

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 PP (6 PAGES)

Ybarra
McCormick

Approved
CC 7/4/04

MINUTES OF THE ADJOURNED CITY
COUNCIL MEETING OF THE CITY
OF VERNON HELD JUNE 30, 2004,
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

MEMBERS ABSENT: 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 16, 2004, be approved and adopted as submitted. Motion carried.

The City Clerk asked the City Council to defer the following resolution to the next City Council Meeting.

RESOLUTION NO. 8470 - A Resolution of the City Council of the City of Vernon Commending Bruce W. Olson for his Many Years of Service to the City Of Vernon. (Deferred from City Council Meeting held June 16, 2004.)

It was moved by Gonzales, seconded by Ybarra, that Resolution No. 8470 be deferred to the next City Council Meeting. Motion carried.

Communication from Bruce V. Malckenhorst, City Administrator/City Clerk, dated May 20, 2004, was presented, advising that at this time it is necessary that a resolution be adopted to express the City's desire to advance and protect its employment base by providing financial economic advantages to that employment base through the creation of a Development Trust. This program will also allow the City to create support for existing industries located within the City that are utilizing the power from the Malburg Generating Station Project.

This has been reviewed by the City Attorney and it is hereby recommended that the following resolution be approved.

The Mayor asked for a brief summary on this matter.

The City Attorney summarized this matter for the Council.

It was moved by Ybarra, seconded by McCormick, that the aforementioned communication from the City Administrator/City Clerk, dated May 20, 2004, be received and filed and his recommendation approved. Motion carried.

RESOLUTION NO. 8448 - A Resolution of the City Council of the City of Vernon Declaring its Intention to Create a Development Trust that is Empowered to Act for and on Behalf of the City under the Direction of the City Council Utilizing the Credit and Security of the City to Accomplish the Goal of Industrial Development, was presented.

It was moved by McCormick, seconded by Gonzales, that Resolution No. 8448 be approved and adopted. Motion carried.

The City Clerk asked the City Council to remove the following resolution.

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RESOLUTION NO. 8449 - A Resolution of the City Council of the City of Vernon Approving and Authorizing the Execution of an Amendment No. One to Lease Agreement and Waiver of Responsibility and Release of Liability By and Between the City of Vernon and Charles D. Perry III for the Malburg Generating Station Project.

It was moved by Ybarra, seconded by Gonzales, that Resolution No. 8449 be removed from the agenda. Motion carried.

RESOLUTION NO. 8462 - A Resolution of the City Council of the City of Vernon Approving and Authorizing the Execution of an Agreement for Consulting Services By and Between the City of Vernon and R. W. Beck, Inc. for Telecommunication Services, was presented.

It was moved by Gonzales, seconded by McCormick, that Resolution No. 8462 be approved and adopted. Motion carried.

The City Clerk announced that now was 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 Council at this time.

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

Communication from Bruce V. Malckenhorst, City Administrator/City Clerk, dated June 22, 2004, was presented, advising that at this time it is necessary to close 50th Street from Seville Avenue to Soto Street from July 7, 2004 through December 2005 and extend the time of closure for Seville Avenue from Leonis Boulevard to 50th Street from October 2004 through December 2005. The closure to through traffic is needed in connection with the construction of the Malburg Generating Station. The existing contractor will be responsible for maintaining the closure and detouring signage under the inspection of City of Vernon staff.

This has been reviewed by the Director of Community Services and Water and the City Attorney and it is hereby recommended that the closure of portions of 50th Street and the extension of the closure of portions for Seville Avenue pursuant to City of Vernon's Municipal Code Section 22.100 be permitted.

It was moved by Ybarra, seconded by Gonzales, that the aforementioned communication from the City Administrator/City Clerk, dated June 22, 2004, be received and filed and his recommendations approved. Motion carried.

RESOLUTION NO. 8477 - A Resolution of the City Council of the City of Vernon Extending the Closure of Portions of Seville Avenue and 50th Street and Authorizing the Closure of Portions of 50th Street from Seville Avenue to Soto Street Pursuant to Vernon City Code Section 22.100 in Connection with the Construction of the Malburg Generating Station, was presented.

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It was moved by McCormick, seconded by Gonzales, that Resolution No. 8477 be approved and adopted. Motion carried.

Communication from Bruce V. Malckenhorst, City Administrator/City Clerk, dated June 24, 2004, was presented, advising that at this time the Redevelopment Agency is considering the Sale and Purchase of certain property in the Agency's Project Area. This has been reviewed by the City Attorney and in order for the Agency to proceed it is hereby recommended that the following actions be approved:

- Transfer of Funds to the Redevelopment Revolving Fund;
- Payment of Monies in the Redevelopment Revolving Fund to the Redevelopment Agency of the City of Vernon; and
- Execution of Redevelopment Revolving Fund Loan No. 9 between the City of Vernon and the Redevelopment Agency of the City of Vernon

It was moved by Gonzales, seconded by Ybarra, that the aforementioned communication from the City Administrator/City Clerk, dated June 24, 2004, be received and filed and his recommendations approved. Motion carried.

RESOLUTION NO. 8481 - A Resolution of the City Council of the City of Vernon Approving and Authorizing (1) the Transfer of Funds to the Redevelopment Revolving Fund; (2) the Payment of Monies in the Redevelopment Revolving Fund to the Redevelopment Agency of the City of Vernon; and (3) the Execution of Redevelopment Revolving Fund Loan No. 9 Between the City of Vernon and the Redevelopment Agency of the City of Vernon, was presented.

It was moved by McCormick, seconded by Ybarra, that Resolution No. 8481 be approved and adopted. Motion carried.

RESOLUTION NO. 8482 - A Resolution of the City Council of the City of Vernon Approving and Authorizing the Execution of an Agreement for Professional Consulting Services By and Between the City of Vernon and Thomas J. Langan dba WTL Trading, was presented.

It was moved by Ybarra, seconded by Gonzales, that Resolution No. 8482 be approved and adopted. Motion carried.

Communication from Bruce V. Malckenhorst, Director of Finance, dated June 24, 2004, was presented, transmitting the Minutes for the Adjourned City Council Meeting - Finance Committee Section, held June 21, 2004, for approval of the recommendations contained therein.

It was moved by Gonzales, seconded by McCormick, that the recommendations on the Minutes for the Adjourned City Council Meeting - Finance Committee Section, held June 21, 2004, be approved. Motion carried.

RESOLUTION NO. 8478 - A Resolution of the City Council of the City of Vernon Authorizing the Sale of Surplus Property from the Following Departments: City Administrator/City Clerk (IT Division), Community Services and Water, Light & Power and Police, Pursuant to Section 2.31 of the Vernon City Code, was presented.

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It was moved by Ybarra, seconded by Gonzales, that Resolution No. 8478 be approved and adopted. Motion carried.

RESOLUTION NO. 8479 - A Resolution of the City Council of the City of Vernon Approving and Authorizing the Execution of an Agreement to Provide Mandated Cost Claiming Services By and Between the City of Vernon and MAXIMUS, Incorporated for 2004-2005, was presented.

It was moved by McCormick, seconded by Ybarra, that Resolution No. 8479 be approved and adopted. Motion carried.

The City Clerk asked the City Council to remove the following communication.

Communication from Bruce V. Malckenhorst, Director of Finance, dated June 24, 2004, transmitting the Agenda for the Adjourned City Council Meeting - Finance Committee Section, to be held on June 28, 2004, for approval of the recommendations contained therein.

It was moved by McCormick, seconded by Gonzales, that the aforementioned communication dated June 24, 2004 be removed from the agenda. Motion carried.

The City Clerk asked the City Council to defer the following resolution to the next City Council Meeting.

RESOLUTION NO. 8480 - A Resolution of the City Council of the City of Vernon Approving and Ratifying the Execution of a Letter Agreement to Extend Warranties and Guarantees and a Letter Agreement Regarding Assignment By and Between the City of Vernon and Alstom Power Inc., as Assigned to Demag Delaval Industrial Turbomachinery, Inc.

It was moved by Ybarra, seconded by Gonzales, that Resolution No. 8480 be deferred to the next City Council Meeting. Motion carried.

The City Clerk advised that now was the time to open the public hearing to consider adoption of the proposed budget for fiscal year 2004-2005.

It was moved by Gonzales, seconded by Ybarra, to open the public hearing the time being 5:20 p.m. Motion carried.

Communication from Bruce V. Malckenhorst, City Administrator/City Clerk, dated June 24, 2004, was presented, advising that the Finance Committee has completed their review of the proposed budget for fiscal year 2004-2005. 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.

The Mayor asked if anyone in the audience had any questions regarding this matter.

There was no one wishing to make any comments.

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It was moved by McCormick, seconded by Gonzales, to close the public hearing, the time being 5:20 p.m. Motion carried.

It was moved by Ybarra, seconded by McCormick, that the aforementioned communication from the City Administrator/City Clerk, dated June 24, 2004, 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. 8471 - A Resolution of the City Council of the City of Vernon Establishing a General Government Appropriations Limit for the Fiscal Year Ending June 30, 2005 Pursuant to Government Code Section 7910, was presented.

It was moved by Gonzales, seconded by Ybarra, that Resolution No. 8471 be approved and adopted. Motion carried.

RESOLUTION NO. 8472 - A Resolution of the City Council of the City of Vernon Approving a Budget for the Fiscal Year 2004-2005, was presented.

It was moved by McCormick, seconded by Gonzales, that Resolution No. 8472 be approved and adopted. Motion carried.

RESOLUTION NO. 8473 - A Resolution of the City Council of the City of Vernon Fixing the Compensation for Certain Employees of Said City as of July 1, 2004, Authorizing Certain Expense Allowances and Repealing all Resolutions in Conflict Therewith, was presented.

It was moved by Ybarra, seconded by McCormick, that Resolution No. 8473 be approved and adopted. Motion carried.

RESOLUTION NO. 8474 - 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 2004-2005, and Confirming the Availability of Loans Pertaining Thereto, was presented.

It was moved by Gonzales, seconded by Ybarra, that Resolution No. 8474 be approved and adopted. Motion carried.

RESOLUTION NO. 8475 - 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 2004-2005 Fiscal Year, was presented.

It was moved by McCormick, seconded by Gonzales, that Resolution No. 8475 be approved and adopted. Motion carried.

RESOLUTION NO. 8476 - 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 2004-2005 Fiscal Year, was presented.

It was moved by Ybarra, seconded by Gonzales, that Resolution No. 8476 be approved and adopted. Motion carried.

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Communication from Bruce V. Malckenhorst, Director of Personnel, dated June 24, 2004, was presented, transmitting the Agenda for the Adjourned City Council Meeting - Personnel Committee Section, to be held June 30, 2004, for approval of the recommendations contained therein.

It was moved by Ybarra, seconded by McCormick, that the recommendations on the Agenda for the Adjourned City Council Meeting - Personnel Committee Section, held June 30, 2004, be approved. Motion carried.

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 now was the time to go into closed session pursuant to subdivision (b) of Government code 54956.9 with respect to significant exposure to litigation.

It was moved by Ybarra, seconded by Gonzales, to go into closed session with respect to significant exposure to litigation matters, the time being 5:50 p.m. Motion carried.

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

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

It was moved by Ybarra, seconded by Gonzales, that the City Council go out of closed session with respect to significant exposure to litigation matters, and resume regular session, the time being 5:50 p.m. Motion carried.

It was reported out that the City Council had a conference with the City Attorney in closed session and direction was given to the City Attorney to take appropriate action in the matter of Case No. BS 089154.

There being no further business to come before the City Council at this time, it was moved by McCormick, seconded by Gonzales, that the meeting be adjourned, the time being 5:55 p.m. Motion carried.

Leonis C. Malburg
Mayor

ATTEST:

Bruce V. Malckenhorst
City Clerk