

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 HH (10 PAGES)

MINUTES OF THE CITY COUNCIL MEETING OF THE
CITY OF VERNON HELD MAY 16, 2000
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, McCormick, Davis

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 May 2, 2000, be approved as submitted and adopted. Motion carried.

Communication from Bruce V. Malckenhorst, City Clerk, dated May 11, 2000, was presented, advising that the below listed employees have qualified in the month of April for a Perfect Attendance Award. This is awarded to employees on the basis of a minimum of two (2) years of perfect attendance:

<u>Date of Hire</u>	<u>Employee</u>	<u>Award</u>
10/10/85	Dolores Fonseca	Purchasing Assistant 3
02/01/70	Larry Weaver	Fire Captain 3
08/01/79	Rose Gonzales	Secretary 5
04/17/94	Eric Anderson	Utilityman IV 6
08/28/89	Manuela Giron	Account Clerk 6
01/24/82	Alice Saldana	Sr. Utility Clerk 7
04/23/90	Albert DeLaCruz	Utilityman III 10
07/01/85	Jaime DeLaRosa	Utilityman III 10
05/13/84	Vince Rodriguez	Engineering Aide I 12

The Mayor presented awards to the aforementioned employees and extended congratulations on behalf of the entire City Council.

The following employees were unable to attend the meeting and their awards were accepted by their respective department head.

10/28/81	Melody Falvo	Police Secretary 2
08/27/90	Francesco Pirello	Police Officer 3
04/14/97	Brandon Young	Police Officer 3
06/22/90	Ben Busse	Police Sergeant 5
01/08/90	Jerry Winegar	Police Officer 5
04/16/80	Art Morales	Utilityman II 6
02/26/89	Todd Hewett	Fire Captain 8
02/26/90	Barry Schoolmeester	Firefighter 8
02/01/68	Gary Wiskus	Battalion Chief 8
06/13/85	Michael Chavez	Police Sergeant 9
04/29/91	Linda Smith	Utility Clerk 9
04/09/90	Michael Hendrickson	Substation Technician 10
08/19/84	Richard Recano	Substation Technician 10

The Mayor called a short recess, the time being 5:09 p.m. Council reconvened at 5:12 p.m., all members present before the recess again being present.

City Council Minutes

May 16, 2000

Mr. Ron Garcia of Southern California Edison and on behalf of the Salvation Army addressed the City Council and distributed information regarding the organization. He gave a brief summary on the aid they provide and advised of an open house on June 3, 2000 celebrating the 75th anniversary of the salvation army. He also presented pins to the Mayor and members of the City Council as honorary members of the Salvation Army.

Police Department Activity Log for the period May 1st thru 15th, 2000, was presented.

It was moved by McCormick, seconded by Gonzales, that the Police Department Activity Log for the period May 1st thru 15th, 2000, be received and filed. Motion carried.

Fire Department Activity Report for the period May 1st thru 15th, 2000, was presented.

It was moved by Ybarra, seconded by Davis, that the Fire Department Activity Report for the period May 1st thru 15th, 2000, be received and filed. Motion carried.

Health Department Report for the month of April, 2000, was presented.

It was moved by Davis, seconded by Gonzales, that the Health Department Report for the month of April, 2000, be received and filed. Motion carried.

Risk Management Report for the month of April, 2000, was presented.

It was moved by McCormick, seconded by Ybarra, that the Risk Management Report for the month of April, 2000, be received and filed. 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 in the audience who wished to address the City Council at this time.

Communication from Bruce V. Malckenhorst, City Clerk, dated March 30, 2000, was presented, advising that the City was previously designated as the Inspection Authority for wholesale facilities within our City limits. The Environmental Health Department has found that Chapters 11 & 13 in the Code of the City Of Vernon (Code), do not meet the Department's needs as they pertain only to wholesale food vehicles. The Department has worked with the City Attorney to revise Chapter 11 and amend Chapter 13 of the Code. The revisions to Chapter 11 will allow the department to provide increased public health protection with improved authority to regulate both wholesale and retail

City Council Minutes

May 16, 2000

food facilities. The amendments to Chapter 13 will update the Code such that the nomenclature for health permit categories will coincide with that currently used in State law and proposed for Chapter 11. This has been reviewed by the Director of Environmental Health and the City Attorney, and it is hereby recommended that the revisions and amendments to the Code be approved and adopted. (Deferred from the City Council Meeting held May 2, 2000).

It was moved by Gonzales, seconded by Ybarra, that the communication from the City Clerk dated March 30, 2000 be received and filed and the recommendation approved. Motion carried.

ORDINANCE NO. 1080 - An Ordinance Of The City Council Of The City Of Vernon Amending The Code Of The City Of Vernon, California, 1959, By (1) Repealing Chapter 11, Food Vending Vehicles And Food Handling Establishments, And Article 4 Of Appendix V, Regulations For Caterer And Catering Vehicles (Retail Food Vehicles) Of The Code Of The City Of Vernon, California, 1959; (2) Adding A New Chapter 11 Thereto Adopting A Food Protection Program For The City Of Vernon; And (3) Amending Sections 13.6 And 13.7 Of The Code Of The City Of Vernon, California, 1959 Relating To Health Permits; Defining The Terms Used In The Ordinance; Providing For Its Enforcement; Prescribing Penalties For Violations; And Repealing All Ordinances Or Parts Of Ordinances In Conflict Herewith, was read by title by the City Clerk for a first reading. (Deferred from City Council meeting held May 2, 2000).

It was moved by McCormick, seconded by Davis, that Ordinance No. 1080 be approved for a first reading. Motion carried.

Communication from Bruce V. Malckenhorst, City Clerk, dated May 11, 2000, was presented, submitting for review and approval the 2000-2001 parcel tax roll.

The City Clerk submitted an additional letter dated May 15, 2000 with regard to the 2000-2001 parcel tax roll.

It was moved by Gonzales, seconded by Ybarra, that the communications from the City Clerk dated May 11th & 15th, 2000 be received and filed and the recommendation contained therein be approved. Motion carried.

RESOLUTION NO. 7536 - 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. 1076 For Fiscal Year 2000-2001, was presented.

It was moved by McCormick, seconded by Gonzales, that Resolution No. 7536 be approved and adopted. Motion carried.

Communication from Bruce V. Malckenhorst, City Clerk, dated May 11, 2000, was presented, advising that the California Department of Conservation (CDC) has announced that, pursuant to Section 14581(a)(4)(A) of the California Beverage Container Recycling and Litter Reduction Act, the City of Vernon is

City Council Minutes

May 16, 2000

eligible for \$5,000 in grant funds. An ongoing litter problem exists within the City and neighboring communities, and staff is requesting to apply for the grant funds and utilize them to develop and distribute public information items. If the CDC approves the grant, the Environmental Health Department is proposing to retain the services of KJ Services, their current Used Oil Recycling consultant. The grant funds will be used for this consultant.

It is hereby recommended that the grant fund application be executed and a Resolution adopted, approving the California Beverage Container Recycling and Litter Reduction grant funds.

It was moved by Ybarra, seconded by Davis, that the communication from the City Clerk dated, May 11, 2000, be received and filed and the recommendation approved. Motion carried.

RESOLUTION NO. 7533 - A Resolution Of The City Council Of The City Of Vernon Approving And Authorizing The Submission Of A Grant Fund Application Under The California Beverage Container Recycling And Litter Reduction Act To The Department Of Conservation's Division Of Recycling, was presented.

It was moved by Gonzales, seconded by McCormick, that Resolution No. 7533 be approved and adopted. Motion carried.

The City Clerk advised that the following matter and Resolution No. 7535 should be deferred to the next City Council meeting.

Communication from Bruce V. Malckenhorst, City Clerk, dated May 11, 2000, advising that attached hereto is a Meter Service Agreement For Scheduling Coordinators by and between the California Independent System Operator (ISO) and the City of Vernon, Utilities Department. The Agreement ensures that both the ISO and the City comply with certain provisions of the ISO Tariff with respect to metering, and also ensures that the City adheres to the requirements and standards for Metering Facilities of its Local Regulatory Authority, the City Council. This has been reviewed by the Director of Utilities and City Attorney, and it hereby recommended that the Agreement be approved and executed.

RESOLUTION NO. 7535 - A Resolution Of The City Council Of The City Of Vernon Approving And Authorizing The Execution Of A Meter Service Agreement For Scheduling Coordinators By And Between The City Of Vernon And The California Independent System Operator.

It was moved by Davis, seconded by Ybarra, that the communication from the City Clerk dated May 11, 2000 regarding the Meter Service Agreement and Resolution No. 7535 be deferred to the next City Council meeting. Motion carried.

Communication from Lewis Pozzebon, Director of Environmental Health, dated May 2, 2000, was presented, requesting authority and funds for Elizabeth Quaranta, Environmental Health Specialist, to attend the Water Supply Cross-Connection Control and Hydraulic Research Seminar, at Los

City Council Minutes

May 16, 2000

Angeles on September 11th thru 15th, 2000, with an expense allowance of \$702.25.

It was moved by Ybarra, seconded by McCormick, that authority and funds be granted for Elizabeth Quaranta to attend the aforementioned seminar with an expense allowance of \$702.25. Motion carried.

Communication from Bruce Olson, Police Chief, dated April 27, 2000, was presented, requesting authority and funds for Eliseo Genera, Court Officer, to attend the Corrections Basic Supervisory Course, at Riverside on June 5th thru 16th, 2000, with an expense allowance of \$478.00, of which STC reimburses \$478.00.

It was moved by Davis, seconded by Gonzales, that authority and funds be granted for Eliseo Genera to attend the aforementioned course with an expense allowance of \$478.00. Motion carried.

Communication from Bruce Olson, Police Chief, dated April 25, 2000, was presented, requesting authority and funds for the following officers to attend the Labor/Management Dispute Update Seminar, at Palm Springs on June 7th thru 9th, 2000, with an expense allowance of \$416.70 and \$386.70 respectively.

- Lieutenant James Rodino
- Sergeant Anthony Zack

It was moved by Ybarra, seconded by Gonzales, that authority and funds be granted for the above listed officers to attend the aforementioned seminar with an expense allowance of \$416.70 and \$386.70 respectively. Motion carried.

Communication from Dave Telford, Fire Chief, dated May 8, 2000, was presented, requesting authority and funds for Chad McGovney, Firefighter, to attend the Hazmat Specialist "Upgrade" Module 1F and Module 1G, at El Segundo on June 19th thru 30th, 2000, with an expense allowance of \$550.

It was moved by McCormick, seconded by Davis, that authority and funds be granted for Firefighter Chad McGovney to attend the aforementioned Modules with an expense allowance of \$550. Motion carried.

Communication from Bruce V. Malckenhorst, Director of Personnel, dated May 11, 2000, was presented, transmitting the agenda for the Personnel Committee meeting to be held May 15, 2000, for approval of the recommendations contained therein.

It was moved by Gonzales, seconded by Ybarra, that the recommendations listed on the agenda for the Personnel Committee meeting held May 15, 2000 be approved. Motion carried.

Communication from Bruce V. Malckenhorst, Director of Finance, dated May 11, 2000, was presented, transmitting the Agenda for the Adjourned Finance Committee meeting to be held May 15, 2000, for approval of the recommendations contained therein.

City Council Minutes

May 16, 2000

It was moved by Davis, seconded by McCormick, that the recommendations listed on the agenda for the Adjourned Finance Committee meeting held May 15, 2000 be approved. Motion carried.

RESOLUTION NO. 7532 - A Resolution Of The City Council Of The City Of Vernon Consenting To The Establishment Of A Portion Of Soto Street Over The Los Angeles River In The City Of Vernon To Be A Part Of The System Of Highways Of The County Of Los Angeles For The Purpose Of Performing A Seismic Safety Retrofit Of The Bridge, was presented.

It was moved by Gonzales, seconded by Ybarra, that Resolution No. 7532 be approved and adopted. Motion carried.

RESOLUTION NO. 7534 - A Resolution Of The City Council Of The City Of Vernon Amending Resolution No. 7359 By Amending Page 12 Of Schedule II, Exhibit "B" Of Said Resolution Which Fixed The Compensation For Certain Employees Of Said City And Authorized Certain Expense Allowances, was presented.

It was moved by Gonzales, seconded by Ybarra, that Resolution No. 7534 be approved and adopted. Motion carried.

Communication from Bruce V. Malckenhorst, Director of Finance, dated May 11, 2000, was presented, transmitting the Minutes of the Finance Committee meeting held May 9, 2000, for approval of the recommendations contained therein.

It was moved by McCormick, seconded by Davis, that the recommendations listed on the minutes for the Finance Committee meeting held May 9, 2000 be approved. Motion carried.

RESOLUTION NO. 7537 - A Resolution Of The City Council Of The City Of Vernon Approving And Authorizing The Execution By The City Administrator Of The Computer Software License Agreements For City Investment Management, was presented.

It was moved by Davis, seconded by Ybarra, that Resolution No. 7537 be approved and adopted. Motion carried.

RESOLUTION NO. 7538 - A Resolution Of The City Council Of The City Of Vernon Delegating Investment Authority To The City Treasurer, was presented.

It was moved by Gonzales, seconded by McCormick, that Resolution No. 7538 be approved and adopted. Motion carried.

WARRANT REGISTER NO. 1041 covering claims and demands presented during the period of April 28th thru May 11th, 2000, drawn on Wells Fargo Bank totaling \$381,137.89, and includes check Nos. 77591 thru 77837 (inclusive), excluding Utility demands and Voided checks as listed below (accounting period May, 2000), was examined and audited.

77606 77631 77050 77651 77652

City Council Minutes

May 16, 2000

It was moved by Davis, seconded by McCormick, that Warrant Register No. 1041 be approved and payment authorized for claims and demands totaling \$381,137.89, excluding Utility demands and Voided checks as listed above. Motion carried.

WARRANT REGISTER NO. 1041 covering claims and demands presented during the period of April 28th thru May 11th, 2000, drawn on Wells Fargo Bank totaling \$876,321.48, which includes Utility demands and check Nos. as listed below, (accounting period May, 2000), was examined and audited.

77591	77608	77610	77611	77612
77616	77620	77622	77629	77633
77645	77659	77668	77690	77692
77695	77704	77720	77729	77731
77735	77745	77748	77750	77761
77774	77779	77796	77807	77810
77811	77816	77823	77830	77831
77835				

It was moved by Ybarra, seconded by Gonzales, that Warrant Register No. 1041 be approved and payment authorized for Utility claims and demands totaling \$876,321.48. 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.

PAYROLL WARRANT REGISTER NO. 527 covering claims and demands presented during the period of March 12th, thru April 8th, 2000, drawn on Wells Fargo Bank totaling \$1,689,157.97, which includes demand Nos. 6633 thru 6670 (inclusive), (accounting period April, 2000), was examined and audited.

It was moved McCormick, seconded by Gonzales, that Payroll Warrant Register No. 527 be approved and payment authorized for claims and demands totaling \$1,689,157.97. Motion carried.

The Mayor called a recess at 5:45 p.m.

The Council reconvened in regular session at 5:50 p.m., all members present before the recess again being present.

The City Clerk advised the Mayor that if he desired to indicate his abstinence from voting on the matter and Resolution pertaining to the parcel tax roll for the year 2000-2001 that was addressed earlier, he should do so at this time.

The Mayor advised that he would like that the record reflect that he abstained from voting on the matter and Resolution pertaining to the parcel tax roll.

It was moved by Ybarra, seconded by Davis, that the City Council go into closed session on item No. 1a. Motion carried.

All persons were excluded from closed session except the City Clerk, City Attorney, and the Chief Deputy City Clerk.

City Council Minutes

May 16, 2000

The Mayor ordered all communications to and from the closed session deemed privileged and confidential.

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

It was moved by Gonzales, seconded by Davis, that the City Council go out of closed session pertaining to item No. 1a, the time being 6:00 p.m. Motion carried.

The City Clerk advised that there were no issues to discuss in item No. 2.

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

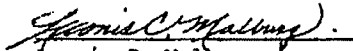
- (a) The City of Vernon v. The Atchison, Topeka and Santa Fe Railway, CPUC Case No. 96-01-019;
- (b) FERC Docket Nos. OA96-76, OA97-602, OA97-604, ER96-222, (open access);
- (c) FERC Docket Nos. ER97-2355, EC 96-19-000, ER96-1633 and EL96-48 (Restructuring);
- (d) CPUC Application No. 96-10-038 (SDG&E/SoCalGas Merger); FERC Docket No. EL97-15 (ENOVA/PACIFIC ENTERPRISES); FERC Docket No. EC97-12-000;
- (e) Vernon Sem v. City of Vernon, WC No. POM 0187239, VNO Unassigned;
- (f) FERC Docket No. ER98-3594 (ISO);
- (g) CPUC Application No. 98-07-005;
- (h) FERC Docket No. ER98-3760 (ISO);
- (i) David Venegas, et al. v. City of Vernon, LASC No. BC 207136;
- (j) Vernon v. All Persons; LASC No. BC 222145;
- (k) Cal Compact Landfill Site, Carson, California; EPA No. Unassigned;
- (l) Vernon v. Regional Water Quality Control Board; No. Unassigned;
- (m) Arnold Klein dba AMRO Industries v. City of Vernon, Kevin Wilson, Jerry Schreiber, et al., LASC No. BC 226167;
- (n) Vernon v. INS, USDC No. CV-0003590 (JSL);

City Council Minutes


May 16, 2000

- (o) FERC Docket No. EL00-58-000 (ISO);
- (p) City of Torrance, et al v. State Compensation Insurance Fund, Case Number Unknown

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 to May 30, 2000 at 4:30 p.m. Motion carried.


Leonis C. Malburg
Mayor

ATTEST:


Bruce V. Malckenhorst
City Clerk

NOTICE OF ADJOURNMENT

Notice is hereby given that the City Council Meeting of the City of Vernon held May 16, 2000, at 5:00 p.m., was adjourned to May 30, 2000 at 4:30 p.m., to be held in the City Council Chambers of the City Hall located at 4305 Santa Fe Avenue, Vernon, California.

5/17/00
Date

Gloria J. Orosco
Chief Deputy City Clerk

AFFIDAVIT OF POSTING
NOTICE OF ADJOURNMENT

STATE OF CALIFORNIA)
)ss
COUNTY OF LOS ANGELES)

I, Gloria J. Orosco, declare as follows:

That I am the Chief Deputy City Clerk of the City of Vernon, and that Notice of Adjournment for the City Council Meeting of the City of Vernon held May 16, 2000, at 5:00 p.m., was posted at a conspicuous place near the door of the room at which said meeting was to be held, within 24 hours of said adjournment.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 17, 2000, at Vernon, California.

Gloria J. Orosco
Chief Deputy City Clerk