

In the Matter of the Calculation of Final Compensation of:

Bruce Malkenhorst, Sr., Respondent,
and
City of Vernon, Respondent

OAH Case No. 2013080917

CalPERS Case No. 2012-0671

EXHIBIT W (7 PAGES)

**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF VERNON HELD DECEMBER
1, 1992 AT 5 P.M. IN THE COUNCIL
CHAMBERS OF THE CITY HALL LOCATED
AT 4305 SANTA FE AVENUE, VERNON,
CALIFORNIA**

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

MEMBERS ABSENT: None

The meeting was called to order by Mayor Malburg.

It was moved by Ybarra, seconded by McCormick, that the minutes of the City Council Meeting held November 17, 1992, be approved as submitted and adopted. Motion carried.

RESOLUTION NO. 6184 - A Resolution of the City Council of the City of Vernon Amending Section 23 and Schedule II, Exhibit "A", Pages 1 and 15 of Resolution No. 6123, Which Fixed the Compensation for Certain Employees of Said City and Authorized Certain Expense Allowances, was presented.

It was moved by Gonzales, seconded by Davis, that Resolution No. 6184 be approved and adopted. Motion carried.

Lieutenant Rich Henderson was in attendance on behalf of the California Highway Patrol and presented the "10851" Pin Award to Vernon Police Officers Charles Solano and Todd Slezak for their superior efforts in vehicle theft recovery.

The Mayor called a recess at 5:12 p.m.

The Council reconvened in regular session at 5:14 p.m., all members present before the recess again being present.

The following employees were in attendance at the Council Meeting to be recognized for their continuous years of service with the City and the Mayor extended congratulations on behalf of the City Council.

FIRE DEPARTMENT

Jerry Stickel, Captain - 35 years
John Krists, Engineer - 35 years

COMMUNITY SERVICES DEPARTMENT

Gene DeFrank, Survey Party Chief - 35 years

Police Chief Rosenkrantz accepted a 5 Year Pin on behalf of Martha Parra, Transcriber/Typist, who was unable to attend the meeting.

The Mayor called a recess at 5:16 p.m.

The Council reconvened in regular session at 5:18 p.m., all members present before the recess again being present.

Police Department Activity Log for the period November 16 thru 30, 1992, was presented.

It was moved by McCormick, seconded by Gonzales, that the Police Department Activity Log for the period November 16 thru 30, 1992, be received and filed. Motion carried.

Fire Department Activity Report for the period November 16 thru 30, 1992, was presented.

4560

City Council Minutes
page 2

December 1, 1992

It was moved by Davis, seconded by Ybarra, that the Fire Department Activity Report for the period November 16 thru 30, 1992, be received and filed. Motion carried.

Hearing to consider the Disability Retirement Application of Lloyd L. Hudson.

It was moved by Ybarra, seconded by Gonzales, to defer the hearing with regard to the Disability Retirement Application of Lloyd L. Hudson until further notice. Motion carried.

The City Clerk announced that this was the time for anyone in the audience to address the Council on any matter listed on the Agenda other than with regard to any Public Hearing that may be listed.

The Mayor asked if there was anyone in the audience who wished to address the Council on any matter listed on the Agenda other than with regard to any Public Hearing that may be listed.

There was no one who wished to address the City Council.

Communication from Bruce V. Malckenhorst, City Clerk, dated November 16, 1992, advising that a Side Letter Agreement between the Municipal Employees Relations Representative and the Vernon Police Officers' Benefit Association implementing an experimental four-day work week went into effect October 1991 for a one-year period. The experimental 4/10 Plan has been operating efficiently and it is hereby recommended that approval be granted for Police Department Employees (Group 2) to continue using the 4/10 Plan. Approval of continued use of the 4/10 Plan for Police Officers (Group 2) will extend the current Memorandum of Understanding adopted March 1, 1988 for a period of five years with an expiration date of September 1, 1997.

It was moved by McCormick, seconded by Ybarra, that the aforementioned communication from the City Clerk dated November 16, 1992, be referred to Closed Session later this date. Motion carried.

Communication from Bruce V. Malckenhorst, City Clerk, dated November 17, 1992, was presented, requesting authority and funds for Sharon Duckworth, Finance Department Office Manager, to attend the Government Finance Officers Association Public Cash Management Seminar in San Diego, December 9-10, 1992, with an expense allowance of \$425.00.

It was moved Gonzales, seconded by Ybarra, that authority be granted for Sharon Duckworth to attend the Government Finance Officers Association Public Cash Management Seminar in San Diego, December 9-10, 1992, with an expense allowance of \$425.00. Motion carried.

Communication from Bruce V. Malckenhorst, City Clerk, dated November 23, 1992, was presented, requesting authority and funds for Claudia Padilla, Utility Clerk in the Risk Management/Personnel Office, to attend the "Efficient Assistant" seminar in Los Angeles, January 14, 1993, with an expense allowance of \$148.00.

It was moved by McCormick, seconded by Ybarra, that authority be granted for Claudia Padilla to attend the "Efficient Assistant" seminar in Los Angeles, January 14, 1993, with an expense allowance of \$148.00. Motion carried.

4559

City Council Minutes
page 3

December 1, 1992

Communication from Victor H. Vaits, Director of Community Services, dated November 24, 1992, was presented, transmitting Contract No. 513, Pavement Maintenance of Various Streets, and recommending that the contract be approved and authority be granted to advertise for bids.

It was moved by Davis, seconded by Gonzales, that the communication from the Director of Community Services dated November 24, 1992, be received and filed, and that his recommendation be approved. Motion carried.

RESOLUTION NO. 6183 - A Resolution of the City Council of the City of Vernon Approving Contract No. 513 and Authorizing Notice Inviting Sealed Proposals or Bids for Pavement Maintenance of Various Streets in Accordance with Contract No. 513 of the City of Vernon, was presented.

It was moved by Ybarra, seconded by McCormick, that Resolution No. 6183 be approved and adopted. Motion carried.

Communication from Bruce V. Malikenhorst, City Clerk, dated November 24, 1992, was presented, transmitting a Letter of Agreement with Eugene Water & Electric Board (EWEB) which gives Vernon the ability to exchange, purchase or sell energy with a northwest utility, and will be used to displace higher cost energy and/or sell surplus energy. This has been reviewed by the Director of Light and Power and the City Attorney, and it is hereby recommended that said Letter of Agreement be approved and executed.

It was moved by Gonzales, seconded by Ybarra, that the communication from the City Clerk dated November 24, 1992, be received and filed, and that his recommendation be approved. Motion carried. Councilman Davis abstained from voting and disqualified himself because it is reasonably foreseeable that the decision may have a material financial effect on his source of income.

RESOLUTION NO. 6186 - A Resolution of the City Council of the City of Vernon Approving and Authorizing the Execution of a Letter of Agreement By and Between the City of Vernon and Eugene Water & Electric Board (EWEB) for the Purchase, Exchange, or Sale of Capacity and/or Energy, was presented.

It was moved by McCormick, seconded by Ybarra, that Resolution No. 6186 be approved and adopted. Motion carried. Councilman Davis abstained from voting and disqualified himself because it is reasonably foreseeable that the decision may have a material financial effect on his source of income.

Communication from Bruce V. Malikenhorst, City Clerk, dated November 24, 1992, was presented, transmitting a Letter of Agreement with the City of Seattle, City Light Department, which gives Vernon the ability to exchange, purchase or sell energy with a northwest utility, and will be used to displace higher cost energy and or sell surplus energy. This has been reviewed by the Director of Light and Power and the City Attorney, and it is hereby recommended that said Letter of Agreement be approved and executed.

It was moved by Gonzales, seconded by McCormick, that the communication from the City Clerk dated November 24, 1992, be received and filed, and that his recommendation be approved. Motion carried. Councilman Davis abstained from voting and disqualified himself because it is reasonably foreseeable that the decision may have a material financial effect on his source of income.

4558

City Council Minutes
page 4

December 1, 1992

RESOLUTION NO. 6185 - 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 City of Seattle (SEATTLE) for the Purchase, Exchange, or Sale of Capacity and/or Energy, was presented.

It was moved by Ybarra, seconded by McCormick, that Resolution No. 6185 be approved and adopted. Motion carried. Councilman Davis abstained from voting and disqualified himself because it is reasonably foreseeable that the decision may have a material financial effect on his source of income.

Communication from Bruce V. Malckenhorst, City Clerk, dated November 24, 1992, was presented, transmitting a Service Agreement with Portland General Electric Company under FERC Electric Tariff Original Volume No. 1 which gives Vernon the ability to purchase economy energy from a northwest utility and will be used to displace higher cost energy. This has been reviewed by the Director of Light and Power and the City Attorney, and it is hereby recommended that said Service Agreement be approved and executed.

It was moved by Gonzales, seconded by McCormick, that the communication from the City Clerk dated November 24, 1992, be received and filed, and that his recommendation be approved. Motion carried. Councilman Davis abstained from voting and disqualified himself because it is reasonably foreseeable that the decision may have a material financial effect on his source of income.

RESOLUTION NO. 6187 - A Resolution of the City Council of the City of Vernon Approving and Authorizing the Execution of a Service Agreement Under FERC Electric Tariff Original Volume No. 1 By and Between the City of Vernon and Portland General Electric Company (PORTLAND) for the Purchase, Exchange, or Sale of Capacity and/or Energy, was presented.

It was moved by McCormick, seconded by Gonzales, that Resolution No. 6187 be approved and adopted. Motion carried. Councilman Davis abstained from voting and disqualified himself because it is reasonably foreseeable that the decision may have a material financial effect on his source of income.

Communication from Bruce V. Malckenhorst, Director of Personnel, dated November 25, 1992, was presented, recommending that the following personnel actions be approved:

REIMBURSEMENTS

James Wilcox, Environmental Specialist in the Health Department, be reimbursed \$375 from the Education and Training Appropriation Account for his satisfactory completion of courses taken at University of California, Irvine, related to his position with the City.

It was moved by Ybarra, seconded by Davis, to reimburse James Wilcox \$375 from the Education and Training Appropriation Account. Motion carried.

Brad Miller, Firefighter, be reimbursed \$69.50 from the Education and Training Appropriation Account for his satisfactory completion of courses taken at Crafton Hills College related to his position with the City.

It was moved by McCormick, seconded by Gonzales, to reimburse Brad Miller \$69.50 from the Education and Training Appropriation Account. Motion carried.

4557

City Council Minutes
page 5

December 1, 1992

Dan Downing, Environmental Specialist, be reimbursed \$675 from the Education and Training Appropriation Account for his satisfactory completion of courses taken at University of California, Riverside, related to his position with the City.

It was moved by Ybarra, seconded by Davis, to reimburse Dan Downing \$675 from the Education and Training Appropriation Account. Motion carried.

MERIT STEP INCREASES

Victor Trujillo and Renan Castro, both classified as Utilityman III, Step 3 in the Community Services Department, be granted a merit step increase to Utilityman III, Step 2, with a new monthly base salary of \$2620 each, effective December 13, 1992, based on their satisfactory job performance during the past year.

It was moved by McCormick, seconded by Ybarra, to grant both Victor Trujillo and Renan Castro a merit step increase to Utilityman III, Step 2, effective December 13, 1992. Motion carried.

Brian Montoya, Meter Reader, Step 7 in the Customer Service Department, be granted a merit step increase to Meter Reader, Step 6, with a new monthly base salary of \$2423, effective December 27, 1992, based on his satisfactory job performance since his date of hire.

It was moved by Davis, seconded by Gonzales, to grant Brian Montoya a merit step increase to Meter Reader, Step 6, effective December 27, 1992. Motion carried.

Victor Vasquez, Meter Reader, Step 6 in the Customer Service Department, be granted a merit step increase to Meter Reader, Step 5, with a new monthly base salary of \$2556, effective December 27, 1992, based on his satisfactory job performance during the past year.

It was moved by Ybarra, seconded by McCormick, to grant Victor Vasquez a merit step increase to Meter Reader, Step 5, effective December 27, 1992. Motion carried.

Communication from Bruce V. Malckenhorst, City Clerk, dated November 25, 1992, advising that the Director of Community Services has reviewed the payment schedule for businesses paying taxes on gross receipts or tonnage and has recommended that said businesses be allowed to pay these fees on a quarterly basis. This has been reviewed by the City Attorney, and it is hereby recommended that an amendment to the business license ordinance be approved.

It was moved by Ybarra, seconded by Davis, that the aforementioned communication from the City Clerk dated November 25, 1992 be deferred to a later date. Motion carried.

WARRANT REGISTER NO. 852 covering claims and demands presented during the period of November 13 thru 25, 1992, drawn on the First Interstate Bank totaling \$228,786.45, which includes Demand Nos. 39787 thru 39934 (inclusive), excluding Light & Power Demands and Void Demand Nos. 39833 thru 39836 (inclusive) and 39916 (accounting period December, 1992) was examined and audited.

It was moved by McCormick, seconded by Gonzales, that Warrant Register No. 852 be approved and payment authorized for claims and demands totaling \$228,786.45, excluding Light & Power Demands. Motion carried.

4556

City Council Minutes
page 6

December 1, 1992

WARRANT REGISTER NO. 852 covering claims and demands presented during the period of November 13 thru November 25, 1992, drawn on the First Interstate Bank totaling \$1,934,900.12, which includes Light & Power Demand Nos. as listed below (accounting period December, 1992) was examined and audited:

39787	39796	39823	39842	39863	39913	39930
39788	39797	39824	39846	39871	39917	39932
39789	39799	39829	39848	39872	39921	39934
39790	39800	39837	39854	39880	39922	
39795	39819	39839	39857	39896	39926	

It was moved by Ybarra, seconded by Gonzales, that Warrant Register No. 852 be approved and payment authorized for claims and demands totaling \$1,934,900.12. Motion carried. Councilman Davis abstained from voting and disqualified himself because it is reasonably foreseeable that the decision may have a material financial effect on his source of income.

The Mayor called a recess at 5:43 p.m.

The Council reconvened in regular session at 6 p.m., all members present before the recess again being present.

It was moved by McCormick, seconded by Gonzales, that the Council go into Closed Session, Personnel, pursuant to Government Code Section 54957, the time being 6 p.m. Motion carried.

All persons were excluded from Closed Session with the exception of the City Clerk and City Attorney.

The Mayor ordered all communications to and from Closed Session deemed privileged and confidential.

It was moved by Ybarra, seconded by McCormick, that the Council go out of Closed Session, Personnel, the time being 6:18 p.m. Motion carried.

Communication from Bruce V. Malkehhorst, City Clerk, dated November 16, 1992, was presented, advising that a Side Letter Agreement between the Municipal Employees Relations Representative and the Vernon Police Officers' Benefit Association implementing an experimental four-day work week went into effect October 1991 for a one-year period. The experimental 4/10 Plan has been operating efficiently and it is hereby recommended that approval be granted for Police Department Employees (Group 2) to continue using the 4/10 Plan. Approval of continued use of the 4/10 Plan for Police Officers (Group 2) will extend the current Memorandum of Understanding adopted March 1, 1988 for a period of five years with an expiration date of September 1, 1997. (Deferred from an earlier time during this meeting.)

It was moved by Ybarra, seconded by Gonzales, that the aforementioned 4/10 Plan be referred to the next Finance Committee Meeting. Motion carried.

It was moved by Ybarra, seconded by McCormick, that the Council go into Closed Session, Attorney/Client Privilege, pursuant to Government Code Section 54956.9(a), the time being 6:18 p.m. Motion carried.

All persons were excluded from Closed Session with the exception of the City Clerk and City Attorney.

The Mayor ordered all communications to and from Closed Session deemed privileged and confidential.

Councilman Davis was excused from Closed Session at 6:27 p.m.

4555

City Council Minutes
page 7

December 1, 1992

Councilman Davis resumed his seat on the Council at
6:33 p.m.

It was moved by McCormick, seconded by Ybarra, that
the Council go out of Closed Session, Attorney/Client Privilege,
and resume regular session, the time being 6:33 p.m. Motion
carried.

It was moved by Ybarra, seconded by Davis, that
December 24 and December 31, 1992 be granted as additional
holidays for all miscellaneous personnel and non-emergency
personnel as long as it does not have an adverse effect on the
operations of the City. Motion carried.

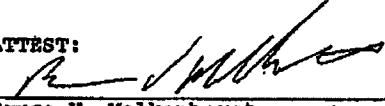
The City Attorney advised the City Council that, in
accordance with the Firm Transmission Service Agreement between
the City of Vernon and Southern California Edison Company, which
was approved and adopted by Resolution No. 6168, the City of
Vernon agreed to support Edison's filing of the Agreement before
the Federal Energy Regulatory Commission. Therefore, the City
Attorney recommends that the City Council approve and ratify his
filing of a motion to intervene in support of said filing in FERC
Docket No. ER93-81-000.

It was moved by Gonzales, seconded by Ybarra, that
the City Attorney's recommendation be approved. Motion carried.
Councilman Davis abstained from voting and disqualified himself
because it is reasonably foreseeable that the decision may have a
material financial effect on his source of income.

There being no further business to come before the
Council at this time, it was moved by McCormick, seconded by
Ybarra, that the meeting adjourn. Motion carried.


Leonis C. Malburg
Mayor

ATTEST:


Bruce V. Malckenhorst
City Clerk

4554