

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 Z (8 PAGES)

MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF VERNON HELD JANUARY 3,
1995 AT 5 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 Mayor Malburg.

It was moved by Ybarra, seconded by Gonzales, that the Minutes of the City Council Meeting held December 20, 1994, be approved as submitted and adopted. Motion carried.

RESOLUTION NO. 6571 - A Resolution of the City Council of the City of Vernon Adding Subsection (e) (13) To Section 25 of Resolution No. 6467 and Amending Schedule II, Exhibit "B", Page 15 and Section 25, Subsections (e)(6) and (7) of Resolution No. 6467, Which Fixed the Compensation for Certain Employees of Said City and Authorized Certain Expense Allowances, was presented.

It was moved by Davis, seconded by McCormick, that Resolution No. 6571 be approved and adopted. Motion carried.

At this time, the Mayor presented a Five Year Service Pin to Deborah Medina, Utility Clerk in the Light and Power Department, and extended congratulations on behalf of the entire City Council.

The Mayor called a recess at 5:12 p.m.

The Council reconvened in regular session at 5:13 p.m., all members present before the recess again being present.

Police Department Activity Log for the period December 16 thru 31, 1994, was presented.

It was moved by Gonzales, seconded by Davis, that the Police Department Activity Log for the period December 16 thru 31, 1994, be received and filed. Motion carried.

Fire Department Activity Report for the period December 16 thru 31, 1994, was presented.

It was moved by Ybarra, seconded by McCormick, that the Fire Department Activity Report for the period December 16 thru 31, 1994, 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 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 in the audience who wished to address the Council.

The City Clerk advised that the following Public Hearing should be continued to the next City Council Meeting.

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PUBLIC HEARING to consider a request from Champion International Corporation for a Variance to allow the tenant to utilize fifteen non-conforming truck loading spaces at property located at 3100 44th Street. (CONTINUED FROM THE CITY COUNCIL MEETING HELD DECEMBER 20, 1994.)

It was moved by Ybarra, seconded by Davis, that the Public Hearing to consider a Variance request from Champion International Corporation be continued to the next City Council Meeting to be held January 17, 1995. Motion carried.

It was moved by Ybarra, seconded by Davis, to open the **PUBLIC HEARING** to consider a request from Griffith Micro Science, Inc. for a Variance to allow the tenant to utilize three non-conforming truck loading spaces at 4900 Gifford Avenue, the time being 5:15 p.m. Motion carried. (CONTINUED FROM THE CITY COUNCIL MEETING HELD DECEMBER 20, 1994.)

Kevin Wilson, Acting Director of Community Services, addressed the City Council and summarized the application request.

Communication from Bruce V. Malckenhorst, City Clerk, dated December 28, 1994, was presented, advising that Griffith Micro Science, Inc. has submitted an application requesting a Variance from the Comprehensive Zoning Ordinance, Section 26.4.2-8, Development Standards, for the building located at 4900 Gifford Avenue, and transmitting the following evidence:

1. Application for Variance;
2. Affidavits of posting and mailing;
3. Notice of Public Hearing;
4. Engineer's Report dated December 27, 1994.

The building that the company owns was constructed with three non-conforming loading spaces with two spaces that are 9 feet wide and 26 feet long, and one that is 10 feet wide and 40.5 feet long. The company has indicated that it intends to recess the two 26 feet loading spaces an additional 12 feet to 38 feet in order to accommodate their company trucks, and is proposing to use only vehicles of a smaller length at all of the non-conforming spaces. This has been reviewed by the Acting Director of Community Services, and it is hereby recommended that the Variance be granted subject to the following Conditions:

- a. Griffith Micro Science, Inc. shall recess the two 26 foot loading docks an additional 12 feet to 38 feet in length and 9 feet in width, or shall replace the access driveways to all of the non-conforming loading docks with curb, gutter and sidewalk including suitable barriers to prevent truck access, and shall obtain all necessary permits from the City of Vernon prior to any construction.
- b. If Griffith Micro Science, Inc. has not completed the construction described in Condition "a" within 30 days hereof, Griffith Micro Science, Inc. shall deliver a \$10,000 performance bond to the City of Vernon to be refunded upon compliance with Condition "a".
- c. Said performance bond shall provide that if compliance with Condition "a" has not been attained by July 3, 1995, the performance bond shall be paid to the City of Vernon for the purpose of constructing said curb, gutter, and sidewalk including a suitable barrier to eliminate the usage of all of the non-conforming loading spaces.

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- d. The usage of the non-conforming truck loading spaces shall be limited so that any truck parked at the loading docks does not extend into the street right-of-way as shown on the Master Plan of Streets dated June 16, 1992.
- e. All existing and future tenants shall be notified of this restriction and a condition stating this shall be placed in all future leases.

The Mayor asked if the City Council or anyone in the audience had any questions or comments.

Mr. Allen Ammerman, representing Griffith Micro Science, Inc., addressed the Council concerning their Variance request.

There were no other questions or comments.

It was moved by Davis, seconded by McCormick, to close the Public Hearing pertaining to the Variance request from Griffith Micro Science, Inc., the time being 5:20 p.m. Motion carried.

It was moved by McCormick, seconded by Ybarra, that the communication from the City Clerk dated December 28, 1994 and all supporting documents be received and filed as evidence, and that the Variance be granted to Griffith Micro Science, Inc. for the property located at 4900 Gifford Avenue contingent upon their adherence to the aforementioned Conditions "a" thru "e". Motion carried.

RESOLUTION NO. 6553 - A Resolution of the City Council of the City of Vernon Granting a Variance to Griffith Micro Science, Inc., From Section 26.4.2-8, Development Standards, of the Comprehensive Zoning Ordinance, for the Property Located at 4900 Gifford Avenue in the City of Vernon, was presented.

It was moved by Gonzales, seconded by Ybarra, that Resolution No. 6553 be approved and adopted. Motion carried.

It was moved by McCormick, seconded by Davis, to open the PUBLIC HEARING to consider a request from Griffith Micro Science, Inc. for a Variance to allow the tenant to utilize one non-conforming truck loading space at property located at 4801 E. 50th Street, the time being 5:21 p.m. Motion carried.
(CONTINUED FROM THE CITY COUNCIL MEETING HELD DECEMBER 20, 1994.)

Kevin Wilson, Acting Director of Community Services, addressed the City Council and summarized the application request.

Communication from Bruce V. Malckenhorst, City Clerk, dated December 1, 1994, was presented, advising that Griffith Micro Science, Inc. has submitted an application for a Variance from the Comprehensive Zoning Ordinance, Section 26.4.2-8, Development Standards, for the building located at 4801 50th Street, and transmitting the following evidence:

1. Application for Variance;
2. Affidavits of posting and mailing;
3. Notice of Public Hearing;
4. Engineer's Report.

The building has two conforming truck loading spaces and one non-conforming truck loading space that is 10 feet wide and 29 feet long. The company is proposing to use only vehicles of a smaller length at the non-conforming space. This has been reviewed by the Acting Director of Community Services, and it is hereby recommended that the Variance be granted subject to the following Condition:

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1. The usage of the non-conforming truck loading space shall be limited so that any truck that is parked at the loading dock does not extend into the street right-of-way as shown on the Master plan of streets dated June 16, 1992.

The Mayor asked if the City Council had any questions of Mr. Wilson, or if anyone in the audience had any questions or comments.

There were no questions or comments.

It was moved by McCormick, seconded by Ybarra, to close the Public Hearing pertaining to the Variance request from Griffith Micro Science, Inc., the time being 5:24 p.m. Motion carried.

It was moved by Gonzales, seconded by Davis, that the communication from the City Clerk dated December 1, 1994 and all supporting documents be received and filed as evidence, and that the Variance be granted to Griffith Micro Science, Inc. for the property located at 4801 50th Street contingent upon their adherence to the aforementioned Condition No. 1. Motion carried.

RESOLUTION NO. 6556 - A Resolution of the City Council of the City of Vernon Granting a Variance to Griffith Micro Science, Inc., From Section 26.4.2-8, Development Standards, of the Comprehensive Zoning Ordinance, for the Property Located at 4801 50th Street in the City of Vernon, was presented.

It was moved by Davis, seconded by Ybarra, that Resolution No. 6556 be approved and adopted. Motion carried.

The City Clerk advised that the following Public Hearing should be continued to the next City Council Meeting.

PUBLIC HEARING to consider a request from Daniel C. Fessenden Company d.b.a. California Warehouse Company for a Variance to allow the tenant to utilize forty non-conforming truck loading spaces at 4455 Fruitland Avenue. (CONTINUED FROM THE CITY COUNCIL MEETING HELD DECEMBER 20, 1994.)

It was moved by Ybarra, seconded by Gonzales, that the aforementioned Public Hearing be continued to the next City Council Meeting to be held January 17, 1995. Motion carried.

Communication from Police Chief Louis Rosenkrantz, dated December 13, 1994, was presented, requesting authority and funds for Police Sergeant James Rodino to attend the Robbery Investigation Training Seminar in Las Vegas, February 1-3, 1995, with an expense allowance of \$405.40.

It was moved by Ybarra, seconded by McCormick, that authority be granted for Sgt. James Rodino to attend the aforementioned seminar with an expense allowance of \$405.40. Motion carried.

Communication from Police Chief Louis Rosenkrantz, dated December 19, 1994, was presented, requesting authority and funds for Police Officers Charles Solano and Glenn Finley to attend the Legal Education Update Course at California State University, Long Beach, February 1-3, 1995, with an expense allowance of \$328 each of which \$304 each will be reimbursed by POST.

It was moved by Davis, seconded by Gonzales, that authority be granted for Officers Charles Solano and Glenn Finley to attend the aforementioned course with an expense allowance of \$328 each. Motion carried.

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Communication from Bruce V. Malckenhorst, City Clerk, dated December 27, 1994, was presented, advising that SB 1082 requires that the California Environmental Protection Agency (CAL EPA), by January 1996, adopt regulations and implement a unified hazardous waste and hazardous materials management program at the local government level which is business friendly. CAL EPA adopted emergency regulations on November 14, 1994 that authorize cities or local agencies to apply to become the Certified Unified Program Agency (CUPA) to implement this unified program. Since the City of Vernon Health Department is a "state authorized administering agency" for our own underground storage tank and hazardous materials programs, we qualify to be designated as a CUPA which would allow local control, including permitting, and inspection and fee assessment and collection. This has been reviewed by the Director of Environmental Health and the City Attorney, and it is hereby recommended that authority be granted to file a Letter of Intent to apply for status as a Certified Unified Program Agency.

It was moved by Ybarra, seconded by McCormick, that the communication from the City Clerk dated December 27, 1994 be received and filed, and that his recommendation be approved. Motion carried.

RESOLUTION NO. 6572 - A Resolution of the City Council of the City of Vernon Approving Health Department Issuance of Letter of Intent to Apply as the Certified Unified Program Agency, was presented.

It was moved by McCormick, seconded by Davis, that Resolution No. 6572 be approved and adopted. Motion carried.

Communication from Police Chief Louis Rosenkrantz, dated December 27, 1994, was presented, requesting authority and funds for Police Officer Alfred Jaime to attend the Criminal Investigation Course in San Bernardino, January 23-February 3, 1995, with an expense allowance of \$522 of which \$392 will be reimbursed by POST.

It was moved by Gonzales, seconded by Ybarra, that authority be granted for Officer Alfred Jaime to attend the aforementioned course with an expense allowance of \$522. Motion carried.

Communication from Bruce V. Malckenhorst, City Clerk, dated December 28, 1994, was presented, requesting authority and funds for Councilman Hilario Gonzales to attend the League of California Cities Mayor and Councilmembers Forum in Sacramento, January 18-20, 1995, with an expense allowance of \$918.

It was moved by Ybarra, seconded by Davis, that authority be granted for Councilman Hilario Gonzales to attend the aforementioned conference with an expense allowance of \$918. Motion carried.

Communication from Bruce V. Malckenhorst, City Clerk, dated December 28, 1994, was presented, requesting authority and funds for Mayor Leonis Malburg, Mayor Pro Tem Thomas Ybarra, and Councilmen Hilario Gonzales and William Davis to attend the League of California Cities Employee Relations Institute in Burlingame, California, February 15-16, 1995, with an expense allowance of \$729 each.

It was moved by Davis, seconded by Gonzales, that authority be granted for the above listed City officials to attend the aforementioned conference with an expense allowance of \$729 each. Motion carried.

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Communication from Kevin Wilson, Acting Director of Community Services, dated December 28, 1994, was presented, requesting authority and funds to attend the State Office of Emergency Services Post Earthquake Damage Assessment Training Seminar in Long Beach, January 21, 1995, with an allowance of \$65 for the registration fee.

It was moved by Ybarra, seconded by McCormick, that authority be granted for Kevin Wilson to attend the aforementioned seminar with an allowance of \$65 for the registration fee. Motion carried.

Communication from Bruce V. Malckenhorst, Director of Personnel, dated December 28, 1994, was presented, recommending that the following personnel actions be taken:

Merit Step Increase

Lewis Pozzebon, Director of Environmental Health, Step 3, be granted a merit step increase to Director of Environmental Health, Step 2, with a new monthly base salary of \$8059, effective January 22, 1995, based on his satisfactory job performance during the past year.

It was moved by Ybarra, seconded by Davis, to grant Lewis Pozzebon a merit step increase to Director of Environmental Health, Step 2, effective January 22, 1995. Motion carried.

Failure to Pass Probation

Susan Woolsey, Transcriber/Typist in the Police Department, be released from her position effective December 19, 1994 at the close of the business day, based on her failure to pass probation.

It was moved by McCormick, seconded by Gonzales, to release Susan Woolsey from her position as Transcriber/Typist effective December 19, 1994 at the close of the business day. Motion carried.

Reimbursements

Gloria Orosco, Chief Deputy City Clerk, be reimbursed \$1,163.88 from the Education and Training Appropriation Account for her costs incurred for the Fall Quarter at Woodbury University in pursuit of her Bachelor's Degree that is directly related to her position with the City. This recommendation is on an individual basis, and is not intended to automatically cover all employees.

It was moved by Gonzales, seconded by Ybarra, to reimburse Gloria Orosco \$1,163.88 from the Education and Training Appropriation Account. Motion carried.

Hire

Shirley Salas as Account Clerk, Step 10, assigned to the City Clerk's (Finance) Department, with a monthly salary of \$1882, effective January 3, 1995, with continued employment contingent upon her satisfactory completion of the job related physical. Motion carried.

It was moved by Ybarra, seconded by McCormick, that Shirley Salas be hired as Account Clerk, Step 10, effective January 3, 1995, with continued employment contingent upon her satisfactory completion of the job related physical. Motion carried.

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Part-Time Status

Raymond Arias, Utilityman III, Step 1 in the Community Services Department be reassigned from full-time regular to part-time (30 hours per week) with full benefits, effective January 16, 1995.

It was moved by Davis, seconded by Gonzales, that Raymond Arias be reassigned to part-time status as Utilityman III, Step 1, with full benefits effective January 16, 1995. Motion carried.

WARRANT REGISTER NO. 905 covering claims and demands presented during the period of December 16 thru 28, 1994, drawn on the First Interstate Bank totaling \$280,219.82, which includes Demand Nos. 49802 thru 49910 (inclusive), excluding Light and Power Demands and Void Demand Nos. 49837 and 49838 (accounting period January, 1995) was examined and audited.

It was moved by Gonzales, seconded by Davis, that Warrant Register No. 905 be approved and payment authorized for claims and demands totaling \$280,219.82, excluding Light and Power Demands. Motion carried.

WARRANT REGISTER NO. 905 covering claims and demands presented during the period of December 16 thru December 28, 1994, drawn on the First Interstate Bank totaling \$1,332,469.43, which includes Light and Power Demand Nos. as listed below (accounting period January, 1995) was examined and audited:

49808	49811	49835	49851	49868	49879	49906
49809	49824	49845	49860	49871	49887	49908
49810	49825	49850	49861	49873	49994	

It was moved by Ybarra, seconded by McCormick, that Warrant Register No. 905 be approved and payment authorized for claims and demands totaling \$1,332,469.43. 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.

The Mayor called a recess at 5:32 p.m.

The Council reconvened in regular session at 5:58 p.m., all members present before the recess again being present.

It was moved by Ybarra, seconded by McCormick, that the Council go into Closed Session to confer on Item No. 2a listed below, the time being 5:58 p.m. Motion carried.

All persons were excluded from the Closed Session with the exception of the City Clerk, City Attorney, Acting Director of Community Services, Chief Deputy City Clerk and the Utilityman.

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

2. With respect to every item of business to be discussed in Closed Session pursuant to Government Code Section 54957.

a. EMPLOYER DISCIPLINE/DISMISSAL/RELEASE

The Acting Director of Community Services and the Utilityman were excused at 6:05 p.m.

It was moved by Ybarra, seconded by McCormick, to go out of Closed Session and resume regular session, the time being 6:10 p.m. Motion carried.

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It was moved by McCormick, seconded by Gonzales, to go into Closed Session to confer on Item No. 1 listed below, the time being 6:11 p.m. Motion carried.

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

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


1. With respect to every item of business to be discussed in Closed Session pursuant to subdivision (a) of Government Code Section 54956.9.

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Name of Cases:

- (a) Central Basin Municipal Water District v. City of Vernon, IASC No. BS 028717;
- (b) City of Vernon v. Central Basin Municipal Water District Board of Directors, et al., IASC No. BS 028742;
- (c) CPUC Docket No. A.91-03-039 (SoCalGas);
- (d) CPUC Docket No. A.93-09-006 (BCAP);
- (e) Lloyd Hudson vs. City of Vernon; WCAB Case No. AHM 0004861 956982;

It was moved by Gonzales, seconded by Ybarra, to go out of Closed Session and resume regular session, the time being 6:14 p.m. Motion carried.

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


Leonis C. Malburg
Mayor

ATTEST:


Bruce V. Malkenhorst
City Clerk

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