

**In the Matter of the Calculation of Final Compensation of:**

**Bruce Malkehhorst, Sr., Respondent,  
and  
City of Vernon, Respondent**

**OAH Case No. 2013080917**

**CalPERS Case No. 2012-0671**

**EXHIBIT X (4 PAGES)**

MINUTES OF THE CITY COUNCIL MEETING  
OF THE CITY OF VERNON HELD NOVEMBER  
16, 1993 AT 5 P.M. IN THE COUNCIL  
CHAMBERS OF THE CITY HALL LOCATED  
AT 4305 SANTA FE AVENUE, VERNON,  
CALIFORNIA

MEMBERS PRESENT: Ybarra, McCormick, Gonzales, Davis

MEMBERS ABSENT: Malburg (excused)

The meeting was called to order by Mayor Pro Tem Ybarra.

It was moved by Davis, seconded by Gonzales, that the Minutes of the City Council Meeting held November 2, 1993, be approved as submitted and adopted. Motion carried.

It was moved by McCormick, seconded by Davis, that the Minutes of the Adjourned City Council Meeting held November 9, 1993, be approved as submitted and adopted. Motion carried.

Police Department Activity Log for the period November 1 thru 15, 1993, was presented.

It was moved by Gonzales, seconded by Davis, that the Police Department Activity Log for the period November 1 thru 15, 1993, be received and filed. Motion carried.

Fire Department Activity Report for the period November 1 thru 15, 1993, was presented.

It was moved by McCormick, seconded by Gonzales, that the Fire Department Activity Report for the period November 1 thru 15, 1993, be received and filed. Motion carried.

Health Department Report for the month of October, 1993, was presented.

It was moved by Davis, seconded by McCormick, that the Health Department Report for the month of October, 1993, be received and filed. Motion carried.

Risk Management Report for the month of October, 1993, was presented.

It was moved by Gonzales, seconded by Davis, that the Risk Management Report for the month of October, 1993, be received and filed. Motion carried.

The City Clerk advised that now was the time for anyone in the audience to address the Council on any matter listed on the agenda other than with regard to any Public Hearings that may be listed.

The Mayor Pro Tem asked if there was anyone in the audience who wished to address the Council on any matter listed on the agenda other than with regard to any Public Hearings that may be listed.

There was no one who wished to address the City Council.

It was moved by McCormick, seconded by Gonzales, to open the Public Hearing to consider a request by the applicant, Clougherty Packing Company, for approval of the issuance of Industrial Development Revenue Bonds (the "Bonds") by the Industrial Development Authority of the City of Vernon (the "Authority") in the maximum aggregate face amount of \$10,000,000 for the purpose of providing financing for the acquisition and construction of a two-story building of approximately 30,000 square feet to be used for a USDA-approved hog procurement,

4761

City Council Minutes  
page 2

November 16, 1993

conversion, preparation, evisceration, disassembly, sortation, and final inspection facility, including all related facilities and equipment at property located at 3049 East Vernon Avenue, the time being 5:04 p.m. Motion carried.

David B. Brearley, City Attorney, advised that this was a Public Hearing to allow the public to make comments.

There were no questions or comments from the audience.

It was moved by Davis, seconded by McCormick, to close the Public Hearing pertaining to Clougherty Packing Company, the time being 5:10 p.m. Motion carried.

Communication from Bruce V. Malckenhorst, Director of Personnel, dated November 10, 1993, was presented, transmitting the Agenda for the Personnel Committee Meeting to be held November 15, 1993, for approval of the recommendations contained therein.

The City Clerk Advised that this matter should be referred back to the Director of Personnel with no further action taken at this time.

It was moved by Gonzales, seconded by Davis, that the communication from the Director of Personnel dated November 10, 1993 pertaining to the Personnel Committee Agenda be referred back to the Director of Personnel. Motion carried.

Communication from Bruce V. Malckenhorst, Director of Finance, dated November 10, 1993, was presented, transmitting the Minutes of the Finance Committee Meeting held November 9, 1993, for approval of the recommendations contained therein.

It was moved by McCormick, seconded by Davis, that the Minutes of the Finance Committee Meeting held November 9, 1993, be approved as submitted and adopted. Motion carried.

WARRANT REGISTER NO. 876 covering claims and demands presented during the period of October 29 thru November 10, 1993, drawn on the First Interstate Bank totaling \$487,020.50, which includes Demand Nos. 44338 thru 44543 (inclusive), excluding Light & Power Demands and Void Demands as listed below (accounting period November, 1993) was examined and audited:

44344	44388
44348	44389
44369	44390
44386	

It was moved by Davis, seconded by McCormick, that Warrant Register No. 876 be approved and payment authorized for claims and demands totaling \$487,020.50, excluding Light and Power Demands. Motion carried.

WARRANT REGISTER NO. 876 covering claims and demands presented during the period of October 29 thru November 10, 1993, drawn on the First Interstate Bank totaling \$1,271,915.66, which includes Light and Power Demand Nos. as listed below (accounting period November, 1993) was examined and audited:

44340	44359	44382	44421	44434	44462	44505	44533
44346	44367	44383	44422	44438	44463	44506	44534
44347	44376	44387	44424	44443	44475	44509	44536
44349	44377	44398	44425	44451	44478	44516	44541
44351	44378	44406	44429	44452	44485	44523	
44356	44380	44407	44430	44454	44494	44524	
44357	44381	44416	44431	44458	44497	44531	

It was moved by Gonzales, seconded by McCormick, that Warrant Register No. 876 be approved and payment authorized for claims and demands totaling \$1,271,915.66. Motion carried. Councilman Davis abstained from voting and disqualified himself

4760

City Council Minutes  
page 3

November 16, 1993

because it is reasonably foreseeable that the decision may have a material financial effect on his source of income.

PAYROLL WARRANT REGISTER NO. 449 covering claims and demands presented during the period of September 19 thru October 16, 1993, drawn on the First Interstate Bank totaling \$1,474,762.23 (accounting period October, 1993) was examined and audited.

It was moved by McCormick, seconded by Davis, that Payroll Warrant Register No. 449 be approved and payment authorized for claims and demands totaling \$1,474,762.23. Motion carried.

RESOLUTION NO. 6346 - A Resolution of the City Council of the City of Vernon Amending Section 23, Subsection (e) (6) and Schedule II, Exhibit "A", Page 15 of Resolution No. 6277, Which Fixed the Compensation for Certain Employees of Said City and Authorized Certain Expense Allowances, was presented.

It was moved by Gonzales, seconded by Davis, that Resolution No. 6346 be approved and adopted. Motion carried.

RESOLUTION NO. 6347 - A Resolution of the City Council of the City of Vernon Approving and Authorizing the Execution of an Amendment to the City Attorney Employment Agreement Establishing Compensation for David B. Brearley as City Attorney, was presented.

It was moved by Gonzales, seconded by Davis, that Resolution No. 6347 be approved and adopted. Motion carried.

Consideration of approving the concept of supporting East Los Angeles Community College satellite site to be located in Huntington Park, and consideration of allocating funds.

The City Clerk advised the City Council that the Cities involved in this project are Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood and South Gate, and recommended that Council approve the concept of the establishment and support of the project at this time, and defer approval of funding until a definitive agreement is developed among the cities.

It was moved by Gonzales, seconded by McCormick, to approve the concept of supporting an East Los Angeles Community College satellite site in Huntington Park and defer consideration of allocating future funds for said project pending development of an agreement between the cities of Vernon, Huntington Park, Bell, Bell Gardens, Commerce, Cudahy, Maywood and South Gate. Motion carried.

The Mayor Pro Tem called a recess at 5:23 p.m.

The Council reconvened in regular session at 5:25 p.m., all members present before the recess again being present.

It was moved by McCormick, seconded by Gonzales, that the Council go into Closed Session, Attorney/Client Privilege, pursuant to Government Code Section 54956.9(a), the time being 5:25 p.m. Motion carried.

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

The Mayor Pro Tem ordered that all communications to and from the Closed Session be deemed privileged and confidential.

Councilman Davis was excused from Closed Session at 5:26 p.m.

Councilman Davis returned at 5:36 p.m.

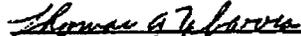
4759

City Council Minutes  
page 4

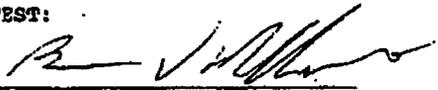
November 16, 1993

It was moved by McCormick, seconded by Gonzales, that the Council go out of Closed Session, Attorney/Client Privilege, and resume regular session, the time being 5:45 p.m. Motion carried.

There being no further business to come before the Council at this time, it was moved by Gonzales, seconded by McCormick, that the meeting adjourn to Tuesday, November 23, 1993 at 5 p.m. Motion carried.

  
Thomas A. Ybarra  
Mayor Pro Tem

ATTEST:

  
Bruce V. Malckenhorst  
City Clerk

4758