

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 JJ (9 PAGES)

MINUTES OF THE ADJOURNED REGULAR CITY COUNCIL
MEETING OF THE CITY OF VERNON
HELD JUNE 27, 2001, AT 4:30 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 Davis, seconded by Ybarra, that the Minutes of the City Council Meeting held June 20, 2001, be approved and adopted as submitted. Motion carried.

RESOLUTION NO. 7793 - A Resolution Of The City Council Of The City Of Vernon Commending James R. Wilcox For His Many Years Of Service To The City Of Vernon, was read by title by the Mayor.

It was moved by McCormick, seconded by Davis, that Resolution No. 7793 be approved and adopted. Motion carried.

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

The City Attorney advised that it was his understanding the Senior building Inspector Richard Lucas and certain members of the public wished to address the City Council with regards to the item on page three relating to the proposed budget for fiscal year 2001-2002.

Richard Lucas spoke on his behalf and summarized his duties and responsibilities to the City Council and how he feels about the City. He stated that it was his understanding that he was being terminated through the elimination of his position. Mr. Lucas advised the City that there were a few individuals in the audience who wished to address the City Council on his behalf and asked the City Council for a few minutes of their time.

Barry Siegal addressed the City Council and spoke on his relationship with Mr. Lucas and how he relates with him when dealing on City's matters. Mr. Siegal thinks that the elimination of this position in which Mr. Lucas serves would be a grave error.

David Freitag addressed the City Council on behalf of few property owners who feel that Vernon is a good place to do business and that Mr. Lucas serves as the Senior Plan Checker and streamlines the entire process.

Mr. John Erickson of Erickson Engineering in Downey addressed the City Council on behalf of Mr. Lucas. He expressed that in his opinion Mr. Lucas has the knowledge and the ability to work with the general public.

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Mr. Greg Antonovich of George Miller Construction spoke on Richard Lucas's behalf and the possibility of his dismissal. Mr. Antonovich asked that the City Council thoroughly review the their reasons for dismissing Mr. Lucas.

Reid Delphy introduced himself to the City Council and read from a letter he wrote to the City Council on behalf of Mr. Lucas and submitted his letter to the City Council for review. Mr. Delphy also submitted a letter from Steve Hansen from Hansen Cold Storage.

Mr. Francisco Gaviña "Paco" representing Gaviña & Sons Coffee addressed the City Council on behalf of Mr. Lucas and spoke of his working relationship with Mr. Lucas.

Ms. Dena Schechter, daughter of Sid Levine, addressed the City Council and spoke on behalf of Mr. Lucas and expressed what she considered to be his positive attributes. Ms. Schechter submitted a letter on her behalf and she also submitted a letter from Jensen/Zigman Construction for the City Councils review.

Mr. Jim Miller of J.R. Miller & Associates Inc. addressed the City Council and read from his letter that he wrote to Council and submitted it for the record. Mr. Miller stated that he is not a personal friend of Mr. Lucas however the deletion of his position would have a negative effect on the City.

Mr. Mark Dwyer formerly of Boyle Engineering addressed the City Council and spoke on Mr. Lucas's behalf and discussed Mr. Lucas's attributes and knowledge. He also reiterates what everyone has said tonight.

Mr. Lucas read from a letter written by a structural engineer from Boyle Engineering.

Michael Caley stood and introduced himself to the City Council and proceeded to say that he understood that Richard Lucas's position was being terminated and asked that the City Council reconsider the elimination of the Senior Planning Inspector position. He also gave his opinion on Mr. Lucas's services and knowledge.

John Cataldo addressed the City Council and read from a letter that he submitted for review by the City Council. He endorsed all the comments that had been made tonight.

Mr. Trace Chalmers introduced himself to the City Council and spoke on behalf of Mr. Lucas and asked that the City Council reconsider their thoughts on terminating Mr. Lucas's position.

Mr. Gary Gressman of Controlled Environment Construction addressed this issue and spoke highly of the Building Department and urged the City Council to again reconsider the budget reduction.

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Mr. Paul Sablock of Collier-Seeley addressed the City Council on behalf of Mr. Lucas and stated that he understands the position of Chief Building Inspector was being eliminated and asked that the City look more closely at this matter. He opined that the Warehouse tax and 2009-2014 issue, are all the issues that the City should be concerned with and that losing Richard Lucas would affect the city's current standing. He also stated that he felt that the entire Building Department is a good one however he feels that this person is essential to that department.

George Burgess a retiree from the City of Vernon addressed the City Council and spoke on Mr. Lucas's behalf. He also stated that the Building Department is one of high caliber.

Jose Gaviña of Gaviña & Sons Coffee addressed the City Council and advised them that his company has been in the City of Vernon since 1967 and that he appreciates the entire Building Department and Mr. Lucas. He stated that he hopes the City would reconsider the elimination of Mr. Lucas's position.

Mr. Lucas thanked the City Council for allowing him and his associates to address the City Council on this matter and hoped that they would reconsider the elimination of his position.

Communication from Bruce Olson, Chief of Police, dated June 8, 2001, was presented, requesting authority and funds for the below listed police personnel to attend the "2001 User Conference" at San Diego on August 22nd and 23rd, 2001, with an expense allowance of \$704.00 each.

- James Rodino, Lieutenant
- Rosa Moctezuma, Records Clerk

It was moved by Gonzales, seconded by Ybarra, that authority and funds be granted to the above listed police personnel to attend the aforementioned conference with an expense allowance of \$704.00 each. Motion carried.

Communication from Bruce Olson, Chief of Police, dated June 8, 2001, was presented, requesting authority and funds for Police Officer Phillip Swinford to attend "The Pursuit Driving Update (EVOC)" at San Bernardino on July 23, 2001, with an expense allowance of \$191.20, of which POST will reimburse \$39.20.

It was moved by Davis, seconded by Gonzales, that authority and funds be granted for Police Officer Phillip Swinford to attend the aforementioned update with an expense allowance of \$191.20. Motion carried.

Communication from Bruce Olson, Chief of Police, dated June 19, 2001, was requested, requesting authority and funds for Senior Dispatcher Maria Alway to attend the "Computerized CLETS User's Group" meeting at Riverside on July 24, 2001, with an expense allowance of \$35.00.

It was moved by McCormick, seconded by Ybarra, that authority and funds be granted for Senior Dispatcher Maria Alway to attend the aforementioned meeting with an expense allowance of \$35.00. Motion carried.

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Communication from Lewis Pozzebon, Director of Environmental Health, dated June 14, 2001, was presented, requesting authority and funds for the below listed personnel to

attend "The 5th Annual Solid Waste Local Enforcement Agency Conference" at Tahoe on August 21st thru 23rd, 2001, with an expense allowance of \$624.57 and \$644.57 respectively, which will be paid from State Grant Funds.

- Leonard Grossberg, Environmental Health Specialist
- Dan Downing, Chief Deputy Director

It was moved by McCormick, seconded by Ybarra, that authority and funds be granted for the above listed personnel to attend the aforementioned conference with an expense allowance of \$624.57 and \$644.57 respectively. Motion carried.

Communication from Bruce V. Malckenhorst, City Administrator/City Clerk, dated June 19, 2001, was presented, requesting authority and funds for himself to attend the "Independent Cities Association Annual Seminar" at San Diego on July 11th thru 15th, 2001, with an expense allowance of \$913.50.

It was moved by Ybarra, seconded by Gonzales, that authority and funds be granted for the City Administrator/City Clerk to attend the aforementioned seminar with an expense allowance of \$913.50. Motion carried.

Communication from Bruce V. Malckenhorst, City Administrator/City Clerk, dated June 19, 2001, was presented, requesting authority and funds for the below listed city officials to attend the "Independent Cities Association Annual Seminar" at San Diego on July 11th thru 15th, 2001, with an expense allowance of \$1,522.36 each.

- Leonis C. Malburg, Mayor
- Thomas Ybarra, Mayor Pro-Tem
- Hilario Gonzales, Councilman
- William McCormick, Councilman
- William Davis, Councilman

It was moved by McCormick, seconded by Davis, that authority and funds be granted for the above listed city officials to attend the aforementioned seminar with an expense allowance of \$1,522.36 each. Motion carried.

Communication from Bruce V. Malckenhorst, Director of Personnel, dated June 19, 2001, was presented, requesting authority and funds for Fabiola Salceda, Secretary Trainee, to attend the "What Matters Most" seminar in Los Angeles, on July 26th, 2001, with an expense allowance of \$274.60.

It was moved by Ybarra, seconded by Gonzales, that authority and funds be granted for Secretary Trainee Fabiola Salceda to attend the aforementioned seminar with an expense allowance of \$274.50. Motion carried.

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Communication from Bruce V. Malckenhorst, Director of Personnel, dated June 21, 2001, was presented, transmitting the Agenda for the Adjourned Regular Personnel Committee Meeting to be held June 25, 2001, for approval of the recommendations contained therein.

It was moved by Ybarra, seconded by Gonzales, that the recommendations contained on the Agenda for the Adjourned Regular Personnel Committee Meeting held June 25, 2001, be approved. Motion carried.

Communication from Bruce V. Malckenhorst, Director of Finance, dated June 21, 2001, was presented, transmitting the Agenda for the Adjourned Regular Finance Committee Meeting to be held June 25, 2001, for approval of the recommendations contained therein.

It was moved by Davis, seconded by Gonzales, that the recommendations contained on the Agenda for the Adjourned Regular Finance Committee Meeting held June 25, 2001, be approved. Motion carried.

RESOLUTION NO. 7794 - A Resolution Of The City Council Of The City Of Vernon Establishing A General Government Appropriations Limit For The Fiscal Year Ending June 30, 2002 Pursuant To Government Code Section 7910, was presented.

It was moved by Ybarra, seconded by Davis, that Resolution No. 7794 be approved and adopted. Motion carried.

RESOLUTION NO. 7795 - A Resolution Of The City Council Of The City Of Vernon Approving A Budget For The Fiscal Year 2001-2002, was presented.

It was moved by McCormick, seconded by Ybarra, that Resolution No. 7795 be approved and adopted. Motion carried.

RESOLUTION NO. 7796 - A Resolution Of The City Council Of The City Of Vernon Fixing The Compensation For Certain Employees Of Said City As Of July 1, 2001, Authorizing Certain Expense Allowances And Repealing All Resolutions In Conflict Therewith, was presented.

It was moved by Gonzales, seconded by Davis, that Resolution No. 7796 be approved and adopted. Motion carried.

RESOLUTION NO. 7797 - 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 2001-2002, And Confirming The Availability Of Loans Pertaining Thereto, was presented.

It was moved by Ybarra, seconded by McCormick, that Resolution No. 7797 be approved and adopted. Motion carried.

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RESOLUTION NO. 7798 - A Resolution Of The City Council Of The City Of Vernon Approving The Payment Of Premiums For Insurance For Life, Health, Vision And Dental Benefits For Certain Categories Of Employees During The 2001-2002 Fiscal Year, was presented.

It was moved by Davis, seconded by Ybarra, that Resolution No. 7798 be approved and adopted. Motion carried.

RESOLUTION NO. 7799 - A Resolution Of The City Council Of The City Of Vernon Approving The Continued Payment Of Premiums For Medical-Dental Insurance For Certain Categories Of Retired Employees During The 2001-2002 Fiscal Year, was presented.

It was moved by McCormick, seconded by Gonzales, that Resolution No. 7799 be approved and adopted. Motion carried.

RESOLUTION NO. 7800 - A Resolution Of The City Council Of The City Of Vernon Approving And Authorizing The Execution Of An Amendment To The Workers' Compensation Self-Insurance Service Agreement By And Between The City Of Vernon And Colen And Lee, was presented.

It was moved by Ybarra, seconded by Davis, that Resolution No. 7800 be approved and adopted. Motion carried.

RESOLUTION NO. 7801 - A Resolution Of The City Council Of The City Of Vernon Approving And Authorizing The Execution Of An Agreement For Special Services (July 1, 2001 To June 30, 2002) By And Between The City Of Vernon And Liebert Cassidy Whitmore, A Professional Corporation, To Provide Special Legal Services Pertaining To Employment Relations Matters And For Participation By The City In The South Bay Employment Relations Consortium Training Sessions, was presented.

It was moved by Gonzales, seconded by Ybarra, that Resolution No. 7801 be approved and adopted. Motion carried.

WARRANT REGISTER NO. 1068 covering claims and demands presented during the period of June 15th thru June 21st, 2001, drawn on Wells Fargo Bank totaling \$267,218.08 and includes check Nos. 84307 thru 84429 (inclusive), excluding Utility demands and voided check nos. as listed below. (Accounting period June, 2001).

84318	84324	84326	84327	84328	84329
84330	84331				

It was moved by Davis, seconded by Gonzales, that Warrant Register No. 1068 be approved and payment authorized for claims and demands totaling \$267,218.08, excluding Utility demands and voided checks as mentioned above. Motion carried.

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WARRANT REGISTER NO. 1068 covering claims and demands presented during the period of June 15th thru June 21st, 2001, drawn on Wells Fargo Bank totaling \$4,731,339.50, which includes Utility demands and check nos. as listed below: (Accounting period June, 2001):

84332	84333	84334	84339	84343	84348
84349	84350	84356	84357	84358	84360
84363	84368	84369	84372	84373	84377
84378	84380	84383	84385	84388	84389
84399	84400	84402	84403	84405	84408
84409	84417	84418	84426	84429	

It was moved by Ybarra, seconded by McCormick, that Warrant Register No. 1068 be approved and payment authorized for Utility claims and demands totaling \$4,731,339.50. Motion carried. Councilman Davis abstained from voting and disqualified himself because it is reasonably foreseeable that the decision may have material financial effect on his source of income.

The Mayor called a short recess at 5:50 p.m. The City Council reconvened in regular session at 5:55 p.m., all members present before the recess again being present.

The City Clerk announced that there was nothing to be discussed pursuant to Item No. 1.

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

The City Clerk announced that now was the time for the City Council to go into closed session pertaining to Item Nos. 2 and 3.

It was moved by Gonzales, seconded by Ybarra, that the City Council go into closed session pertaining to Item Nos. 2 and 3, the time being 5:56 p.m. Motion carried.

All persons were excused from closed session with the exception of the City Clerk, Chief Deputy City Clerk, City Attorney and Deputy City Clerk.

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

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

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CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

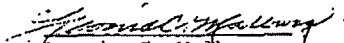
- (a) The City of Vernon v. The Atchison, Topeka and Santa Fe Railway, CPUC Case No. 96-01-019;
- (b) FERC Docket Nos. ER97-2355, EC 96-19-000 and ER96-1663 (Restructuring);
- (c) David Venegas, et al. v. City of Vernon, LASC No. BC 207136;
- (d) Vernon v. All Persons; LASC No. BC 222145;
- (e) Cal Compact Landfill Site, Carson, California; EPA No. Unassigned;
- (f) Vernon v. Regional Water Quality Control Board; Nos. A-1280, A1280(a) and A-1280(b);
- (g) City of Torrance, et al v. State Compensation Insurance Fund, Case Number Unknown;
- (h) Mark A. Suarez v. New Matic Construction, etc., et al., LASC No. BC 228903;
- (i) Pavaco Construction, Inc. v. Valley Engineers, Inc., et al., LASC Case No. BC 236933;
- (j) Kelly Pipe Co., etc. v. Valley Engineers, Inc., etc., et al; Valley Engineers, Inc., etc. v. City of Vernon, etc. et al., LASC Case No. BC 227815;
- (k) Alameda Corridor Transportation Authority, etc. v. City of Vernon, etc., et al., LASC Case No. BC 238846 cons. with City of Vernon v. Alameda Corridor Transp. Auth., LASC Case No. BC 238841;
- (l) FERC Docket No. ER98-3594 (ISO), FERC Docket No. ER98-3760 (ISO); FERC Docket No. ER00-2019-000 (ISO); FERC Docket No. EL00-105 (ISO); FERC Docket No. EL01-14-000 (Vernon v. ISO); FERC Docket No. ER01-313 (ISO); FERC Docket No. ER01-315 (SCE/ISO); FERC Docket No. ER01-724 (ISO); FERC Docket No. EL01-41 (Strategic Energy v ISO); FERC Docket Nos. EL00-95-022/EL00-98-021 (SDG&E); FERC Docket Nos. EL00-95-023/EL00-98-022 (ISO); FERC Docket Nos. EL00-95-024/EL00-98-023 (PG&E); FERC Docket Nos. EL00-95-025/EL00-98-024 (SCE); FERC Docket No. EL01-1579 (ISO); FERC Docket No. EL01-57-000 (Reliant Energy, etc. et al. v. ISO); EL01-75 (Vernon v. ISO); USCA No. 01-1187 (consolidated with 01-1190) (PG&E v. FERC); USCA No. 01-1193 (Modesto v. FERC); FERC Docket No. EL00-95 (SDG&E v. Sellers of Energy, et al.) consolidated with FERC Docket No. EL00-98;
- (m) The Burlington Northern and Santa Fe Railway Company v. City of Vernon; USDC No. CV-00-12891 NM;
- (n) Sterling Davis v. City of Vernon, et al., USDC No. CV-01-01602 DDP;
- (o) City of Corona v. All Persons, etc. et al., RSC Case No. 351283;
- (p) Cities of Arcadia, et al. v. The California Regional Water Quality Control Board, etc., et al., LASC No BC 245633;
- (q) FERC Docket No EL01-33 (SCE/PX); FERC Docket No. EL01-36 (Coral Power, L.L.C., et al. v. PX); FERC Docket No. EL01-37 (SRP & SMUD v. PX);
- (r) FERC Docket No. EL01-34 (SCE, PG&E, SDG&E);
- (s) FERC Docket No. EL01-42 (Universal Studios v. Southern California Edison Company);

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It was moved by Ybarra, seconded by Gonzales, that the City Council go out of closed session pertaining to Item Nos. 2 and 3, the time being 5:58 p.m. Motion carried.

It was moved by Gonzales, seconded by Davis, that the law firm of Richards, Watson & Gershon be retained for work on the matter of BNSF v. City of Vernon, case No. CV 00-12891-NM (AJWx) in accordance with the terms and conditions of their present agreement. Motion carried.

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, the time being 6:03 p.m. Motion carried.


Leonis C. Malburg
Mayor

ATTEST:


Bruce V. Malkenhorst
City Clerk