

In the Matter of the Calculation of Final Compensation of:

Bruce Malckenhorst, Sr., Respondent,
and
City of Vernon, Respondent

OAH Case No. 2013080917

CalPERS Case No. 2012-0671

EXHIBIT C (5 PAGES)

MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL, HELD JULY 1, 1980, AT
TWO O'CLOCK, P.M., IN THE COUNCIL
CHAMBER OF THE CITY HALL, LOCATED AT
4305 SANTA FE AVENUE, VERNON, CALIFORNIA.

MEMBERS PRESENT: Gonzales, McCormick, Ybarra, Malburg

MEMBERS ABSENT: Kaeser

The meeting was called to order by Mayor Malburg.

The minutes of the City Council meeting held June 17, 1980, were presented for approval.

It was moved by Ybarra, seconded by McCormick, that the minutes of the City Council meeting held June 17, 1980, be approved as written and submitted. Motion carried.

Communication from Bruce V. Malkenhorst, City Administrator, dated June 26, 1980, requesting the bid for the purchase of 9100 barrels of Diesel Fuel No. 4 be awarded to U.S.A. Petrochem, based on their bid of \$37.70 per barrel, was presented.

Resolution No. 4741 - A Resolution of the City Council of the City of Vernon Accepting the Bid of U.S.A. Petrochem Corporation for the purchase of 9100 Barrels of Diesel Fuel No. 4 (200 SSU) Desulfurized Distillate (-1/4% Sulphur) to Replenish the Tank Located at the Vernon Diesel Plant in Accordance with Purchasing Department Quotation No. 1146 of the City of Vernon and Accepting the Execution of Said Contract, was presented.

It was moved by Gonzales, seconded by Ybarra, that Resolution No. 4741 approved and adopted. Motion carried.

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

Resolution No. 4739 - A Resolution of the City Council of the City of Vernon Commending Sgt. R.L. Anderson for his many years of service to the City of Vernon, was presented, and read in its entirety.

It was moved by McCormick, seconded by Ybarra, that Resolution No. 4739 be approved and adopted. Motion carried.

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

Mayor Malburg asked Sgt. Anderson if he wished to address the Council. Sgt. Anderson expressed his gratitude to the City Council and the Police Department for the opportunity to serve the City of Vernon, and introduced the members of his family, who were present in the audience.

Resolution No. 4740 - A Resolution of the City Council of the City of Vernon Establishing Fees for Building, Plumbing, Heating, Ventilating, Cooling, Refrigeration and Fire Prevention Permits issued by the City of Vernon and for Special Inspections, Certificates of Occupancy, Temporary Use of Commercial Coaches, and for Review and Approval of Tentative Parcel Maps for Division of Property and to Repeal Resolution No. 4536, was presented.

It was moved by Gonzales, seconded by McCormick, that Resolution No. 4740 be approved and adopted. Motion carried.

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

Proposed Ordinances No. 889, 901, 902 and 903 were presented for consideration of the City Council.

It was moved by Ybarra, seconded by McCormick, that the consideration of Said Ordinances be deferred. Motion carried.

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Communication from Bruce V. Malkenhorst, City Administrator, dated June 23, 1980, requesting authority and funds for Hilario Gonzales, Keith Kaeser and Thomas Ybarra to attend the League of California Cities Mayors and Council Members Executive Forum in Monterey, California, July 23 - 25, 1980, with an expense allowance of \$475.00 each, was presented.

It was moved by Gonzales, seconded by Ybarra, that the request of the City Administrator be approved and authority granted to issue warrants in the amount of \$475.00, to Hilario Gonzales, Keith Kaeser and Thomas Ybarra. Motion carried.

Summons and Complaint filed January 14, 1980, Atchison Topeka and Santa Fe Railway Company, et al., Plaintiff, vs. the Board of Equalization of the State of California, County of Los Angeles, City of Vernon; et al., for refund of taxes paid with respect to property assessed by the State Board of Equalization, under Section 5149 of the Revenue and Taxation Code; was presented.

The City Attorney recommended that the City Council deny the claim, and to refer the same to County Counsel to defend the City of Vernon in this cause.

It was moved by McCormick, seconded by Gonzales that the claim of the Atchison Topeka and Santa Fe Railway Company for refund of taxes paid, be denied and that the Summons and Complaint in said action be referred to County Counsel for defense of the City. Motion carried.

Warrant Register No. 551 covering claims and demands presented during the period June 16th thru 30th, 1980, which includes Demands Nos. 93565 to 93675 (both inclusive) excluding voided Demands Nos. 93568 and 93581 to be held for the new Budget, drawn on the United California Bank, totaling \$122,286.79 (Light and Power Warrants \$24,381.60) (Accounting Period June, 1980), was examined and audited.

It was moved by Ybarra, seconded by McCormick, that Warrant Register No. 551 be approved and payment authorized for Demands Nos. 93565 to 93675 (Both inclusive) excluding Demands Nos. 93568 and 93581, to be held for the new budget, totaling \$133,286.79 (Light and Power Warrants \$24,381.60) with no other exceptions. Motion carried.

Police Department Activity Log, June 16 - 30, 1980, was presented.

It was moved by Ybarra, seconded by Gonzales, that the Police Department Activity Log for June 16 - 30, 1980, be received and filed. Motion carried.

Communication from Arthur E. Nelson, Director of Public Works/Building, dated June 17, 1980, recommending acceptance of the Easement Deed granted to city by Allen-Fry Steel Company, a California Corporation, was presented.

It was moved by Gonzales, seconded by Ybarra, that the Mayor and the City Clerk be authorized to execute the Easement Deed to Allen-Fry Steel Company, for fire purposes. Motion carried.

Communication from Arthur E. Nelson, Director of Public Works/Building, dated June 18, 1980, recommending acceptance of the fully executed corrected Easement Deed from Sam Perricone and Seymour Owens (First Acceptance Authorized 3/10/80) was presented.

The Director of Public Works explained that the correction was necessary due to the fact that the names of the grantors were not listed in the heading of the first Easement Deed and the County Recorder advised that same could not be properly indexed.

It was moved by Ybarra, seconded by Gonzales, that the corrected Easement Deed be accepted and that the grantors be advised of the official recordation. Motion carried.

The Director of Public Works announced that he has been advised by the Rapid Transit District that they have started a new bus route in Vernon, Downey Road, Vernon Avenue, Boyle Avenue.

Other members of the staff had no comments. The mayor invited comments from anyone in the audience. There was no response.

At this time, 2:16 o'clock, p.m., it was moved by McCormick, seconded by Ybarra, that the City Council go into executive session under Attorney/Client privilege. Motion carried.

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

Mayor Malburg ordered that all communications to and from the executive session were deemed private and confidential.

At this time 2:40 o'clock, p.m., it was moved by Ybarra, seconded by Gonzales that the City Council go out of executive session and resume regular session. Motion carried.

It was moved by Ybarra, seconded by Gonzales, that the City Attorney be authorized to file an appeal in the event there is an adverse decision in the action of Spencer E. Hogan and Philip S. Reavis vs. City of Vernon, et al., Superior Court Case No. C321525 scheduled for hearing July 2, 1980. Motion carried.

Communication from the City Administrator, dated July 1, 1980, requesting that the minutes of the City Council meetings held May 23 and May 28, 1980, be corrected to read on page 4, in the last line of paragraph 4 of the May 23, 1980 minutes, "Allow sufficient time to REVIEW the court's action", instead of "Renew", and on page 24 minutes of May 28, 1980, in the citation of the four (4) cases against the Superior Court, the 3rd case should be corrected to read BRUNTON, instead of "Brunter"; 20 Cal 2D 202. The Citation in the 4th case of Weber v. Superior Court should be corrected to read 26 Cal 2D 144, instead of 26 Cal. APP. 2D 144.

It was moved by Gonzales, seconded by Ybarra, that the request of the City Administrator for minute corrections be approved, and it was ordered that the official minutes of the City Council Meetings held May 23, 28, 1980, be corrected by notation on the original minutes, with reference to this minute order. Motion carried.

Communication from City Administrator Bruce V. Malckenhorst, City Administrator, dated July 1, 1980, requesting the following engineers in the Fire Department be advanced from Step 2 to Step 1, effective June 29, 1980, based on the recommendation of Fire Chief Bass:

L.D. Clark	L.L. Hudson	T. Seager
R.P. Dimitt	J. Kriste	H. Stubbins
F. Helmer	H. Scdoris	J. Wolcott

It was moved by McCormick, seconded by Ybarra, that Fire Department Engineers above named be advanced from Step 2 to Step 1, effective June 29, 1980, having served in Grade II for one year, on the basis of merit. Motion carried.

At this time, 2:48 o'clock, p.m., it was moved by McCormick, seconded by Gonzales, that the City Council go into executive session under Section 54957 of the Government Code. Motion carried.

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

Mayor Malburg ordered that all communications to and from the executive session were deemed private and confidential.

At this time, 5:50 o'clock, p.m., it was moved by Ybarra, seconded by Malburg, that the City Council go out of executive session and resume regular session. Motion carried.

Communication from Fire Chief George F. Bass, dated July 1, 1980, requesting approval to include the following positions in the Fire Department Budget for the fiscal year 1980-81:

Administrative Fire Battalion Chief	Administrative Fire Engineer
Administrative Fire Captain	Administrative Fire Fighter

to assist with day to day administration of the Fire Department and to use Fire Department personnel restricted to light duty in these administrative positions, was presented.

It was moved by Ybarra, seconded by McCormick that the request of Fire Chief Bass be approved, and the four (4) Administrative positions listed be included in the 1980-81 Fire Department Budget. Motion carried.

7/1/80

Communication from Fire Chief George F. Bass, dated July 1, 1980 requesting that the following Fire Department Personnel be advanced in grade to Captain, Step 4, effective July 1, 1980:

L.E. Barlag
F. Claunch
L. Spadt
L. Weaver
R.A. Wiles

It was moved by McCormick, seconded by Gonzales, that the above-listed personnel be advanced in grade to Captain, Step 4, effective July 1, 1980. Motion carried.

Communication from Fire Chief George F. Bass, dated July 1, 1980, requesting approval to include twenty seven Fire Engineer positions in the 1980-81 Fire Department Budget, was presented.

It was moved by Ybarra, seconded by McCormick, that the request of Chief Bass for inclusion of twenty-seven fire engineers positions in the 1980-81 Fire Department Budget be approved. Motion carried.

The City Administrator recommended a position of Director of Utilities for the City of Vernon be created for inclusion in the 1980 Salary Resolution of the City of Vernon.

It was moved by Gonzales, seconded by Ybarra, that the position of Director of Utilities for the City of Vernon be created and included in the Salary and Wage Scale Resolution of the City of Vernon. Motion carried.

The City Administrator recommended that Lewis R. Adams, Civil Engineer, be appointed to the position of Director of Utilities, Step 3, effective July 3, 1980.

It was moved by McCormick, seconded by Gonzales, that Lewis R. Adams be appointed to the position of Director of Utilities, Step 3, effective July 1, 1980. Motion carried.

The City Administrator recommended that a position of Deputy Director of Community Services be created for inclusion in the 1980 Salary Resolution of the City of Vernon.

It was moved by Ybarra, seconded by McCormick, that the position of Deputy Director of Community Services be created and included in the Salary and Wage Scale Resolution of the City of Vernon. Motion carried.

The City Administrator recommended that Victor H. Vaits, Civil Engineer be appointed to the position of Deputy Director of Community Services, Step 1, effective July 1, 1980.

It was moved by Gonzales, seconded by Ybarra, that Victor H. Vaits, be appointed to the position of Deputy Director of Community Services, Step 1, effective July 1, 1980. Motion carried.

The City Administrator recommended that Francis W. Sumner be appointed to the position of Civilian Fire Inspector, Step 1, effective July 1, 1980.

The City Administrator, in addition to recommending that the City pick up the increased cost of medical insurance, and the City's increased contribution rate to P.E.R.S., recommended that all unrepresented Personnel be given a ten per cent (10%) increase in salary.

It was moved by McCormick, seconded by Ybarra, that all unrepresented personnel be granted a ten per cent (10%) increase in salary. Motion carried.

Resolution No. 4742 - A Resolution of the City Council of the City of Vernon Fixing the Compensation for Certain Employees of Said City, as of July 1, 1980. Authorizing Certain Expense Allowances, and Repealing all Resolutions in Conflict Therewith, was presented.

It was moved by Gonzales; seconded by McCormick, that Resolution No. 4742 be approved and adopted. Motion carried.

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

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The City Administrator recommended that the maximum mileage allowance now existing for qualified employees, be increased to \$130.00 per month, effective July 1, 1980, and that proportionate increases be granted to other employees who use their own vehicle in the service of the City.

It was moved by Ybarra, seconded by Gonzales, that automotive allowances for the classification hereafter specified, be increased as thereafter listed. Motion carried.

Director of Public Works/Building-Health Officer	\$130.00
Director of Environmental Health	130.00
Civil Engineer, Director of Utilities	130.00
Chief Deputy Director of Environmental Health	130.00
Senior Mechanical Inspector	130.00
Senior Electrical Inspector	130.00
Civil Engineering Associate (Water/Sewer)	130.00
Chief of Police	130.00
Captain of Detective Bureau	130.00
Civil Engineer, Deputy Director/Community Services	95.00
Project Engineer	70.00
City Treasurer	50.00
Purchasing Agent	50.00
City Health Nurse	40.00

It was moved by McCormick, seconded by Ybarra, that an allowance of \$3500.00 be authorized for a "CITY OF VERNON - HOSPITALITY ROOM" in the Bonaventure Hotel, to host delegates to the League of California Cities Annual Conference in Los Angeles, October 19 through 22, 1980, to commemorate the City's 75th Anniversary. Motion carried.

It was moved by Gonzales, seconded by Ybarra, that W.M. McCormick be authorized to attend the League of California Cities Mayors and Council Members executive Forum in Monterey, California, July 23-25, 1980, with an expense allowance of \$475.00. Motion carried.

It was moved by Ybarra, seconded by McCormick, that the City of Vernon sponsor a "City Anniversary Picnic", September 13, 1980, in commemoration of the 75th year of the City's founding, for city employees and their families. Motion carried.

There being no further business to come before the City Council, it was moved by McCormick, seconded by Ybarra, that the meeting adjourn until 4:45 o'clock, p.m., July 8, 1980. Motion carried.


LEONIS C. MALBURG, Mayor

ATTEST:


BRUCE V. MALKENHORST, City Administrator/City Clerk

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