective May 15, 2009.

It was reported out that the City Council had a conference in closed session with legal counsel regarding the following existing litigation case pursuant to subdivision (a) of Government Code Section 54956.9 and no action was taken.

- a. Gina R. Torres v. City of Vernon, et al.; USDC Case No. CV09-02684-SVW (CWx).

It was reported out that the City Council had a conference in closed session with legal counsel regarding one potential case of litigation pursuant to subdivision (c) of Government Code Section 54956.9, and no action was taken, and direction was given to Special Counsel.

The Consent Calendar II was presented.

OPEN SESSION

Personnel Department

1. Request to grant a merit step increase to Daniel Onopa, Police Officer, from step 2 to step 1, effective 5/14/09.

End of Consent Calendar II

It was moved by McCormick, seconded by Maisano, that the matters on the Consent Calendar II be approved as recommended. Motion carried.

There being no further business to come before the City Council at this time, it was moved by McCormick, seconded by Davis, that the meeting be adjourned, the time being 11:55 a.m. Motion carried.

Name: Hilario Gonzales
Title: Mayor

ATTEST:

Manuela Giron
City Clerk