

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 GG (10 PAGES)

MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF VERNON HELD JUNE 29, 1999
AT 5:00 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 McCormick, seconded by Davis, that the Minutes of the City Council Meeting held June 15, 1999 be approved as submitted and adopted. Motion carried.

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

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

There was no one wishing to address the City Council.

The City Clerk announced that now was the time to continue with the PUBLIC HEARING to consider Amendments to the Comprehensive Zoning Ordinance and Local Subdivision Regulations of the City of Vernon, and to consider the Notice of Intent to Adopt a Negative Declaration. (Continued from City Council Meeting held June 15, 1999)

It was moved by McCormick, seconded by Davis, to continue with the PUBLIC HEARING to consider Amendments to the Comprehensive Zoning Ordinance and Local Subdivision Regulations of the City of Vernon, and to consider the Notice of Intent to Adopt a Negative Declaration, the time being 5:05 p.m. Motion carried.

Kevin Wilson, Director of Community Services & Water, advised that he received some comments and written questions for clarification on this issue. However, there has been no negative or opposition to this matter. Mr. Wilson stated that he also wanted to make note of a change to the City Clerk's letter of June 10, 1999, specifically Page 3, Paragraph 2, which should read as follows:

In addition, it is recommended that the City Council take whatever steps are necessary to implement the following:

1. Increase the City parcel tax on warehouse and transportation related uses;
2. Encourage the Redevelopment Agency to purchase smaller sites and assemble them into larger sites to be made available for manufacturing uses.

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Communication from Bruce V. Malkenhorst, City Clerk dated June 24, 1999, was presented, advising that after further consideration and study of the impacts of the subdivision regulations and in addition to the recommendations contained in the communication dated June 10, 1999, it is hereby recommended that the City Council take the necessary steps to increase the City parcel tax on warehouse and transportation related uses.

Communication from Bruce V. Malkenhorst, City Clerk dated June 10, 1999, was presented, advising that on March 24, 1998 the City Council of the City of Vernon adopted Ordinance No. 1061 prohibiting the processing or approval of Tentative Maps, Parcel Maps, and Lot Line Adjustments. The moratorium on the processing of maps and lot line adjustments was extended by Ordinance No. 1062. (April 28, 1998)

In recent years numerous large industrial facilities within the City have closed. Many of these sites were subsequently subdivided into smaller parcels which encouraged the construction of warehouse and other distribution related facilities.

The principal focus of the City of Vernon's General Plan (approved by Resolution No. 5609, and revised by Resolution No. 6109) is to provide appropriate locations for manufacturing and industrial uses. It also provides for the location of those activities which play a supporting role to manufacturing. Therefore, warehousing, distribution, and transportation related uses are intended to be located in areas where they will not interfere with manufacturing and industrial uses.

The Community Services Department has completed its review on what impacts subdivisions and lot line adjustments have on the City of Vernon. Staff determined that the study should not be limited to the creation of lots or adjusting of lot lines, but should be on a broader scale in order to meet the General Plan goal. Therefore, in addition to studying the impact of subdivisions, staff also reviewed various zoning amendments, disincentives to warehouse uses, and various redevelopment programs. The Community Services Department considered numerous programs that can assist the City in reaching the General Plan goal of providing sufficient appropriate locations for manufacturing and industrial uses. It is apparent zoning and City policies can be changed to encourage industrial development in the City.

Transmitted herewith are the following supporting documents:

- Staff Report
- Notice of Public Hearing
- Notice of Intent
- Initial Study
- Proposed Negative Declaration
- Affidavits of Posting, Mailing and Publishing
- Confirmation that the Notice of Intent was posted with the County Clerk
- Proposed Negative Declaration
- Proposed Ordinance No. 1075

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An Initial Study has been conducted for the project in compliance with the California Environmental Quality Act (CEQA) which identifies potentially significant impacts on the environment from the project. The project is consistent with the General Plan as adopted by the City of Vernon.

It is hereby recommended that the City Council determine:

1. That the project is consistent with the General Plan as adopted by the City of Vernon;
2. That the project will not have a significant effect on the environment;
3. That the project will not individually or cumulatively have an adverse effect on wildlife resources.

It is recommended that the Negative Declaration be approved and adopted, and that a Notice of Determination and De Minimis Findings be filed with the County Clerk.

Based on staff's findings, it is also recommended that the City Code be amended to establish the following:

A. Restrict the adjusting of Lot Lines or Subdividing of parcels in excess of three acres so that only one lot less than three acres is created. Establish a minimum lot size of 3/4 acre for commercial and general office, and one acre for all other uses with the exception of residential lots which will be developed in accordance with Section 26.4.3 of the Comprehensive Zoning Ordinance. Each lot shall have a minimum frontage along a public street of 150 feet. City owned property shall be exempt from the minimum lot size and frontage requirements;

B. Allow existing warehouses in excess of 75,000 square feet the ability to convert back and forth between warehouse and manufacturing use.

In addition, it is recommended that the City Council adopt the following goals and take whatever steps are necessary to implement them.

1. Increase the City parcel tax on warehouse and transportation related uses;
2. Encourage the Redevelopment Agency to purchase smaller sites and assemble them into larger sites to be made available for manufacturing uses.

Lastly, it is hereby recommended that staff submit to the Council at their first meeting in August, a progress report on the parcel tax issue and that the second meeting in August be set as the tentative date for adopting the necessary ordinance and resolutions to increase the tax, and schedule an election.

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It was moved Gonzales, seconded by McCormick, to close the Public Hearing pertaining to consideration of Amendments to the Comprehensive Zoning Ordinance and Local Subdivision Regulations of the City of Vernon, and consideration of the Notice of Intent to Adopt a Negative Declaration, the time being 5:08 p.m. Motion carried.

It was moved by Gonzales, seconded by Davis, that the City Council hereby determines that the project is consistent with the General Plan as adopted by the City of Vernon. Motion carried.

It was moved by Ybarra, seconded by McCormick, that the City Council hereby determines that the project will not have a significant effect on the environment. Motion carried.

It was moved by Davis, seconded by McCormick, that the City Council hereby determines that the project will not individually or cumulatively have an adverse effect on wildlife resources. Motion carried.

It was moved by Gonzales, seconded by Ybarra, that the Negative Declaration be approved and adopted, and a Notice of Completion and De Minimis Findings be filed with the County Clerk. Motion carried.

It was moved by Gonzales, seconded by Davis, that the City Code be amended to establish the following:

A. Restrict the adjusting of Lot Lines or Subdividing of parcels in excess of three acres so that only one lot less than three acres is created. Establish a minimum lot size of 3/4 acre for commercial and general office, and one acre for all other uses with the exception of residential lots which will be developed in accordance with Section 26.4.3 of the Comprehensive Zoning Ordinance. Each lot shall have a minimum frontage along a public street of 150 feet. City owned property shall be exempt from the minimum lot size and frontage requirements;

B. Allow existing warehouses in excess of 75,000 square feet the ability to convert back and forth between warehouse and manufacturing use. Motion carried.

It was moved by Ybarra, seconded by Davis, that staff submit to the Council at their first meeting in August, a progress report on the parcel tax issue and that the second meeting in August be set as the tentative date for adopting the necessary ordinance and resolutions to increase the tax, and schedule an election. Motion carried.

It was moved by McCormick, seconded by Ybarra, that the communications from the City Clerk dated June 10th and 24th, 1999, all supporting documents submitted as evidence during the Public Hearing, and the change as recommended by the Director of Community Services & Water, be received and filed. Motion carried.

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ORDINANCE NO. 1075 - An Ordinance of the City Council of the City of Vernon Amending Chapter 28 of the Code of the City of Vernon, California, 1959, Pertaining to Subdivisions, and Amending Section 26.4.6-8 of Said Code, Pertaining to Non-conforming Warehouse Uses, Terminating the Moratorium Imposed by Ordinance No. 1061, and Repealing All Ordinances or Parts of Ordinances in Conflict Therewith, was read by title by the City Clerk for a first reading.

It was moved by McCormick, seconded by Gonzales, that Ordinance No. 1075 be approved for a first reading. Motion carried.

ORDINANCE NO. 1065 - An Ordinance of the City Council of the City of Vernon Granting a Non-Exclusive Franchise to Metricom, Inc., to Attach, Install, Maintain and Operate Equipment for a Wireless Digital Communications Radio Network at Various Locations in the Public Streets, Alleys and Rights-of-Way in the City of Vernon, was read by title for a second and final reading.

It was moved by Ybarra, seconded by Davis, that Ordinance No. 1065 be approved and adopted. Motion carried.

Ayes: Malburg, Ybarra, Davis, Gonzales, McCormick
Noes: None
Absent: None

Communication from Bruce V. Malikenhorst, Director of Finance, dated June 23, 1999, was presented, transmitting the Minutes for the Adjourned Finance Committee Meetings held June 17th & 22nd, 1999 for approval of the recommendations contained therein.

It was moved by Davis, seconded by Ybarra, that the recommendations listed on the June 17th and June 22nd, 1999 Minutes of the Adjourned Finance Committee meeting be approved. Motion carried.

RESOLUTION NO. 7353 - A Resolution of the City Council of the City of Vernon (i) Ratifying the Issuance of Bid Nos. 1381 and 1382 by the Purchasing Department for the Purchase of One Utility Truck and One Utility Truck Body for the Community Services and Water Department; (ii) Accepting the Bids of Downey Ford for Bid No. 1381 and Royal Truck for Bid No. 1382; and (iii) Approving the Issuance of Purchase Orders Respecting Bid Nos. 1381 and 1382, was presented. (Deferred from City Council meeting held June 15, 1999).

It was moved by McCormick, seconded by Gonzales, that Resolution No. 7353 be approved and adopted. Motion carried.

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RESOLUTION NO. 7355 - A Resolution of the City Council of the City of Vernon (i) Ratifying the Issuance of Bid No. 1383 by the Purchasing Department for the Purchase of Twenty-eight Overhead Distribution Transformers for the Utilities Department; (ii) Accepting the Bid of Central Moloney (C/O Southcoast Utility); and (iii) Approving and Authorizing the Execution of Purchase Contract Documents and the Issuance of a Purchase Order Respecting Said Bid, was presented. (Deferred from City Council meeting held June 15, 1999).

It was moved by Gonzales, seconded by Ybarra, that Resolution No. 7355 be approved and adopted. Motion carried.

RESOLUTION NO. 7356 - A Resolution of the City Council of the City of Vernon (i) Ratifying the Issuance of Bid No. 1384 by the Purchasing Department for the Purchase of Five Padmount Transformers for the Utilities Department; (ii) Accepting the Bid of ABB Power (C/O Wesco); and (iii) Approving and Authorizing the Execution of the Purchase Contract Documents and the Issuance of a Purchase Order Respecting Said Bid, was presented. (Deferred from City Council meeting held June 15, 1999).

It was moved by Ybarra, seconded by McCormick, that Resolution No. 7356 be approved and adopted. Motion carried.

RESOLUTION NO. 7363 - A Resolution of the City Council of the City of Vernon Commending William Waxman for His Many Years of Service to the City of Vernon, was presented.

It was moved by Gonzales, seconded by Davis, that Resolution No. 7363 be approved and adopted. Motion carried.

Communication from Bruce V. Malckenhorst, City Clerk dated June 22, 1999, was presented, advising that the Finance Committee, at their meeting of February 9, 1999, approval was granted to the Police Department to update their computer technology through the purchase of three inter-related computer systems, (1) The Mobile Computer Terminals (MCT's), (2) Vision Records Management System (RMS), and (3) Computer Aided Dispatch (CAD) and this was subsequently approved by City Council on February 16, 1999. A portion of the total cost, \$165,424.00, is being obtained through a COPS MORE grant. The mobile computer terminal vendor for this CAD segment of the project is Motorola, Inc., who will be installing 17 mobile computers in Patrol vehicles. An agreement has been reviewed by the Chief of Police and the City Attorney's office and it is hereby recommended the agreement By and Between Motorola and the City of Vernon be approved and executed.

It was moved by Ybarra, seconded by Davis, that the communication from the City Clerk dated June 22, 1999 be received and filed and his recommendation approved. Motion carried.

RESOLUTION NO. 7365 - A Resolution of the City Council of the City of Vernon Approving and Authorizing the Execution of a Communications System Agreement By and Between the City of Vernon and Motorola, Inc., was presented.

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It was moved by McCormick, seconded by Gonzales, that Resolution No. 7365 be approved and adopted. Motion carried.

Communication from Bruce V. Malckenhorst, City Administrator, dated June 15, 1999, was presented, requesting authority and funds for Mayor Leonis C. Malburg, Mayor Pro Tem Thomas A. Ybarra, and Councilmen Hilario Gonzales and William M. McCormick to attend the ICA 39th Annual Seminar at San Diego on June 30th thru July 4, 1999 with an expense allowance of \$1445.00 each.

It was moved by Davis, seconded by Ybarra, that authority and funds be granted for Mayor Leonis C. Malburg, Mayor Pro Tem Thomas A. Ybarra, and Councilmen Hilario Gonzales and William M. McCormick to attend the aforementioned Seminar with an expense allowance of \$1445.00 each. Motion carried.

Communication from Bruce V. Malckenhorst, City Administrator, dated June 15, 1999, was presented, requesting authority and funds for himself and Councilman William Davis to attend the ICA 39th Annual Seminar at San Diego on June 30th thru July 4, 1999 with an expense allowance of \$905.00 each.

It was moved by Gonzales, seconded by McCormick that authority and funds be granted for Bruce V. Malckenhorst, City Clerk and William Davis, Councilman to attend the aforementioned Seminar with an expense allowance of \$905.00 each. Motion carried.

Communication from Bruce V. Malckenhorst, City Administrator, dated June 21, 1999, was presented, requesting authority and funds for Rebecca Moore, Secretary to attend the "How to be a Better Proofreader" Seminar at Ontario on July 23, 1999 with an expense allowance of \$184.00.

It was moved by Ybarra, seconded by Davis, that authority and funds be granted for Rebecca Moore to attend the aforementioned Seminar with an expense allowance of \$184.00. Motion carried.

Communication from Bruce V. Malckenhorst, City Clerk, dated June 23, 1999, was presented, advising that the California Department of Transportation has indicated that their office does not have our Disadvantaged Business Enterprise (DBE) Program on file. This program is required before any federal funding can be obligated for any federal projects. This has been reviewed by the Director of Community Services and Water and the City Attorney's office and it is hereby recommended that the program be approved by the City Council and then forwarded to Caltrans.

It was moved by Gonzales, seconded by Ybarra, that the communication from the City Clerk dated June 23, 1999 be received and filed and his recommendation approved. Motion carried.

RESOLUTION NO. 7364 - A Resolution of the City Council of the City of Vernon Approving and Adopting a Disadvantaged Business Enterprise Program Pursuant to Part 23 of Title 42 of the Code of Federal Regulations, was presented.

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It was moved by Gonzales, seconded by Ybarra, that Resolution No. 7364 be approved and adopted. Motion carried.

The City Clerk announced that the following matter should be removed from the Agenda.

Communication from Bruce V. Malkenhorst, Director of Finance, dated June 24, 1999 transmitting the Agenda for the Adjourned Finance Committee Meeting to be held June 28, 1999 for approval of the recommendations contained therein.

It was moved by Ybarra, seconded by Davis, that the communication from the Director of Finance dated June 24, 1999 be removed from the Agenda. Motion carried.

RESOLUTION NO. 7357 - A Resolution of the City Council of the City of Vernon Approving a Budget for the Fiscal Year 1999-2000, was presented.

It was moved by Gonzales, seconded by Davis, that Resolution No. 7357 be approved and adopted. Motion carried.

RESOLUTION NO. 7358 - A Resolution of the City Council of the City of Vernon Establishing a General Government Appropriations Limit for the Fiscal Year Ending June 30, 2000 Pursuant to Government Code § 7910, was presented.

It was moved by McCormick, seconded by Davis, that Resolution No. 7358 be approved and adopted. Motion carried.

RESOLUTION NO. 7359 - A Resolution of the City Council of the City of Vernon Fixing the Compensation for Certain Employees of Said City as of July 1, 1999, Authorizing Certain Expense Allowances and Amending Resolution No. 5645 and Repealing all Resolutions in Conflict Therewith, was presented.

It was moved by Ybarra, seconded by Gonzales, that Resolution No. 7359 be approved and adopted. Motion carried.

RESOLUTION NO. 7360 - A Resolution of the City Council of the City of Vernon Making Appropriations for the Operating Costs of the Redevelopment Agency of the City of Vernon for the Fiscal Year 1999-2000, and Confirming the Availability of Loans Pertaining Thereto, was presented.

It was moved by Davis, seconded by Ybarra, that Resolution No. 7360 be approved and adopted. Motion carried.

RESOLUTION NO. 7361 - A Resolution of the City Council of the City of Vernon Approving the Payment of Premiums for Insurance for Life, Health, and Dental Benefits for Certain Categories of Employees During the 1999-2000 Fiscal Year, was presented.

It was moved by McCormick, seconded by Gonzales, that Resolution No. 7361 be approved and adopted. Motion carried.

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RESOLUTION NO. 7362 - A Resolution of the City Council of the City of Vernon Approving the Continued Payment of Premiums for Medical Insurance for Certain Categories of Retired Employees During the 1999-2000 Fiscal Year, was presented.

It was moved by Ybarra, seconded by Davis, that Resolution No. 7362 be approved and adopted. Motion carried.

Communication from Bruce V. Malckenhorst, dated June 24, 1999, was presented, advising that parcels have been identified that should be assessed a special parcel tax for warehousing, distribution, and transportation related uses and recommending that the special parcel tax list to be submitted at this meeting be approved.

It was moved by Ybarra, seconded by McCormick, that the communication from the City Clerk dated June 24, 1999 be received and filed and his recommendation approved. Motion carried.

RESOLUTION NO. 7366 - A Resolution of the City Council of the City of Vernon Determining the Tax on All Parcels Subject to the Special Parcel Tax Imposed By Ordinance No. 1057 for Fiscal Year 1999-2000, was presented.

It was moved by Ybarra, seconded by Davis, that Resolution No. 7366 be approved and adopted. Motion carried.

Communication from Bruce V. Malckenhorst, Director of Personnel dated June 24, 1999, was presented, transmitting the Agenda for the Adjourned Personnel Committee Meeting to be held June 28, 1999 for approval of the recommendations contained therein.

It was moved by Davis, seconded by Ybarra, that the recommendations listed on the June 28, 1999 Agenda for the Adjourned Personnel Committee meeting be approved. Motion carried.

The Mayor called a recess at 5:42 p.m.

The Council reconvened in Regular Session at 5:44 p.m., all members present before the recess again being present.

The City Clerk advised that there were no items to be discussed in Closed Session.

1. With respect to every item of business to be discussed in Closed Session pursuant to Government Code Section 54957.

a. EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

2. With respect to every item of business to be discussed in closed session pursuant to subdivision (a) of Government Code Section 54956.9.

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

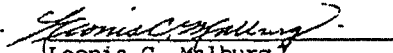
(a) City of Vernon vs. Central Basin, etc.
Zastrow, et al. LASC No. BC 130693;

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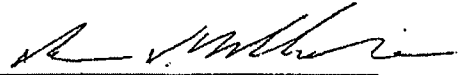
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- (b) The City of Vernon v. The Atchison, Topeka and Santa Fe Railway, CPUC Case No. 96-01-019;
- (c) FERC Docket Nos. OA-96-76, OA97-602, OA97-604, ER96-222; (Open access);
- (d) FERC Docket Nos. ER97-2355, EC96-19-00 ER96-1633 and EL96-48 (Restructuring);
- (e) CPUC Application No. 96-10-038 (SDG&E/SoCalGas Merger); FERC Docket No. EL97-15 (ENOVA/PACIFIC ENTERPRISES); FERC Docket No. EC97-12-000;
- (f) Vernon Sem v. City of Vernon, WC No. POM 0187239, VNO Unassigned;
- (g) FERC Docket No. ER98-3594 (ISO);
- (h) CPUC Application No. 98-07-005;
- (i) FERC Docket No. ER98-3760 (ISO);
- (j) David Venegas, et al. v. City of Vernon, LASC No. BC 207136;
- (k) Joe Lawrence Rivera, et al. v. City of Vernon, USDC No. 99-02923 CM (Rz);

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


Leonis C. Malburg
Mayor

ATTEST:


Bruce V. Malckenhorst
City Clerk