

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 Q (8 PAGES)

MINUTES OF THE CITY COUNCIL MEETING OF
THE CITY OF VERNON HELD OCTOBER 17, 1989
AT 4:45 P.M. IN THE COUNCIL CHAMBERS OF
THE CITY HALL LOCATED AT 4305 SANTA FE
AVENUE, VERNON, CALIFORNIA

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

MEMBERS ABSENT: None

The meeting was called to order by Chairman Malburg.

It was moved by Davis, seconded by Ybarra, that the minutes of the City Council Meeting held October 3, 1989, be approved as written and adopted. Motion carried.

Police Department Activity Log for the period October 1 thru 15, 1989, was presented.

It was moved by McCormick, seconded by Gonzales, that the Police Department Activity Log for the period October 1 thru 15, 1989, be received and filed. Motion carried.

Fire Department Activity Report for the period October 1 thru 15, 1989, was presented.

It was moved by Ybarra, seconded by Davis, that the Fire Department Activity Report for the period October 1 thru 15, 1989, be received and filed. Motion carried.

Health Department Report for the month of September, 1989, was presented.

It was moved by Gonzales, seconded by Ybarra, that the Health Department Report for the month of September, 1989, be received and filed. Motion carried.

RESOLUTION NO. 5676 - A Resolution of the City Council of the City of Vernon Commending Fred Tachovsky for His Many Years of Service to the City of Vernon, was read in its entirety by the City Clerk.

It was moved by Ybarra, seconded by McCormick, that Resolution No. 5676 be approved and adopted. Motion carried.

Mayor Malburg presented the Resolution to Fred Tachovsky.

The Mayor called a short recess, the time being 5:12 p.m.

The Council reconvened in regular session, the time being 5:17 p.m., all members present before the recess again being present.

At this time the Mayor asked if there was anyone in the audience who wished to address the City Council on any matters listed on today's agenda.

There was no one in the audience who wished to address the City Council at this time.

Communication from Bruce V. Malikenhorst, Director of Finance, dated October 12, 1989, was presented, transmitting the minutes of the Adjourned Finance Committee Meeting held October 10, 1989, for approval of the recommendations contained therein.

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It was moved by McCormick, seconded by Gonzales, that the minutes of the Adjourned Finance Committee Meeting held October 10, 1989, be approved as indicated. Motion carried.

RESOLUTION NO. 5683 - A Resolution of the City Council of the City of Vernon Superseding Resolution No. 5381 and Establishing the Rates for Business License Taxes and Related Fees and Deposits pursuant to Chapter 15 of the Vernon City Code, was presented.

It was moved by Ybarra, seconded by Davis, that Resolution No. 5683 be approved and adopted. Motion carried.

Consideration of the disability retirement of Verl Bulkley. (Deferred from the Finance Committee Meeting held October 10, 1989.)

RESOLUTION NO. 5678 - A Resolution of the City Council of the City of Vernon Determining the Industrial Disability Retirement of Verl Bulkley, a Local Safety Member Employed by the City of Vernon (Government Code Sections 21024 and 21015).

RESOLUTION NO. 5677 - A Resolution of the City Council of the City of Vernon Commending Verl Bulkley for His Many Years of Service to the City of Vernon.

It was moved by Ybarra, seconded by Gonzales, that consideration of the disability retirement of Verl Bulkley and Resolutions No. 5678 and 5677 be deferred to Closed Session later this date. Motion carried.

Communication from Bruce V. Malikenhorst, Director of Personnel, dated October 12, 1989, was presented, transmitting the agenda for the Personnel Committee Meeting to be held October 16, 1989, for approval of the recommendations contained therein.

It was moved by Gonzales, seconded by Davis, that the recommendations listed on the agenda for the Personnel Committee Meeting held October 16, 1989, be approved as indicated. Motion carried.

Communication from Norman J. Michiels, Health Officer, dated October 10, 1989, was presented, transmitting an inspection report certifying that the City of Vernon jail was inspected on October 4, 1989, and is in compliance with Section 459 of the Health and Safety Code with regard to the standards and requirements prescribed by the Board of Corrections regarding sanitary conditions.

It was moved by McCormick, seconded by Ybarra, that the aforementioned communication, dated October 10, 1989, and inspection report submitted by the Health Officer be received and filed. Motion carried.

Communication from Victor H. Vaits, Director of Community Services, dated September 26, 1989, was presented, transmitting the following documents pursuant to Section 33327 of the California Community Redevelopment Law in connection with a plan for the redevelopment of the proposed Industrial Redevelopment Project in the City of Vernon:

1. Legal Description of Project Area;
2. Project Area Map indicating the boundary of the Project Area; and
3. Statement of Preparation of Redevelopment Plan or Amended Redevelopment Plan for the Vernon Industrial Redevelopment Project.

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The Director of Community Services advises that a Preliminary Report will be prepared and transmitted to the Council after the report of the county fiscal officer (Auditor-Controller) has been received by the Redevelopment Agency. The Director is also requesting the City Council to provide the name, address and telephone number of the official who should be contacted for consultation with respect to the redevelopment plan for the proposed redevelopment project.

Victor Vaits briefly addressed the City Council on this matter.

It was moved by Ybarra, seconded by Davis, that the communication dated September 26, 1989, and documents transmitted by the Director of Community Services be received and filed; and that Victor Vaits be appointed the official who should be contacted for consultation with respect to the redevelopment plan for the proposed redevelopment project. Motion carried.

Communication from Louis S. Rosenkrantz, Police Chief, dated October 2, 1989, was presented, requesting authority and funds for Sgt. Tom Igyarto to attend the Internal Affairs Investigation Course in Long Beach, November 13-15, 1989, with an expense allowance of \$254 of which the entire amount will be reimbursed by POST.

It was moved by McCormick, seconded by Gonzales, that authority be granted to issue warrant to Sgt. Tom Igyarto in the amount of \$254 (which will be reimbursed by POST) for his attendance at the Internal Affairs Investigation Course in Long Beach, November 13-15, 1989. Motion carried.

Communication from Bruce V. Malckenhorst, City Clerk, dated October 8, 1989, was presented, requesting authority and funds for Gloria Orosco, Chief Deputy City Clerk, to attend the City Clerks New Law & Election Seminar in Monterey, December 6-8, 1989, with an expense allowance of \$701.50.

It was moved by Ybarra, seconded by Davis, that authority be granted to issue warrant to Gloria Orosco in the amount of \$701.50 for her attendance at the City Clerks New Law & Election Seminar in Monterey, December 6-8, 1989. Motion carried.

Communication from Louis S. Rosenkrantz, Police Chief, dated October 2, 1989, was presented, requesting authority and funds for Lt. Don Green to attend the Assertive Management Skills Training Course in San Francisco, November 28-30, 1989, with an expense allowance of \$629.14 of which \$605.14 will be reimbursed by POST with the actual cost to the City \$24.00.

It was moved by McCormick, seconded by Ybarra, that authority be granted to issue warrant to Lt. Don Green in the amount of \$629.14 (\$605.14 will be reimbursed by POST) for his attendance at the Assertive Management Skills Training Course in San Francisco, November 28-30, 1989. Motion carried.

Communication from Bruce V. Malckenhorst, City Clerk, dated October 11, 1989, was presented, recommending that Mayor Leonis Malburg and Mayor Pro Tem Thomas Ybarra be appointed as "delegate" and "alternate delegate" respectively, for voting purposes during the upcoming League of California Cities Conference.

It was moved by Gonzales, seconded by Davis, to appoint Mayor Leonis Malburg and Mayor Pro Tem Thomas Ybarra as delegate and alternate delegate for voting purposes during the League of California Cities Conference. Motion carried.

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Communication from Victor H. Vaits, Director of Community Services, dated October 11, 1989, was presented, advising that Coast Surveying, Inc. has submitted for Terrence J. Dapper and Darwin V. Dapper, Parcel Map No. 20284 for investigation and report in accordance with the Subdivision Map Act, and transmitting the following evidence:

1. Print of Parcel Map No. 20284;
2. Report on Parcel Map No. 20284;
3. Excerpts from the Subdivision Map Act.

It is the opinion of the Director of Community Services that the proposed parcel map is consistent with the General Plan as adopted by the City of Vernon; the State Environmental Quality Act; and the State Subdivision Map Act; and it is hereby recommended that Parcel Map No. 20284 be approved.

Victor Vaits addressed the City Council briefly on this matter.

It was moved by Ybarra, seconded by Gonzales, that the communication from Victor Vaits, dated October 11, 1989, and the evidence submitted therewith, be received and filed, and that Parcel Map No. 20284 be approved. Motion carried.

Communication from Bruce V. Malckenhorst, City Clerk, dated October 12, 1989, was presented, advising that a computation report is being compiled by Lewis Adams, Director of Water & Power, which will determine the Energy Cost Adjustment Billing Factor for the next three month period and will be submitted to the City Council on October 17, 1989. Based on the actual fuel expenses and revenues, and Southern California Edison Company's forecast of fuel cost for the next three months, it is hereby recommended that the new factor to be announced at this meeting be adopted to be effective for all bills rendered from November 1, 1989.

The City Clerk presented the computation report to the City Council at this time and announced that the proposed new factor was a negative \$.01369 per kilowatt hour.

It was moved by McCormick, seconded by Ybarra, that the communication from the City Clerk, dated October 12, 1989, and computation report compiled by Mr. Adams be received and filed; and that the new Energy Cost Adjustment Billing Factor of negative \$.01369 per kilowatt hour be adopted to be effective for all bills rendered from November 1, 1989. Motion carried.

RESOLUTION NO. 5684 - A Resolution of the City Council of the City of Vernon Changing the Energy Cost Adjustment 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. 5684 be approved and adopted. Motion carried.

Communication from Bruce V. Malckenhorst, City Clerk, dated October 12, 1989, was presented, recommending that the "Consent to Assignment of Contractual Rights to U S West Communications Services, Inc." be approved. This has been reviewed by the Chief of Police and the City Attorney.

The City Attorney addressed the City Council briefly on this matter.

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It was moved by Gonzales, seconded by Ybarra, that the communication from the City Clerk be received and filed and to approve the Consent to Assignment of Contractual Rights to U S West Communications Services, Inc. Motion carried.

RESOLUTION NO. 5680 - A Resolution of the City Council of the City of Vernon Approving and Authorizing the Execution of a Consent to Assignment by Command Data Systems of Contractual Rights to U S West Communications Services, Inc., was presented.

It was moved by Ybarra, seconded by McCormick, that Resolution No. 5680 be approved and adopted. Motion carried.

RESOLUTION NO. 5679 - A Resolution of the City Council of the City of Vernon Approving and Authorizing the Execution of a Test Use Agreement Between the City of Vernon and Cooperative Personnel Services Providing for Policies and Procedures Regarding Test Use, was presented.

It was moved by Ybarra, seconded by McCormick, that Resolution No. 5679 be approved and adopted. Motion carried.

WARRANT REGISTER NO. 775 covering claims and demands presented during the period of October 1 thru 15, 1989, drawn on the First Interstate Bank totaling \$218,083.81, which includes Demand Nos. 24420 thru 24684 (inclusive); excluding Light & Power Demands and void Demands as listed below, (accounting period October, 1989), was examined and audited:

24468 24469 24470 24471 24472 24585 24614

It was moved by Davis, seconded by McCormick, that Warrant Register No. 775 be approved and payment authorized for claims and demands totaling \$218,083.81 excluding Light & Power Demands. Motion carried.

WARRANT REGISTER NO. 775 - covering claims and demands presented during the period of October 1 thru 15, 1989, drawn on the First Interstate Bank totaling \$335,960.01, which includes Light & Power Demands Nos. as listed below, (accounting period October, 1989), was examined and audited:

24431	24478	24499	24537	24558	24606	24642	24665
24437	24479	24503	24541	24565	24608	24645	24667
24443	24480	24506	24542	24567	24612	24646	24668
24445	24481	24508	24544	24568	24615	24647	24672
24446	24487	24515	24546	24576	24630	24648	24674
24447	24488	24528	24549	24577	24632	24651	24675
24460	24492	24529	24552	24586	24633	24653	24679
24461	24496	24530	24553	24592	24636	24657	24680
24477	24497	24534	24555	24594	24637	24660	24681
							24684

It was moved by Gonzales, seconded by Ybarra, that Warrant Register No. 775 be approved and payment authorized for claims and demands totaling \$335,960.01. Motion carried. Councilman Davis abstained from voting and disqualified himself because it is reasonably foreseeable that the decision may have a material financial effect on his source of income.

PAYROLL WARRANT REGISTER NO. 396 covering claims and demands presented during the period of August 13 thru September 9, 1989, drawn on the First Interstate Bank totaling \$1,063,760.06 which includes Demand Nos. 5497 thru 5525 (inclusive), (accounting period September, 1989), was examined and audited.

It was moved by McCormick, seconded by Ybarra, that Payroll Warrant Register No. 396 be approved and payment authorized for claims and demands totaling \$1,063,760.06. Motion carried.

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Communication from Lewis R. Adams, Director of Water & Power, dated October 12, 1989, was presented, transmitting an Agreement By and Between Baker Equipment Leasing Company and the City of Vernon for leasing one (1) new Telelect 6000 Digger Derrick. The agreement has been reviewed by the City Attorney and it is hereby recommended that the agreement be approved and the Mayor and City Clerk be authorized to execute same.

It was moved by McCormick, seconded by Ybarra, that the communication from the Director of Water and Power, dated October 12, 1989, be received and filed and his recommendation approved. Motion carried.

RESOLUTION NO. 5681 - A Resolution of the City Council of the City of Vernon Approving and Authorizing the Execution of the Following Documents Respecting the Lease of Telelect Digger Derrick from Baker Equipment Leasing Company: (i) Commitment Letter; (ii) Acknowledgment of Notice of Assignment; (iii) Master Lease; (iv) Lease Insurance Authorization Letter; (v) City Attorney Opinion Letter; and (vi) UCC-1 Form, was presented.

It was moved by Ybarra, seconded by McCormick, that Resolution No. 5681 be approved and adopted. Motion carried.

RESOLUTION NO. 5645 - A Resolution of the City Council of the City of Vernon Establishing Vacation Policies, Holidays and "In-Lieu" Holidays for Employees of the City of Vernon and Repealing all Resolutions in Conflict Therewith, was presented.

It was moved by Gonzales, seconded by Davis, that Resolution No. 5645 be approved and adopted. Motion carried.

RESOLUTION NO. 5682 - A Resolution of the City Council of the City of Vernon Amending Section 21, Subsection (e) and Exhibit "A", Schedule II, Pages 15 and 16 of Resolution No. 5641, Which Fixed the Compensation for Certain Employees of Said City and Authorized Certain Expense Allowances.

Consideration of annual review for City Administrator/
City Clerk.

It was moved by Ybarra, seconded by McCormick, that the aforementioned Resolution No. 5682 and annual review for City Administrator/City Clerk be deferred to Closed Session later this date. Motion carried.

Consideration of claim of Calderon v. City of Vernon.

It was moved by McCormick, seconded by Davis, that the aforementioned claim be deferred to Closed Session later this date. Motion carried.

It was moved by McCormick, seconded by Ybarra, that the Council go into Closed Session, Personnel, pursuant to Government Code Section 54957, the time being 6:13 p.m. Motion carried.

The Mayor ordered all communications to and from Closed Session deemed privileged and confidential.

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

The Director of Water & Power was excused from Closed Session at 7:35 p.m.

It was moved by Ybarra, seconded by McCormick, that the council go out of Closed Session and resume regular session the time being 7:40 p.m. Motion carried.

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It was moved by Ybarra, seconded by McCormick that Diesel Operator Luis "Art" Reynoso be granted a merit step increase to Diesel Operator IV, Step 3, with a new monthly salary of \$2533.00 which includes 5% longevity pay, based on his satisfactory job performance during the past year. Motion carried.

It was moved by Gonzales, seconded by Davis, that the Council recess to Closed Session to confer with the City Attorney pursuant to Government Code Section(s) 54596.9(a) the time being 7:42 p.m. Motion carried.

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

The Mayor ordered all communications to and from Closed Session deemed privileged and confidential.

It was moved by Ybarra, seconded by McCormick, that the Council go out of Closed Session and resume regular session the time being 8:00 p.m. Motion carried.

It was moved by Ybarra, seconded by Davis, that the Council recess to Closed Session pursuant to Government Code Section 54957, the time being 8:01 p.m. Motion carried.

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

The Mayor ordered all communications to and from Closed Session deemed privileged and confidential.

The City Attorney and the City Clerk were excused from Closed Session the time being 8:03 p.m.

The City Clerk returned to Closed at 8:30 p.m.

It was moved by Ybarra, seconded by McCormick, that the Council go out of Closed Session and resume regular session the time being 8:50 p.m. Motion carried.

It was moved by Ybarra, seconded by McCormick, that Officer William Cleary be issued 5 days suspension without pay for his being found chargeable for his on-duty accident occurring September 14, 1989. Motion carried.

Consideration of annual review for City Administrator/
City Clerk.

It was moved by Gonzales, seconded by Ybarra, that the following actions be approved for the City Administrator/City Clerk effective October 22, 1989: 1) 5% salary increase; 2) expense allowance increased to \$1250 per month; 3) continued use of limousine service; 4) an annuity program. Motion carried.

RESOLUTION NO. 5682 - A Resolution of the City Council of the City of Vernon Amending Section 21, Subsection (e) and Exhibit "A", Schedule II, Pages 15 and 16 of Resolution No. 5641, 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. 5682 be approved and adopted. Motion carried.

Consideration of the disability retirement of Verl Bulkley. (Deferred from earlier in this meeting.)

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RESOLUTION NO. 5678 - A Resolution of the City Council of the City of Vernon Determining the Industrial Disability Retirement of Verl Bulkley, a Local Safety Member Employed by the City of Vernon (Government Code Sections 21024 and 21025), was presented.

It was moved by McCormick, seconded by Davis, that Resolution No. 5678 be approved and adopted. Motion carried.

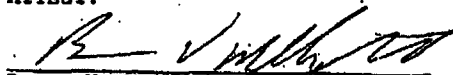
RESOLUTION NO. 5677 - A Resolution of the City Council of the City of Vernon Commending Verl Bulkley for His Many Years of Service to the City of Vernon, was presented.

It was moved by Ybarra, seconded by Gonzales, that resolution No. 5677 be approved and adopted. Motion carried.

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

ATTEST:


Leonis C. Malburg, Mayor


Bruce V. Malckenhorst, City Clerk

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