

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 K (9 PAGES)**

**MINUTES OF AN ADJOURNED REGULAR CITY COUNCIL  
MEETING HELD OCTOBER 28, 1986 AT 4:45 P.M. IN  
THE LUNCH ROOM OF THE COMMUNITY SERVICES  
DEPARTMENT LOCATED AT THE NORTHWEST CORNER OF  
THE CITY HALL LOCATED AT 4305 SANTA FE AVENUE,  
VERNON, CALIFORNIA**

**MEMBERS PRESENT:** Malburg, Ybarra, Davis, Gonzales, McCormick

**MEMBERS ABSENT:** None

It was moved by Ybarra, seconded by Davis, that the minutes of the Adjourned Regular City Council Meeting held October 7, 1986, be approved as written. Motion carried.

At this time it was moved by McCormick, seconded by Ybarra, that the Public Hearing to consider an application for a conditional use permit for a truck terminal at the property located at 3333 Downey Road, be opened. Motion carried.

Communication from Victor Vaits, Director of Community Services, dated October 16, 1986, was presented, regarding application for a conditional use permit by the Valacal Co., for a truck terminal on 3333 Downey Road, submitting the following supporting documents and exhibits:

1. Request for a conditional use permit and information supporting the permit application.
2. Notice of a public hearing, copies of notification letters to owners and tenants in the area and affidavits of posting and mailing.
3. Notice of Intent to adopt a Negative Declaration and affidavits of posting and mailing.
4. Environmental information form.
5. Engineers report.

Mr. Vaits advises that it is his opinion that the proposed operation will pose no adverse effects to the City of Vernon or any other surrounding area. The project is consistent with the City's General Plan and will not have a significant effect on the environment, and no mitigating measures are required.

Mr. Vaits recommends that the City Council adopt a Negative Declaration for the Application for a Conditional Use Permit which will provide for a truck terminal located at 3333 Downey Road, determining that the project will not have a significant effect on the environment.

Mr. Vaits also recommends that the conditional use permit be granted based on the following conditions:

1. The facility be operated in accordance with the appropriate codes, rules, regulations and permit fees as adopted by the City of Vernon.
2. Any hazardous substances used or handled are required to have prior approval from the Vernon Fire Department.
3. The existing median opening in Downey Road must be closed and reconstructed as directed by the Director of Community Services.
4. The number of employee parking spaces required per the Vernon City Code must be provided and maintained.
5. The truck and trailer storage and parking plan shall be approved by the Director of Community Services and the Fire Chief prior to occupancy.

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6. Frontage improvements shall be provided along Downey Road, 26th Street and Bandini Boulevard per City of Vernon Master Plan of Streets and City Standards as established by the Director of Community Services.
7. Trees shall be provided in the sidewalk areas on Bandini Boulevard, Downey Road and 26th Street at locations approved by the Director of Community Services. All trees must be maintained by Valacal Company.
8. All frontage improvements on Bandini Boulevard must be approved by the Los Angeles County Public Works Department.

Mr. Anderson, an Engineer and Mr. Jack Martin, an architect came before the council on behalf of Valacal Company.

It was moved by McCormick, seconded by Ybarra, that the Public Hearing be closed. Motion carried.

It was moved by Gonzales, seconded by Ybarra, that the above mentioned supporting exhibits, documents and Engineers Report, as presented by Victor Vaitis in the Public Hearing, be received as evidence and filed. Motion carried.

It was moved by Ybarra, seconded by Gonzales, that based on the information presented during the Public Hearing a Negative Declaration for the proposed truck terminal located at 3333 Downey Road be adopted. Motion carried.

It was moved by McCormick, seconded by Davis, that a Conditional Use Permit be granted, allowing for a truck terminal located at 3333 Downey Road subject to the below listed conditions: Motion carried.

1. The facility be operated in accordance with the appropriate codes, rules, regulations and permit fees as adopted by the City of Vernon.
2. Any hazardous substances used or handled are required to have prior approval from the Vernon Fire Department.
3. The existing median opening in Downey Road must be closed and reconstructed as directed by the Director of Community Services.
4. The number of employee parking spaces required per the Vernon City Code must be provided and maintained at all times.
5. The truck and trailer storage and parking plan shall be approved by the Director of Community Services and the Fire Chief prior to occupancy.
6. Frontage improvements shall be provided along Downey Road, 26th Street and Bandini Boulevard per City of Vernon Master Plan of Streets and City Standards as established by the Director of Community Services.
7. Trees shall be provided in the sidewalk areas on Bandini Boulevard, Downey Road and 26th Street at locations approved by the Director of Community Services. All trees must be maintained by Valacal Company.
8. All frontage improvements on Bandini Boulevard must be approved by the Los Angeles County Public Works Department.

It was moved by Gonzales, seconded by McCormick, that the Public Hearing to consider an application for a Conditional Use Permit for a truck terminal located at 3768 26th Street, be opened. Motion carried.

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Communication from Victor Vaits, Director of Community Services, dated October 23, 1986, was presented, regarding the application for a conditional use permit by LAWI/CSA Consolidators., to operate a truck terminal on 3768 26th Street, submitting the following supporting documents and exhibits:

1. Request for a conditional use permit and information supporting the permit application.
2. Notice of a public hearing, copies of notification letters to owners and tenants in the area and affidavits of posting and mailing.
3. Notice of Intent to adopt a Negative Declaration and affidavits of posting and mailing.
4. Environmental information form.
5. Engineers report.

Mr. Vaits advises that it is his opinion that the proposed terminal will pose no adverse effects to the City of Vernon or any other surrounding area. The project is consistent with the City's General Plan and will not have a significant effect on the environment, and no mitigating measures are required.

Mr. Vaits recommends that the City Council adopt a Negative Declaration for the Application for a Conditional Use Permit which will provide for the truck terminal located at 3768 26th Street, determining that the project will not have a significant effect on the environment.

Mr. Vaits also recommends that the conditional use permit be granted based on the following conditions:

1. The facility be operated in accordance with appropriate codes, rules, regulations, and permit fees as adopted by the City of Vernon.
2. Any hazardous substances used or handled are required to have prior approval from the Vernon Fire Department.
3. The existing on site structure is required to have fire sprinklers per City Code.
4. The number of employee parking spaces required per the Vernon City Code must be provided and maintained.
5. The truck and trailer storage and parking plan shall be approved by the Director of Community Services and the Fire Chief prior to occupancy.

Mr. John C. Lincoln, Executive Vice President came before the Council on behalf of LAWI/CSA Consolidators.

It was moved by Ybarra, seconded by Davis, that the Public Hearing be closed. Motion carried.

It was moved by McCormick, seconded by Gonzales, that the above mentioned supporting documents, exhibits and Engineers Report as presented by Victor Vaits in the Public Hearing be received as evidence and filed. Motion carried.

It was moved by Ybarra, seconded by Davis, that based on the information presented during the Public Hearing a Negative Declaration for the proposed truck terminal located at 3768 26th Street be adopted. Motion carried.

It was moved by Davis, seconded by Gonzales, that a Conditional Use Permit be granted, allowing for operation of a truck terminal located at 3768 26th Street subject to the below listed conditions: Motion carried.

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1. The facility be operated in accordance with appropriate codes, rules, regulations, and permit fees as adopted by the City of Vernon.
2. Any hazardous substances used or handled are required to have prior approval from the Vernon Fire Department.
3. The existing on site structure is required to have fire sprinklers per City Code.
4. The number of employee parking spaces required per the Vernon City Code must be provided and maintained.
5. The truck and trailer storage and parking plan shall be approved by the Director of Community Services and the Fire Chief prior to occupancy.

Police Department Activity Log for the period October 1 thru 15, 1986, was presented.

It was moved by McCormick, seconded by Ybarra, that the Police Department Activity Log for the period October 1 thru 15, 1986, be received and filed. Motion carried.

Fire Department Activity Report for the period October 1, thru 15, 1986, was presented.

It was moved by Davis, seconded by Gonzales, that the Fire Department Activity Report for the period October 1, thru 15, 1986, be received and filed. Motion carried.

Health Department Report for the month of September, 1986, was presented.

It was moved by Ybarra, seconded by McCormick, that the Health Department Report for the month of September, 1986, be received and filed. Motion carried.

Communication from Luis Espinoza, Chief of Police, dated October 1, 1986, was presented, requesting authority and funds for Melody Chancey, Police Secretary, to attend a Management Education for Secretaries Seminar to be held on December 4, 1986, in Anaheim, California, with an expense allowance of \$107.80.

It was moved by Davis, seconded by Ybarra, that authority be granted to issue a warrant to Melody Chancey, in the amount of \$107.80 to attend a Management Education for Secretaries Seminar to be held on December 4, 1986, in Anaheim, California. Motion carried.

Communication from Norman J. Michiels, Director of Environmental Health, dated October 7, 1986, was presented, requesting authority and funds for Eve Wise, a nurse, to attend a Workers' Compensation Workshop to be held on October 15, 1986, in Commerce, California, with a registration fee of \$75.00.

It was moved by McCormick, seconded by Gonzales, that authority be granted to issue a warrant to Eve Wise, in the amount of \$75.00 to attend a Workers' Compensation Workshop to be held on October 15, 1986, in Commerce, California. Motion carried.

Communication from Bruce V. Malkehhorst, City Clerk, dated October 21, 1986 was presented, recommending that an Encroachment License Agreement by and between Pabco Paper Products and the City of Vernon to maintain and operate an 8 inch diameter cast iron water line across Pacific Boulevard, be approved and that the Mayor and the City Clerk be authorized to execute said agreement on behalf of the City.

It was moved by Gonzales, seconded by Davis, that the aforementioned recommendation of the City Clerk for an Encroachment License Agreement by and between Pabco Paper Products and the City of Vernon be approved. Motion carried.

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Communication from Victor Vaits, Director of Community Services, dated October 23, 1986, was presented, recommending that the Public Improvements Agreement by and between Security Environmental Systems, Inc., for street and water system improvements on 26th Street and Bandini Blvd. be approved and authority be granted for the Mayor and City Clerk to execute same.

It was moved by Gonzales, seconded by Ybarra, that the aforementioned recommendation of the Director of Community Services for a Public Improvements Agreement by and between Security Environmental Systems, Inc., be approved. Motion carried.

RESOLUTION NO. 5337 - A Resolution of the City Council of the City of Vernon Amending Section 19, Subsection (e) in Exhibit A Page 13 of Resolution No. 5294 which Fixed the Compensation for Certain Employees of Said City and Authorized Certain Expense Allowances, was presented.

It was moved by McCormick, seconded by Ybarra, that Resolution No. 5337 be approved and adopted. Motion carried.

PAYROLL WARRANT REGISTER NO. 360 covering claims and demands presented during the period of August 17 thru September 13, 1986 which includes Demand Nos. 4572 thru 4604 (both inclusive) drawn on the First Interstate Bank totaling \$789,786.46 (accounting period September 1986), was examined and audited.

It was moved by Davis, seconded by McCormick, that Payroll Warrant Register No. 360, be approved and payment authorized for Demand Nos. 4572 thru 4604 (both inclusive), in the amount of \$789,786.46, with no exceptions. Motion carried.

WARRANT REGISTER NO. 703 - Covering claims and demands presented during the period October 1 thru 15, 1986, which includes Demand Nos. 10191 thru 10490 (both inclusive) excluding void Demand Nos. as listed below and Excluding Light & Power Demands, drawn on the First Interstate Bank totaling \$305,232.65 (accounting period October 1986):

10205	10259	10265	10284
10225	10260	10281	10285
10255	10261	10282	10400
10258	10264	10283	

was examined and audited.

It was moved by Ybarra, seconded by Gonzales, that Warrant Register No. 703 be approved and payment authorized for Demand Nos. 10191 thru 10490 (both inclusive) excluding Void Demand Nos., as listed above in the amount of \$305,232.65, with no other exceptions. Motion carried.

WARRANT REGISTER NO. 703 - Covering claims and demands presented during the period of October 1 thru 15, 1986, which includes Light & Power Demand Nos. as listed below drawn on the First Interstate Bank totaling \$6,703,401.34 (accounting period October 1986):

10191	10240	10297	10355	10429	10464
10192	10241	10300	10357	10430	10467
10194	10242	10310	10381	10438	10479
10200	10243	10314	10383	10447	10488
10202	10244	10333	10389	10453	10489
10203	10247	10337	10392	10454	
10219	10252	10344	10399	10458	
10220	10254	10346	10490*	10460	
10224	10257	10354	10403	10462	

was examined and audited..

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It was moved by McCormick, seconded by Ybarra, that Warrant Register No. 703 be approved and payment authorized for Light & Power Demands Nos. as listed above in the amount of \$6,703,401.34 with no other exceptions. Motion carried. Councilman Davis abstained from voting on the above motion and disqualified himself because it's reasonably foreseeable that the decision will have a material financial effect on his source of income.

Communication from Bruce V. Malckenhorst, City Clerk, dated October 27, 1986, was presented, transmitting a computation report concerning the proposed Energy Cost Adjustment Billing Factor for the next three month period, as prepared by Lew Adams, Operations Manager of the Light & Power Department. It is hereby recommended that the negative factor of \$.01964 per kilowatt hour be approved to be effective November 1, 1986.

It was moved by Ybarra, seconded by Gonzales, that the recommendation of the City Clerk concerning the proposed Energy Cost Adjustment Billing Factor for the next three month period be approved with a negative factor of \$.01964 per kilowatt hour effective November 1, 1986. Motion carried.

RESOLUTION NO. 5338 - A Resolution of the City Council of the City of Vernon Changing the Energy Cost Billing Factor Charged for Electrical Energy Distributed and Supplied to Its Electrical Consumers, was presented.

It was moved by McCormick, seconded by Davis, that Resolution No. 5338 be approved and adopted. Motion carried.

Communication from Bruce V. Malckenhorst, Director of Personnel, dated October 27, 1986, was presented, recommending that the following personnel actions be approved as indicated:

I HIRE:

Kevin Sean Smith as a Police Officer I, Step 4, with a monthly salary of \$1933 effective October 10, 1986 and that the Employment Agreement for the position of Police Officer I in the Vernon Police Department by and between the City of Vernon and Kevin Sean Smith be accepted and ratified effective October 10, 1986. Continued employment is contingent upon his successful completion of the background process.

It was moved by Ybarra, seconded by McCormick, that Kevin Sean Smith be hired as a Police Officer I, Step 4, and that his Employment Agreement for the position of Police Officer I, be accepted and ratified effective October 10, 1986. Motion carried.

David Russell Markley as a Police Officer I, Step 4, with a monthly salary of \$1933 effective October 10, 1986 and that the Employment Agreement for the position of Police Officer I in the Vernon Police Department by and between the City of Vernon and David Russell Markley be accepted and ratified effective October 10, 1986. Continued employment is contingent upon his successful completion of the background process.

It was moved by Davis, seconded by Gonzales, that David Russell Markley be hired as a Police Officer I, Step 4, and that his Employment Agreement for the position of Police Officer I, be accepted and ratified effective October 10, 1986. Motion carried.

II STEP INCREASE:

L. Art Reynoso a Diesel Operator for the Light & Power Department, be granted a merit step increase to Diesel Operator V, Step 3, with a monthly salary of

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\$1709 effective October 26, 1986 based upon his satisfactory job performance during the past year.

It was moved by Ybarra, seconded by McCormick, that L. Art Reynoso be granted a merit step increase to Diesel Operator V, Step 3, effective October 26, 1986. Motion carried.

Deborah Pile a Utilityclerk for the City Administrator's office, be granted a merit step increase to Utilityclerk, Step 1, with a monthly salary of \$1667 effective November 9, 1986, based upon her satisfactory job performance during the past year.

It was moved by Davis, seconded by Ybarra, that Deborah Pile be granted a merit step increase to Utilityclerk, Step 1, effective November 9, 1986. Motion carried.

III INCREASE:

Leah Anderson a temporary employee assigned to the Light & Power Department be granted an hourly wage increase to \$10.10 effective October 26, 1986, based upon her satisfactory job performance.

It was moved by McCormick, seconded by Gonzales, that Leah Anderson, a temporary employee, be granted an hourly wage increase to \$10.10 effective October 26, 1986. Motion carried.

IV RECLASSIFICATION:

Frank Claunch Acting Fire Chief, be returned to the position of Battalion Chief, Step 1 with a monthly salary of \$4675 (which includes the 2 1/2% Educational Incentive Pay, previously granted and the 5% longevity pay), effective October 13, 1986.

It was moved by Ybarra, seconded by Davis, that Frank Claunch be returned to the position of Battalion Chief, Step 1 with a monthly salary of \$4675 (which includes the 2 1/2% Educational Incentive Pay, previously granted and the 5% longevity pay), effective October 13, 1986. Motion carried.

Julio Valdez Operator/Dispatcher III, be reclassified to Operator/Dispatcher II, Step 3, with a monthly salary of \$2904 (which includes the 5% longevity pay) effective October 26, 1986, based upon his satisfactory job performance.

It was moved by McCormick, seconded by Davis, that Julio Valdez be reclassified to Operator/Dispatcher II, Step 3, with a monthly salary of \$2904 (which includes the 5% longevity pay) effective October 26, 1986. Motion carried.

V RESIGNATION:

Jesse Perez, a temporary employee assigned to the Water & Power Department, resignation be accepted effective October 16, 1986, at the end of the business day.

It was moved by Ybarra, seconded by Gonzales, that the resignation from temporary employee Jesse Perez be accepted effective October 16, 1986, at the end of the business day. Motion carried.

VI ABANDONMENT OF CONTRACT:

Officer Keith Washington's resignation dated September 23, 1986 to be effective October 4, 1986 at the end of his shift, be rejected and he be advised that he is in violation of his 36-month employment agreement.

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It was moved by Davis, seconded by Gonzales, that the resignation from Officer Keith Washington be rejected and he be advised that he is in violation of his 36-month employment agreement. Motion carried.

Communication from David Brearley, City Attorney, dated October 28, 1986, was presented, advising that the U.S. Forest Service (USFS) requires the execution of a Collection Agreement, Special Use Permit and the deposit of fees in advance in relation to studies and activities being performed at the Project site pursuant to Vernon's feasibility study for the Bear Butte Hydroelectric Project. The USFS requires advance payments as follows:

1. November 3, 1986	\$5,000
2. March 23, 1987	5,000
3. August 3, 1987	5,000

In addition the USFS requires the payment of \$635 prior to November 15, 1986, for use of USFS land as stipulated in the study agreements. Both the proposed Collection Agreement and Special Use Permit have been reviewed and it is hereby recommended that Mr. Young, a consulting engineer at RMI, be authorized by the City to sign these agreement on behalf of the City.

It was moved by Gonzales, seconded by Ybarra, that the communication from the City Attorney be received and filed, and that Mr. Young, a consulting engineer at RMI, be authorized to sign the above mentioned agreements on behalf of the City and that the City Administrator be authorized to make the requested advance payments. Motion carried.

RESOLUTION NO. 5339 - A Resolution of the City Council of the City of Vernon Approving and Authorizing the Execution of a Collection Agreement, An Authorization Letter and Special Use Permit Between the City of Vernon and U. S. Forest Service (USFS) Respecting the Bear Butte Hydro Electric Project FERC No. 8444, was presented.

It was moved by McCormick, seconded by Ybarra, that Resolution No. 5339 be approved and adopted. Motion carried.

At this time it was moved by Ybarra, seconded by McCormick, that the Council into closed session pursuant to Government Code Section 54956.9(a), and 54595.9(b)(1) the time being 6:05 pm. Motion carried.

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

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

It was moved by Ybarra, seconded by McCormick, that the Council go out of closed session and resume regular session. Motion carried.

It was moved by Ybarra, seconded by Davis, that the claim of Mr. Peter Roggenkamp resulting from an accident occurring on September 4, 1986, on Bandini Blvd., west of Downey Road at approximately 3:45 a.m. be denied. Motion carried.

Communication from David B. Brearley, City Attorney, dated October 22, 1986, advising that a settlement in the matter of Ronald L. Hedlund v. City of Vernon, WCAB Case No. 81 BGN 065993, was proposed by way of a compromise and release for the sum of \$6,000 of which \$4,800 was to be paid by Vernon and the balance of \$1200 be paid by the other co-defendants. Vernon would also pay the medical-legal bills of Little Company of Mary Hospital, Dr. Strahan, Dr. Goldfarb, and applicant's attorney's fees of \$125 if in fact they have not yet been paid. The City Attorney recommends that the proposed settlement be approved and Mr. John A. Haley be authorized to execute the compromise and release on behalf of the city, was presented.

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It was moved by McCormick, seconded by Gonzales, that the proposed settlement in the matter of Ronald L. Hedlund be approved as recommended by the City Attorney. Motion carried.

It was moved by Ybarra, seconded by McCormick, that the Council go into Closed Session pursuant to Government Code Section 54957, the time being 6:16 p.m. Motion carried.

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

They Mayor ordered all communications to and from Closed Session Deemed privileged and confidential.

It was moved by McCormick, seconded by Ybarra, that the Council go out of Closed Session and resume regular session. Motion carried.

Communication from Richard Hilton, Deputy Director of Environmental Health, dated October 14, 1986, was presented, advising of his intent to retire effective February 5, 1987.

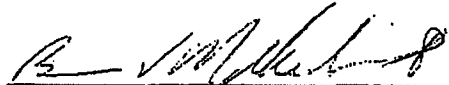
It was moved by Ybarra, seconded by Davis, that the resignation of Richard Hilton for retirement purposes be accepted effective February 5, 1987. Motion carried.

It was moved by Gonzales, seconded by Davis, that approval be granted for the City to cover the cost of physical examinations for executive personnel who elect to take one. Motion carried.

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

  
Leonis C. Malbuq, Mayor

ATTEST:

  
Bruce V. Malkenhorst  
City Clerk

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