

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 I (7 PAGES)

MINUTES OF THE ADJOURNED REGULAR MEETING
OF THE CITY COUNCIL, HELD NOVEMBER 19, 1985
AT 5:00 P.M., IN THE COUNCIL CHAMBER OF THE
CITY HALL, LOCATED AT 4305 SANTA FE AVENUE
VERNON, CALIFORNIA

MEMBERS PRESENT: Malburg, Ybarra, Davis, Gonzales, McCormick
MEMBERS ABSENT: None

The meeting was called to order by Mayor Malburg.

The City Clerk read the following bids for Contract No. 471, Traffic Signal Modernization, Boyle Avenue & Fruitland Avenue that had been opened by the Chief Deputy City Clerk at 2:00 P.M., earlier the same day.

Metro Electric	\$46,282.00
Signal Construction Co	41,863.00
S & W Electrical Contractors, Inc	42,414.00
Steiny & Company, Inc.	43,438.00
C.T. & F, Inc	43,980.00

It was moved by Gonzales, seconded by McCormick, that the bids received for Traffic Signal Modernization, Boyle Avenue & Fruitland Avenue in accordance with Contract No. 471 be referred to the Community Services Department for review. Motion carried.

The City Clerk read the following bids for Contract No. 472, Traffic Pavement Striping that had been opened by Chief Deputy City Clerk at 2:00 P.M., earlier the same day.

Safety Striping Service, Inc	\$23,428.59
Pacific Striping	22,764.32

It was moved by McCormick, seconded by Ybarra, that the bids received for Traffic Pavement Striping in accordance with Contract No. 472 be referred to the Community Services Department for review. Motion carried.

It was moved by Davis, seconded by Gonzales, that the minutes of the Adjourned Regular City Council Meeting held November 5, 1985, be approved as written and submitted. Motion carried.

RESOLUTION NO. 5266 - A Resolution of the City Council of the City of Vernon Amending Schedule VII Exhibit F of Resolution 5197, Which Amended Resolution No. 4918, Fixing The Compensation of Certain Employees and Authorizing Certain Expense Allowances, was presented.

It was moved by Ybarra, seconded by Gonzales, that Resolution No. 5226 be approved and adopted. Motion carried.

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

Communication from Jose M. Castillo, Attorney at Law, dated October 22, 1985, was presented, on behalf of his client The Arres Family Corporation; dba The San Antonio Rose, located at 4505 Downey Road, Vernon. Mr. Castillo is requesting a special permit to have live music on November 15 and 16, from noon to 10:00 pm. Mr. Castillo asked that this request for a special temporary permit be granted in order to allow the Arres Family Corporation to celebrate the opening of its expanded facility. (deferred from November 5, 1985 City Council meeting).

It was moved by McCormick, seconded by Ybarra, that the Communication from Jose M. Castillo, Attorney At Law be referred to the Police Department for further review. Motion carried.

01227

City Council Minutes
page 2

November 19, 1985

Police Department Activity Report for the period November 1 to 15, 1985, was presented.

It was moved by Davis, seconded by Gonzales, that the Police Department Activity Report for the period November 1 to 15, 1985, be received and filed. Motion carried.

Fire Department Activity Report for the period November 1 to 15, 1985, was presented.

It was moved by McCormick, seconded by Ybarra, that the Fire Department Activity Report for the period November 1 to 15, 1985, be received and filed. Motion carried.

Health Department Report for the month of October 1985, was presented.

It was moved by Ybarra, seconded by Davis, that the Health Department Report for the month of October 1985, be received and filed. Motion carried.

Communication from Ellen Poochigian, City Clerk of Rosemead, dated November 6, 1985, was presented, transmitting a copy of Rosemead Resolution No. 85-49 which calls for the establishment of Joint Nuclear Crisis Control Centers in the United States and the Soviet Union and urging our similar support.

It was moved by Ybarra, seconded by McCormick, that the Communication from Ellen Poochigian, City Clerk of Rosemead, be received and filed. Motion carried.

Communication from Bruce V. Malckenhorst, City Clerk, dated November 14, 1985, was presented, advising that Purchasing Bids No. 1254, for installation of improved and sufficient lighting at the Diesel Plant, have been received and reviewed by the Light & Power Department and it is hereby recommended that Bid No. 1254 be awarded to John T. Howard Electric, Inc., in the amount of \$20,384 (including sales tax) based on their being the lowest responsible bidder.

It was moved by Gonzales, seconded by Davis, that Purchasing Bid No. 1254, for installation of improved and sufficient lighting at the Diesel Plant, be awarded to John T. Howard Electric, Inc., in the amount of \$20,384 (including sales tax). Motion carried.

"Warrant Register No. 681" covering claims and demands presented during the period of November 1 thru 15, 1985, which includes Demand Nos. 5515 thru 6772 (both inclusive) excluding Void Demand Nos. 6631 thru 6634 and excluding Light & Power Demands, drawn on the First Interstate Bank totaling \$154,286.46 (Accounting Period, November 1985), was examined and audited.

It was moved by Ybarra, seconded by McCormick, that Warrant Register No. 681 be approved and payment authorized for Demand Nos. 6615 thru 6772 (both inclusive) excluding Void Demand Nos. 6631 thru 6634 and excluding Light & Power Demands, in the amount of \$154,286.46 with no other exceptions. Motion carried.

Warrant Register No. 681 covering claims and demands presented during the period of November 1 thru 15, 1985, which includes Light & Power Demand Nos. 6615, 6616, 6617, 6624, 6628, 6629, 6635, 6660, 6676, 6680, 6681, 6691, 6706, 6707, 6711, 6714, 6715, 6718, 6745, 6748, 6752, 6764, and 6772, drawn on First Interstate Bank totaling \$5,895,038.51 (accounting period November 1985), was examined and audited.

It was moved McCormick, seconded by Gonzales, that Warrant Register No. 681 be approved and payment authorized for Light & Power Demand Nos. 6615, 6616, 6617, 6624, 6628, 6635, 6660, 6676,

01228

City Council Minutes
page 3

November 19, 1985

6677, 6680, 6681, 6691, 6706, 6707, 6711, 6714, 6715, 6718, 6745, 6748, 6752, 6764, and 6772, in the amount of \$5,895,038.51, with no other exceptions. Motion carried. Councilman Davis is abstaining from voting on the above motion and is disqualifying himself because it is reasonably foreseeable that the decision will have a material financial effect on his source of income.

Communication from Bruce V. Malkenhorst, Director of Personnel dated November 18, 1985, was presented, recommending approval of the following personnel actions:

I Terminated- Patrick Marks be terminated based on his failure to pass probation, effective November 7, 1985.

It was moved by Ybarra, seconded by Davis, that Patrick Marks be terminated based on his failure to pass probation, effective November 7, 1985. Motion carried.

II Advance - Dispatcher Sally Farrar to Senior Dispatcher Step 2, with a new monthly salary of \$1862 effective November 10, 1985, based on her increased job responsibilities and meritorious job performance.

It was moved by McCormick, seconded by Gonzales, to advance Sally Farrar to Senior Dispatcher, Step 2, with a new monthly salary of \$1862 effective November 10, 1985. Motion carried.

III Reimbursement - Officer David Zapfen be reimbursed \$133.12 which is half the purchase price of his body armor (vest).

It was moved by Davis, seconded by Ybarra, that Officer David Zapfen be reimbursed \$133.12, which is half the purchase price of his body armor (vest). Motion carried.

Communication from Deputy Fire Chief Lloyd Schultz, dated November 19, 1985, was presented, submitting his resignation from the Vernon Fire Department for retirement purposes to be effective February 1, 1986, at the end of the business day.

It was moved by Ybarra, seconded by Gonzales, that the resignation submitted by Deputy Fire Chief Lloyd Schultz for retirement purposes be effective February 1, 1986. Motion carried.

Communication from Bruce V. Malkenhorst, Director of Personnel dated November 18, 1985, was presented, recommending that Dan Romero be hired on a temporary basis with an hourly wage of \$5 effective November 20, 1985 assigned to the Community Services Department.

It was moved by Gonzales, seconded by Ybarra, that Dan Romero be hired on a temporary basis with an hourly wage of \$5 effective November 20, 1985, assigned to the Community Service Department. Motion carried.

At 5:30 P.M., it was moved by Ybarra, seconded by McCormick, that the City Council go into Closed Session under the Attorney/Client privilege. Motion carried.

All persons with the exception of City Clerk, and the City Attorney were excluded from the Closed Session.

Mayor Malburg declared all communications to and from the Closed Session deemed private and confidential.

At 6:05 P.M., Councilman Davis was excused.

At 6:35 P.M., Councilman Davis resumed his seat on the Council.

01229

City Council Minutes
page 4

November 19, 1985

At 6:36 P.M., it was moved by Ybarra, seconded by McCormick, that the City Council go out of Closed Session and resume Regular Session. Motion carried.

Communication from Bruce V. Malckenhorst, City Clerk, dated November 18, 1985, was presented, advising that a claim has been received from Gilbert, Kelly, Crowley & Jennett on behalf of their client Carl R. Smith, a defendant in the Ralph W. Degarimore case. It is the intention of Carl R. Smith to file a cross-complaint against the city for Comparative Equitable Apportionment & Indemnification. The claim has been reviewed by our liability administrator and it is hereby recommended that said claim be denied.

It was moved by Ybarra, seconded by Gonzales, that the claim received from Gilbert, Kelly, Crowley & Jennett on behalf of their client Carl R. Smith, be denied. Motion carried.

The City Attorney requested the Council's ratification and approval of the dismissal filed in the matter of the City of Vernon v. Southern California Edison Company, Los Angeles Superior Court Case No. C361781, on November 12, 1985.

It was moved by Gonzales, seconded by Ybarra, that the City Attorney's recommendation be approved. Motion carried. Councilman Davis is abstaining from voting on the above motion and is disqualifying himself because it is reasonably foreseeable that the decision will have a material financial effect on his source of income.

The City Attorney explained that the Southern California Edison Company had filed a petition in the United States Court of Appeals for the District of Columbia Circuit appealing a Federal Energy Regulatory Commission decision in Docket No. EL85-11. He recommended that Vernon be authorized to intervene in said proceeding to defend the decision of the Commission.

It was moved by McCormick, seconded by Gonzales, that the City Attorney's recommendation be approved and that he be authorized to represent the City of Vernon in the above referenced proceeding. Motion carried. Councilman Davis is abstaining from voting on the above motion and is disqualifying himself because it is reasonably foreseeable that the decision will have a material financial effect on his source of income.

At 6:40 P.M., it was moved by Ybarra, seconded by Davis that the City Council go into Closed Session under the Government Code Section 54957. Motion carried.

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

Mayor Malburg declared all communications to and from the Closed Session deemed private and confidential.

At 6:50 P.M., the City Clerk/City Administrator and City Attorney were excused.

At 7:35 P.M., the City Clerk/City Administrator resumed his seat.

At 7:50 P.M., the City Clerk/City Administrator was excused.

At 8:00 P.M., the City Clerk/City Administrator resumed his seat.

At 8:07 P.M., it was moved by Ybarra, seconded by McCormick that the City Council go out of Closed Session and resume Regular Session. Motion carried.

It was moved by Ybarra, seconded by McCormick, that the City Clerk/City Administrator be granted a \$300 living expense allowance, effective November 1, 1985. Motion carried.

01230

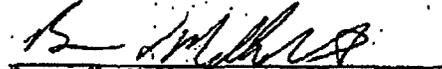
City Council Minutes
page 5

November 19, 1985

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


Leonis C. Malburg, Mayor

ATTEST:

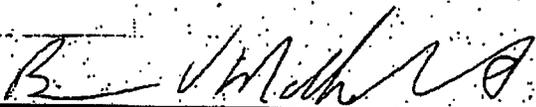

Bruce V. Malkenhorst, City Clerk

01231

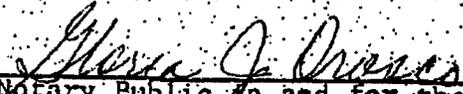
AFFIDAVIT OF POSTING

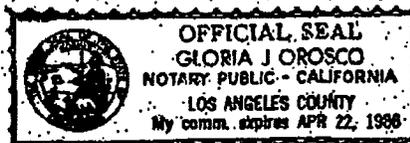
State of California)
County of Los Angeles) SS
City of Vernon)

I, BRUCE V. MALKENHORST, City Clerk of the City of
Vernon, do hereby certify that I did, on the 19th day of
November, 1985, at 2:00 PM, post Order of Adjourn-
ment of Meeting of the City Council of the City of Vernon, a
copy of which is attached hereto, at a conspicuous place on or
near the door of the place at which said meeting of the
City Council, was ~~held~~ to be held.


BRUCE V. MALKENHORST, City Clerk-
Director of Finance

Subscribed and sworn to before me
this 19th day of November, 1985.


Notary Public in and for the County of
Los Angeles, State of California



NOTICE OF ADJOURNMENT
OF THE CITY COUNCIL MEETING OF THE CITY OF VERNON

I HEREBY CERTIFY THAT A REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF VERNON TO BE HELD November 19, 1985 at 2PM ~~at~~
IN THE COUNCIL CHAMBERS OF THE CITY HALL LOCATED AT
4305 SANTA FE AVENUE, VERNON, CALIFORNIA, WAS ADJOURNED BY
ORDER OF THE CITY CLERK (Quorum Not Present) UNTIL November 19,
1985, at 4:45 PM IN THE COUNCIL CHAMBERS OF THE CITY HALL.

Bruce V. Malckenhorst
Bruce V. Malckenhorst
City Clerk