

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 OO (7 PAGES)

MINUTES OF THE REGULAR CITY COUNCIL
MEETING OF THE CITY OF VERNON HELD
JUNE 25, 2003, 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, McCormick

MEMBERS ABSENT: Gonzales, Davis

The meeting was called to order by Mayor Malburg.

It was moved by McCormick, seconded by Ybarra, that the Minutes of the Regular City Council Meeting held June 18, 2003, be approved and adopted as submitted. 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 Mayor asked if there was anyone in the audience who wished to address the City Council at this time on.

There was no one wishing to address the City Council at this time.

Communication from Bruce V. Malckenhorst, City Administrator/City Clerk, dated June 11, 2003, was presented, advising that on June 3, 2003, the Finance Committee, recommended to approve the purchase and installation of nine single head radios and three sets of David Clark parts for the Fire Department from KR Nida Corporation (Nida) at an approximate cost of \$42,435.36. The City Attorney has finalized the Equipment Purchase Contract and it is hereby recommended that the contract with Nida be approved and executed. (Deferred from City Council Meeting held June 18, 2003.)

It was moved by McCormick, seconded by Ybarra, that the aforementioned communication from the City Administrator/City Clerk, dated June 11, 2003, be received and filed and his recommendation approved. Motion carried.

RESOLUTION NO. 8219 - A Resolution of the City Council of the City of Vernon Approving and Adopting an Equipment Purchase Contract By and Between the City of Vernon and K.R. Nida Corporation. (Deferred from City Council Meeting held June 18, 2003.), was presented.

It was moved by Ybarra, seconded by McCormick, that Resolution No. 8219 be approved and adopted. Motion carried.

The City Clerk announced that it was time to open the public hearing to consider the establishment of a filing fee for an Adult or Sexually Oriented Business Permit and for an Adult or Sexually Oriented Business Employee Permit pursuant to Chapter 5 Article VI of the Vernon Municipal Code.

Adjourned City Council Meeting Minutes
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It was moved by McCormick, seconded by Ybarra, to open the public hearing to consider the establishment of a filing fee for an Adult or Sexually Oriented Business Permit and for an Adult or Sexually Oriented Business Employee Permit pursuant to Chapter 5 Article VI of the Vernon Municipal Code, the time being 5:00 p.m. Motion carried.

The City Attorney addressed the City Council and briefly summarized this matter for them.

Communication from Bruce V. Malckenhorst, City Administrator/City Clerk, dated June 19, 2003, was presented, advising that on May 21, 2003, Ordinance No. 1094 was adopted, which established zoning and business permit regulations on adult or sexually oriented businesses. At this time the Community Services and Water Department is requesting that Resolution No. 8232 be approved and adopted to establish an Application-filing fee and an Employee Permit Application-filing fee.

This has been reviewed by the City Attorney. It is hereby recommended that Resolution No. 8232 be approved to establish an Application-Filing Fee of \$1,000.00 for adult or sexually oriented business permits and an Employee Permit Application-Filing Fee of \$250.00 for an adult or sexually oriented business employee permit.

The Mayor asked if there were any questions and no one in the audience wished to address this issue.

It was moved by McCormick, seconded by Ybarra, to close the public hearing to consider the establishment of a filing fee for an Adult or Sexually Oriented Business Permit and for an Adult or Sexually Oriented Business Employee Permit pursuant to Chapter 5 Article VI of the Vernon Municipal Code, the time being 5:07 p.m. Motion carried.

It was moved by McCormick, seconded by Ybarra, that the aforementioned communication from the City Administrator/City Clerk, dated June 19, 2003, and any and all supporting documents submitted as evidence during the public hearing be received and filed; and, his recommendation be approved. Motion carried.

RESOLUTION NO. 8232 - A Resolution Of The City Council Of The City Of Vernon Establishing and Adopting Fees Regarding Adult Or Sexually Oriented Businesses Or Similar Businesses, was presented.

It was moved by Ybarra, seconded by McCormick, that Resolution No. 8232 be approved and adopted. Motion carried.

Communication from Bruce V. Malckenhorst, Director of Finance, dated June 18, 2003, was presented, transmitting the Minutes for the Adjourned Finance Committee Meeting held on June 16 2003, for approval of the recommendations contained therein.

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It was moved by Ybarra, seconded by McCormick, that the recommendations on the minutes of the Adjourned Finance Committee Meeting held June 16, 2003, be approved as written. Motion carried.

Communication from Bruce V. Malckenhorst, Director of Finance, dated June 18, 2003, was presented, transmitting the Minutes for the Adjourned Finance Committee Meeting held on June 18, 2003, for approval of the recommendations contained therein.

It was moved by Ybarra, seconded by McCormick, that the recommendations on the Minutes of the Adjourned Finance Committee Meeting held June 18, 2003, be approved as written. Motion carried.

Communication from Bruce V. Malckenhorst, Director of Finance, dated June 18, 2003, was presented, transmitting the Agenda for the Adjourned Finance Committee Meeting to be held on June 24, 2003, for approval of the recommendations contained therein.

It was moved by Ybarra, seconded by McCormick, that the recommendations on the Agenda of the Adjourned Finance Committee Meeting held June 24, 2003, be approved. Motion carried.

RESOLUTION NO. 8233 - A Resolution Of The City Council Of The City Of Vernon Approving and Ratifying the Execution of Self-Funded Renewal Terms and Conditions By and Between the City of Vernon and United of Omaha Life Insurance Company, was presented.

It was moved by McCormick, seconded by Ybarra, that Resolution No. 8233 be approved and adopted. Motion carried.

RESOLUTION NO. 8234 - A Resolution Of The City Council Of The City Of Vernon Approving and Ratifying the Execution of a Fees Authorization Regarding Capital Asset and Infrastructure Appraisal Services with Maximus, Inc., was presented.

It was moved by Ybarra, seconded by McCormick, that Resolution No. 8234 be approved and adopted. Motion carried.

The City Clerk announced that it was time to open the public hearing to consider adoption of the proposed budget for fiscal year 2003-2004.

It was moved by McCormick, seconded by Ybarra, to open the public hearing to consider adoption of the proposed budget for fiscal year 2003-2004, the time being 5:10 p.m. Motion carried.

Communication from Bruce V. Malckenhorst, City Administrator/City Clerk, dated June 18, 2003, was presented, advising that the Finance Committee has completed their review of the proposed budget for fiscal year 2003-2004. Submitted herewith are the Notice of Public Hearing and Affidavit of Posting. It is hereby recommended that the proposed budget be approved and a Resolution adopted.

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The Mayor asked if there were any questions and anyone in the audience wished to address this issue.

There was no one present who wished to address the City Council on this matter.

It was moved by McCormick, seconded by Ybarra, to close the public hearing to consider adoption of the proposed budget for fiscal year 2003-2004, the time being 5:13 p.m. Motion carried.

It was moved by Ybarra, seconded by McCormick, that the aforementioned communication from the City Administrator/City Clerk, dated June 18, 2003, and any and all supporting documents submitted as evidence during the public hearing be received and filed; and, his recommendation be approved. Motion carried.

RESOLUTION NO. 8226 - A Resolution Of The City Council Of The City Of Vernon Establishing A General Government Appropriations Limit For The Fiscal Year Ending June 30, 2003 Pursuant To Government Code Section 7910, was presented.

It was moved by Ybarra, seconded by McCormick, that Resolution No. 8226 be approved and adopted. Motion carried.

RESOLUTION NO. 8227 - A Resolution Of The City Council Of The City Of Vernon Approving A Budget For The Fiscal Year 2003-2004, was presented.

It was moved by McCormick, seconded by Ybarra, that Resolution No. 8227 be approved and adopted. Motion carried.

RESOLUTION NO. 8228 - A Resolution Of The City Council Of The City Of Vernon Fixing The Compensation For Certain Employees Of Said City As Of July 1, 2003, Authorizing Certain Expense Allowances And Repealing All Resolutions In Conflict Therewith, was presented.

It was moved by McCormick, seconded by Ybarra, that Resolution No. 8228 be approved and adopted.

RESOLUTION NO. 8229 - 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 2003-2004, And Confirming The Availability Of Loans Pertaining Thereto, was presented.

It was moved by Ybarra, seconded by McCormick, that Resolution No. 8229 be approved and adopted. Motion carried.

RESOLUTION NO. 8230 - 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 Employees During the 2003-2004 Fiscal Year, was presented.

It was moved by Ybarra, seconded by McCormick, that Resolution No. 8230 be approved and adopted. Motion carried.

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RESOLUTION NO. 8231 - 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 2003-2004 Fiscal Year, was presented.

It was moved by Ybarra, seconded by McCormick, that Resolution No. 8231 be approved and adopted. Motion carried.

Communication from Bruce V. Malckenhorst, City Administrator/City Clerk, dated June 18, 2003, was presented, requesting authority and funds for himself to attend the "League of California Cities - 2003 Annual Conference" at Sacramento on September 7 through 10, 2003, with an expense allowance of \$865.00.

It was moved by McCormick, seconded by Ybarra, that authority and funds be approved for the City Administrator/City Clerk to attend the aforementioned conference with an expense allowance of \$865.00. Motion carried.

Communication from Bruce V. Malckenhorst, City Administrator/City Clerk, dated June 19, 2003, was presented, requesting authority and funds for City Attorney Eduardo Olivo to attend the "League of California Cities - 2003 Annual Conference" at Sacramento on September 7 through 10, 2003, with an expense allowance of \$1,399.25.

It was moved by Ybarra, seconded by McCormick, that authority and funds be approved for the City Attorney to attend the aforementioned conference with an expense allowance of \$1,399.25. Motion carried.

Communication from Bruce V. Malckenhorst, City Administrator/City Clerk, dated June 19, 2003, was presented, requesting authority and funds for the below listed councilmen to attend the "League of California Cities - 2003 Annual Conference" at Sacramento on September 7 through 10, 2003, with an expense allowance of \$1,349.25 each.

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

It was moved by Ybarra, seconded by McCormick, that authority and funds be approved for the listed councilmen to attend the aforementioned conference with an expense allowance of \$1,349.25 each. Motion carried.

Communication from Bruce V. Malckenhorst, City Administrator/City Clerk, dated June 19, 2003, was presented, requesting authority and funds for the below listed personnel to attend the "League of California Cities - 2003 Annual Conference" at Sacramento on September 7 through 10, 2003, with an expense allowance of \$1,286.75 each.

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- Bruce Olson, Chief of Police
- Steven Parker, Fire Chief

It was moved by McCormick, seconded by Ybarra, that authority and funds be approved for the above mentioned to attend the aforementioned conference with an expense allowance of \$1,286.75. Motion carried.

The Mayor called a short recess at 5:15 p.m.

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

The City Clerk advised that now was the time to go into closed session on Item Nos. 1, 2, 3, and 4.

It was moved by McCormick, seconded by Ybarra, that the City Council go into closed session on Item Nos. 1, 2, 3, and 4 the time being 5:20 p.m. Motion carried.

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

The Mayor ordered all communications to and from 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

b. EMPLOYEE PERFORMANCE EVALUATION

2. With respect to every item of business to be discussed in closed session pursuant to subdivision (a) of Government Code Section 54957.

a. Conference with Labor Negotiator
Agency negotiator: City Administrator
Unrepresented classification(s)

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

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

- (a) The Burlington Northern and Santa Fe Railway Company v. City of Vernon; USDC No. CV-00-12891 NM (AJWx);
- (b) Jessica Rodriguez v. Vernon; WCAB Case No. Unassigned;
- (c) Enron Power Marketing Inc. v. Vernon; USBC Adversary Proceeding No. 03-03131 (AJG);
- (d) Vernon v. SoCalGas, El Paso Natural Gas, et al., Case No. BC 265905;

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

CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION

Initiation of litigation: One (1) potential case.

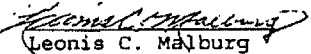
It was moved by McCormick, seconded by Ybarra, that the City Council go out of closed session and resume regular session, the time being 5:28 p.m. Motion carried.

It was moved by McCormick, seconded by Ybarra, that the liability claim of Square-H Brands, Inc., be denied. Motion carried.

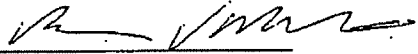
It was moved by Ybarra, seconded by McCormick, that the Liability Claim of California Highway Patrol be approved and the Release of All Claims be accepted in the amount of \$1,464.70. Motion carried.

It was moved by McCormick, seconded by Ybarra, that Thursday, July 3, 2003, be deemed an additional holiday in observance of the legal holiday of Independence Day for all miscellaneous and non-emergency personnel as long as it does not have an adverse effect on the operations of the City. Motion carried.

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


Leonis C. Malburg
Mayor

ATTEST:


Bruce V. Malkenhorst
City Clerk