

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 B (5 PAGES)

MINUTES OF AN ADJOURNED REGULAR MEETING
OF THE CITY COUNCIL, HELD AUGUST 23, 1979,
AT FOUR O'CLOCK, P.M., IN THE COUNCIL
CHAMBER OF THE CITY HALL, LOCATED AT
4305 SANTA FE AVENUE, VERNON, CALIFORNIA.

MEMBERS PRESENT: Ybarra, Gonzales, Kasser

MEMBERS ABSENT : McCormick, Malburg

The meeting was called to order by Mayor pro tem Ybarra.

A recess was declared until 4:45 o'clock, p. m.

The City Council reconvened after the recess, same members that were present before the recess, again being present.

It was moved by Kasser, seconded by Ybarra, that the minutes of the meeting held August 7, 1979, be approved as submitted. Motion carried.

Complaint For Recovery of Property Taxes (California Revenue and Taxation Code, Sec. 5140 and Summons, TRW, INC., vs. County of Los Angeles, City of Vernon (and 53 other jurisdictions) for the amount of \$1,696,455.16, plus interest thereon; costs of suit therein, attorneys' fees and such other relief as the court may deem just and proper, Superior Court Case No. C291834, received August 9, 1979, was presented.

It was moved by Kasser, seconded by Ybarra, that Complaint and Summons, Superior Court Case No. C291834, TRW, INC., vs. County of Los Angeles, City of Vernon, et al., be referred to the City Attorney for transmittal to County Counsel's Office for defense of same. Motion carried.

Complaint for Injunctive Relief and Damages, Summons and Notice of Demand for Jury Trial, Marge Garcia, vs. City of Vernon, et al., U. S. District Court, Central District of California, Case No. 79 02988 MRP (GX) filed August 8, 1979, seeking injunction enjoining defendants from terminating plaintiff's lease or instituting eviction procedures without good and just cause, compensatory and exemplary damages in the amount of \$10,000.00 and such other relief as the court may deem appropriate, including costs and reasonable attorneys' fees, was presented.

It was moved by Ybarra, seconded by Kasser, that this item be deferred and considered in executive session, under Attorney/Client privilege, later this same day. Motion carried.

Communication from Capt. L. F. Ely, dated August 7, 1979, recommending that Clerk/Typist Rose G. Downing be terminated from the payroll at the end of business on Friday, August 3, 1979, was presented.

It was moved by Gonzales, seconded by Kasser, that Rose G. Downing, Clerk/Typist, Police Department, be terminated from the payroll at the close of business day, Friday, August 3, 1979. Motion carried.

Communication from Chief S. E. Hogan, dated July 30, 1979, requesting authority and funds for Richard L. McBean to attend Western States Auto Theft Investigators Vehicle Theft Conference and Training Seminar, Anaheim, September 20 to September 21, 1979, with an expense allowance of \$101.30, was presented.

It was moved by Kasser, seconded by Gonzales, that the request of Chief of Police S. E. Hogan, dated July 30, 1979, requesting authority and funds for Richard L. McBean to attend Vehicle Theft Conference and Seminar, Anaheim, September 20-21, 1979, be approved and authority granted to issue warrant in the amount of \$101.30 to Richard L. McBean. Motion carried.

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Communication from Chief George F. Bass, dated August 8, 1979, requesting that G. A. Wiskus be reimbursed \$21.95 from the Education and Training Fund for Hydraulics Course, Santa Ana College (includes tuition, textbooks and parking), was presented.

It was moved by Kaeser, seconded by Gonzales, that the request of Chief Bass dated August 8, 1979, be approved and authority granted to issue warrant in the amount of \$21.95 to G. A. Wiskus. Motion carried.

Report of Health Department Activities, Month of July 1979, was presented.

It was moved by Gonzales, seconded by Kaeser, that the Health Department Activity Report for the month of July 1979, be received and filed. Motion carried.

Police Department Activity Log, August 1 - 15, 1979, was presented.

It was moved by Kaeser, seconded by Gonzales, that the Police Department Activity Log, August 1 - 15, 1979, be received and filed. Motion carried.

Communication from Chief of Police S. E. Hogan, dated August 15, 1979, transmitting letter received from Chief of Police Edward L. Ballinger, Bell, dated July 12, 1979, regarding mutual dispatching for six southeast cities, enclosing a suggested agenda to conduct a fact-finding session, inviting a representative of Vernon Police Department to attend. Chief Hogan was not able to attend and assigned Lt. Wilcox as an observer at the proceedings. These communications were submitted as a matter of information.

It was moved by Ybarra, seconded by Kaeser, that the communications referred to in the above item be received and filed. Motion carried.

Communication from City Administrator/City Clerk, dated August 18, 1979, transmitting two communications from Chief of Police Hogan (1) proposal of District Attorney's Office to commence independent, concurrent investigation of any officer-involved shooting and (2) recommendation of disciplinary action against Officer M. W. Dixon, requesting referral to the Personnel Committee, for review, discussion and recommendation, was presented.

It was moved by Gonzales, seconded by Kaeser, that the communications referred to in the item above be referred to the Personnel Committee for recommendation. Motion carried.

"Warrant Register No. 531" covering claims and demands presented during the period August 1 to 15, which includes Demands Nos. 91206 to 91328 (both inclusive) drawn on the United California Bank, totaling \$3, 726, 537. 78 (Light and Power Warrants \$3, 633, 675. 17) (Accounting Period August 1979), was examined and audited.

It was moved by Kaeser, seconded by Gonzales that "Warrant Register No. 531" be approved and payment authorized for Demands Nos. 91206 to 91328 (both inclusive). Motion carried.

Communication from Arthur E. Nelson, dated August 16, 1979, transmitting fully executed Easement Deed for a portion of 50th Street from Vernon Industrial Associates, a General Partnership, recommending the Easement Deed be accepted and grantor advised of the official recordation, was presented.

It was moved by Kaeser, seconded by Gonzales that the Easement Deed for a portion of 50th Street from Vernon Industrial Associates, a General Partnership be accepted upon approval by the City Attorney. Motion carried.

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Summons and Cross Complaint, Superior Court Case No. SEC 22751, Andrew Blanchard, a minor, by Frederick W. Blanchard, his guardian ad litem, vs. Jean Horton Violet, MTSS-Leasing, City of Vernon, et al., Defendants, received August 20, 1979, for personal injuries sustained on or about October 23, 1978 as result of alleged malfunction of traffic control signal, for implied indemnity, equitable contribution and declaratory relief, was presented.

It was moved by Ybarra, seconded by Kaeser, that Summons and Cross Complaint in the above-entitled court and cause, be referred to the City Attorney for defense on behalf of the City of Vernon. Motion carried.

Communication from Arthur E. Nelson, dated August 20, 1979, requesting authority and funds for Victor H. Vaits to attend Timber Structures and Masonry Seminar at UCLA, September 18, 1979 through December 4, 1979, Tuesdays 7 p. m., to 10 p. m., with a registration fee of \$135.00, was presented.

It was moved by Kaeser, seconded by Gonzales that the request of Arthur E. Nelson for Victor Vaits to attend Timber Structures and Masonry Seminar at UCLA, Sept. 18, through Dec. 4, 1979, be approved and authority granted to issue warrant in the amount of \$135.00 to Victor H. Vaits. Motion carried.

"Payroll Warrant Register No. 267" covering claims and demands presented during the period July 15, to 28, which includes Demands Nos. 2878 to 2887 (both inclusive), drawn on the Crocker National Bank, totaling \$240,020.66 (Accounting Period July 1979), was examined and audited.

It was moved by Gonzales, seconded by Kaeser, that "Payroll Warrant Register No. 267" be approved and payment authorized for Demands Nos. 2878 to 2887 (both inclusive), with no exceptions. Motion carried.

At this time a recess was declared, from 4:45 o'clock, p. m., until 6:15 p. m.

The City Council reconvened, all members present at the previous session before the recess, again being present.

Communication from City Administrator/Director of Finance, transmitting minutes of a Special Meeting of the Finance Committee, held August 6, 1979, was presented.

It was moved by Kaeser, seconded by Gonzales that the minutes of a Special Meeting of the Finance Committee, held August 6, 1979, be approved and that the recommendations contained therein be adopted. Motion carried.

Resolution No. 4667 - A Resolution of the City Council of the City of Vernon Approving a Memorandum of Understanding Between the Municipal Employee Relations Representative of the City of Vernon and the Vernon Police Officers' Benefit Association (Employee Group 2), was presented.

It was moved by Gonzales, seconded by Kaeser, that Resolution No. 4667 be approved and adopted. Motion carried.

AYES: Gonzales, Kaeser, Ybarra
NOES: None
Absent: McCormick, Malburg

Resolution No. 4668 - A Resolution of the City Council of the City of Vernon Establishing Vacation Policies for Employees of the City of Vernon and Repealing All Resolutions in Conflict Herewith, was presented.

It was moved by Kaeser, seconded by Ybarra, that Resolution No. 4668 be approved and adopted. Motion carried.

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AYES: Kaeser, Ybarra, Gonzales
NOES: None
Absent: McCormick, Malburg

Resolution No. 4669 - A Resolution of the City Council of the City of Vernon Fixing the Compensation for Certain Employees of Said City as of August 26, 1979, Authorizing Certain Expense Allowances and Repealing All Resolutions in Conflict Therewith, was presented.

It was moved by Gonzales, seconded by Kaeser, that Resolution No. 4669 be approved and adopted. Motion carried.

Communication from Bruce V. Malckenhorst, City Administrator/ City Clerk, dated August 23, 1979, transmitting minutes of the Personnel Committee meeting held August 23, 1979, requesting consideration of the recommendations therein.

It was moved by Kaeser, seconded by Gonzales that the minutes of the Personnel Committee meeting held August 23, 1979, be approved and that the recommendations contained therein be adopted. Motion carried.

Communication from City Administrator/City Clerk, dated August 23, 1979, transmitting letter from Frank Murillo, Purchasing Agent, evaluating the inventory of typewriters in the City Clerk's Office, recommending purchase of a new typewriter for the City Clerk's Office, was presented.

It was moved by Gonzales, seconded by Ybarra, that authority be granted to purchase a new typewriter for the City Clerk's Office. Motion carried.

At this time, 6:25 o'clock, p. m., it was moved by Kaeser, seconded by Ybarra, that the City Council go into executive session under Attorney/ Client privilege. Motion carried.

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

Mayor pro tem Ybarra ordered that all communications to and from the executive session were deemed private.

At this time, 6:40 o'clock, p. m., it was moved by Kaeser, seconded by Gonzales, that the City Council go out of executive session and resume regular session. Motion carried.

It was moved by Gonzales, seconded by Kaeser, that the City Attorney be authorized to defend the City of Vernon in the action entitled Marge Garcia vs. City of Vernon, et al., U. S. District Court, Central District of California, Case No. 79 02988 MRP (GX). Motion carried.

There being no further business to come before the City Council, it was moved by Kaeser, seconded by Gonzales, that the meeting adjourn. Motion carried.


THOMAS A. YBARRA, Mayor pro tem

ATTEST:


BRUCE V. MALKENHORST
City Administrator/City Clerk

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COV-MALSR 00010853

ORDER OF ADJOURNMENT OF MEETING
OF THE CITY COUNCIL OF THE CITY OF VERNON

I hereby certify that a regular meeting of the City Council of the City of Vernon, held Tuesday, August 21, 1979, 1978. in the Council Chamber of the City Hall, located at 4305 Santa Fe Avenue, Vernon, California, was adjourned by Order of the City ^{Clerk} Council ~~Council~~ not (quorum/present) until Thursday, August 23, 1978, at 4:00 o'clock p. m., in the Council Chamber of the City Hall, located at 4305 Santa Fe Avenue, Vernon, California.


BRUCE V. MALKENHORST
City Administrator/City Clerk