

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 HHH (8 PAGES)

MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF VERNON HELD NOVEMBER
21, 1995 COMMENCING AT 5:20 P.M. IN
THE COUNCIL CHAMBERS OF THE CITY HALL
LOCATED AT 4305 SANTA FE AVENUE,
VERNON, CALIFORNIA

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

MEMBERS ABSENT: None

The meeting was called to order by Mayor Malburg.

Minutes of the City Council Meeting held November 7,
1995.

It was moved by Ybarra, seconded by Davis, that the
Minutes of the City Council Meeting held November 7, 1995 be
deferred to the next City Council Meeting. Motion carried.

Communication from Bruce V. Malckenhorst, City Clerk,
dated November 16, 1995, was presented, advising that the below
listed employees have qualified in the month of October for a
Perfect Attendance Award. This is awarded to employees on the
basis of a minimum of two (2) years of perfect attendance:

<u>Date of Hire</u>	<u>Employee</u>	<u>Award</u>
10/09/90	John Diaz, System Operator	2 Year
06/26/89	Peter Gantes, Firefighter	2 Year
06/14/92	Marco Reynoso, Utilityman	2 Year
10/19/92	Abraham Alemu, Electrical Engr. Asst.	3 Year
06/06/88	Jim Gonzales, Field Operations Mgr.	3 Year
11/04/91	Kenneth Jackson, Utilityman	3 Year
01/15/89	Manuel Morales, Utilityman	3 Year
02/02/86	Jesus Martinez, Water & Power Dispatcher	7 Year
10/01/87	Jerry Schreiber, Sr. Electrical Inspector	8 Year
06/03/74	Ron Anderson, Foreman	14 Year

The Mayor presented the aforementioned employees
their award and extended congratulations on behalf of the entire
City Council.

The following employees were unable to attend the
meeting and their award was accepted by their respective
department head:

07/01/85	Wenceslao Reynoso, Engineering Aide	4 Year
09/18/89	David Shea, Fire Engineer	4 Year
11/16/87	Martha Parra, Transcriber/Typist	5 Year
08/10/80	Louie Saenz, Utilityman	5 Year

The Mayor called a recess at 5:25 p.m.

The Council reconvened in regular session at 5:26
p.m., all members present before the recess again being present.

Communication from Bruce V. Malckenhorst, City Clerk,
dated November 15, 1995, was presented, advising that the Light
and Power Department is awarding Daniel E. Garcia, Power Resource
Coordinator, and Jesus Martinez, Water & Power Dispatcher I,
a 1995 Level I SPIRITS (Superior Performance or Ideas Resulting
in Tangible Savings) Award for their outstanding performance
during the past year.

It was moved by Ybarra, seconded by Gonzales, that
the communication from the City Clerk dated November 15, 1995 be
received and filed. Motion carried.

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Police Department Activity Log for the period November 1 thru 15, 1995, was presented.

It was moved by McCormick, seconded by Davis, that the Police Department Activity Log for the period November 1 thru 15, 1995, be received and filed. Motion carried.

Fire Department Activity Report for the period November 1 thru 15, 1995, was presented.

It was moved by Gonzales, seconded by Ybarra, that the Fire Department Activity Report for the period November 1 thru 15, 1995, be received and filed. Motion carried.

Health Department Report for the month of October, 1995, was presented.

It was moved by Ybarra, seconded by Davis, that the Health Department Report for the month of October, 1995, be received and filed. Motion carried.

Risk Management Report for the month of October, 1995, was presented.

It was moved by Davis, seconded by Ybarra, that the Risk Management Report for the month of October, 1995, be received and filed. Motion carried.

The City Clerk announced that now was the time for anyone in the audience to address the City Council on any item listed on the Agenda other than with regard to any Public Hearing that may be listed.

There was no one in the audience who wished to address the Council.

ORDINANCE NO. 1035 - An Ordinance of the City Council of the City of Vernon Amending the Code of the City of Vernon, California, 1959 Relating to City Administration, the Fire Code, and Business Licenses by Repealing Sections 2.7-7, 2.18, 2.20 and 2.67; by Renumbering Sections 15.38, 15.39 and 15.40; and by Amending Sections 1.1, 1.2, 2.7, 2.7-1, 2.7-3, 2.19, 2.21, 2.90, 7.64, 15.44 and 15.45; and Repealing All Ordinances or Parts of Ordinances in Conflict Therewith, was read by Title for a Second and Final Reading.

It was moved by Ybarra, seconded by Gonzales, that Ordinance No. 1035 be approved and adopted. Motion carried.

Ayes: Malburg, Ybarra, Davis, Gonzales, McCormick
Noes: None
Absent: None

David B. Brearley, City Attorney, advised the Council that the following matter should be deferred to the next City Council Meeting.

Communication from Bruce V. Malckenhorst, City Clerk, dated November 2, 1995; advising that Douglas Steel Company is requesting the City's assistance in developing property at the northeast corner of Slauson and Alcoa Avenue which will consist of the construction of a 60,000 square ft. industrial/manufacturing facility at a cost of approximately \$4.5 million. They are specifically requesting assistance from the City in relocating power poles and providing electrical service to their meter. Douglas Steel has agreed to a seven year commitment to purchase up to approximately 1.1 megawatts of power which will

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result in additional monthly revenue for the Department of Light and Power. This has been reviewed by the City Attorney, and it is hereby recommended that an Electrical Service Agreement with Douglas Steel Supply Company be approved and executed. (Deferred from the City Council Meeting held November 7, 1995.)

RESOLUTION NO. 6707 - A Resolution of the City Council of the City of Vernon Approving and Authorizing the Execution of an Electrical Service Agreement By and Between the City of Vernon, the Redevelopment Agency of the City of Vernon and Douglas Steel Supply Company. (Deferred from the City Council Meeting held November 7, 1995.)

It was moved by Davis, seconded by Ybarra, that the aforementioned matter be deferred to the next City Council Meeting. Motion carried.

Communication from Bruce V. Malkehhorst, City Clerk, dated November 2, 1995, was presented, requesting authority and funds for Joan Francone, Risk Manager/Personnel Assistant, to attend the Fifth Annual Retirement Training Seminar in Costa Mesa on November 17, 1995, with an allowance of \$135 for the registration fee.

It was moved by Ybarra, seconded by Gonzales, that authority be granted for Joan Francone to attend the aforementioned seminar with an allowance of \$135 for the registration fee. Motion carried.

Communication from Kevin Wilson, Acting Director of Community Services, dated November 8, 1995, was presented, transmitting Contract No. 527, Rehabilitation of Reservoir 2-1, and recommending that the contract be approved and authority granted to advertise for bids.

It was moved by Gonzales, seconded by Davis, that the communication from the Acting Director of Community Services dated November 8, 1995 be received and filed, and that his recommendation be approved. Motion carried.

RESOLUTION NO. 6714 - A Resolution of the City Council of the City of Vernon Approving Contract No. 527 of the City of Vernon for Rehabilitation of Reservoir 2-1 and Authorizing Notice Inviting Sealed Proposals or Bids in Accordance Therewith, was presented.

It was moved by Ybarra, seconded by McCormick, that Resolution No. 6714 be approved and adopted. Motion carried.

Communication from Bruce V. Malkehhorst, City Clerk, dated November 13, 1995, was presented, requesting authority and funds for Office Manager Martha Valenzuela to attend the Business Grammar for Busy People Workshop in Los Angeles, December 4, 1995, with an expense allowance of \$109.

It was moved by Davis, seconded by Gonzales, that authority be granted for Martha Valenzuela to attend the aforementioned workshop with an expense allowance of \$109. Motion carried.

Communication from Bruce V. Malkehhorst, City Clerk, dated November 14, 1995, was presented, advising that International Baking Company, located at 5250 Alameda Street, was issued a building permit in October with the condition that certain frontage improvements be completed. The City has scheduled improvements as part of Contract No. 526 and International Baking Company has requested that the City perform

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the frontage improvements as part of the City's contract, rather than hiring a contractor themselves. Funds have been received from International Baking Company to cover the work required. This has been reviewed by the Acting Director of Community Services and the City Attorney, and it is hereby recommended that Public Improvements Agreement No. 14 be approved and executed.

It was moved by Ybarra, seconded by Davis, that the communication from the City Clerk dated November 14, 1995 be received and filed, and that his recommendation be approved. Motion carried.

RESOLUTION NO. 6710 - A Resolution of the City Council of the City of Vernon Approving and Authorizing the Execution of Public Improvements Agreement No. 14 By and Between the City of Vernon and International Baking Company, was presented.

It was moved by McCormick, seconded by Gonzales, that Resolution No. 6710 be approved and adopted. Motion carried.

Communication from Bruce V. Malkenhorst, City Clerk, dated November 15, 1995, was presented, advising that the Acting Director of Community Services has advised that sewers in the southeastern portion of the City are in disrepair based on viewing a video of the sewer systems. The Community Services Department is proposing to reconstruct the sewer system in three phases over a period of time. The first phase will be for the most eastern portion of the system and repair the pipes that are in the worst condition. Plans and specifications for this first phase have been completed and the department is ready to go to contract soon. This project was budgeted for funding under the Redevelopment Agency; however, due to the low tax increment, the agency does not have funds to commence with the project and a loan from the City to the Redevelopment Agency is requested to cover this reconstruction. It is hereby recommended that a loan be approved.

It was moved by Gonzales, seconded by Ybarra, that the communication from the City Clerk dated November 15, 1995 be received and filed, and that his recommendation be approved. Motion carried.

RESOLUTION NO. 6717 - A Resolution of the City Council of the City of Vernon Approving and Authorizing (1) the Execution of a Redevelopment Revolving Fund Loan Agreement No. 2 Between the City of Vernon and the Redevelopment Agency of the City of Vernon for CMD Reconstruction; (2) the Transfer of Funds from the General Fund to the Redevelopment Revolving Fund; and (3) the Payment of Monies in the Redevelopment Revolving Fund to the Vernon Redevelopment Agency for the CMD Reconstruction, was presented.

It was moved by McCormick, seconded by Davis, that Resolution No. 6717 be approved and adopted. Motion carried.

Ayes: Malburg, Ybarra, Davis, Gonzales, McCormick
Noes: None
Absent: None

Communication from Bruce V. Malkenhorst, City Clerk, dated November 16, 1995, was presented, transmitting the 1995 Annual Report of the Acting Director of Community Services on the status of the City's General Plan for the fiscal year 1994-95, and recommending that the report be accepted and a resolution adopted.

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It was moved by Ybarra, seconded by Gonzales, that the communication from the City Clerk dated November 16, 1995 be received and filed, and that his recommendation be approved. Motion carried.

RESOLUTION NO. 6716 - A Resolution of the City Council of the City of Vernon Approving and Adopting the Annual Report of the General Plan for the Fiscal Year 1994-1995, was presented.

It was moved by Davis, seconded by Ybarra, that Resolution No. 6716 be approved and adopted. Motion carried.

Communication from Bruce V. Malkenhorst, Director of Finance, dated November 16, 1995, was presented, transmitting the Minutes of the Finance Committee Meeting held November 14, 1995, for approval of the recommendations contained therein.

It was moved by Ybarra, seconded by Gonzales, that the recommendations contained in the Minutes of the Finance Committee Meeting held November 14, 1995 be approved. Motion carried.

RESOLUTION NO. 6715 - A Resolution of the City Council of the City of Vernon Amending Resolution No. 6651 by Amending Section 26(a)(2) of Said Resolution Which Fixed the Compensation for Certain Employees of Said City and Authorized Certain Expense Allowances, was presented.

It was moved by Davis, seconded by Ybarra, that Resolution No. 6715 be approved and adopted. Motion carried.

RESOLUTION NO. 6711 - A Resolution of the City Council of the City of Vernon, California, Calling and Giving Notice of the Holding of a General Municipal Election to be Held on Tuesday, April 9, 1996, for the Election of Certain Officers as Required by the Provisions of the Charter, was presented.

It was moved by McCormick, seconded by Ybarra, that Resolution No. 6711 be approved and adopted. Motion carried.

RESOLUTION NO. 6712 - A Resolution of the City Council of the City of Vernon, California, Adopting Regulations for Candidates for Elective Office Pertaining to Candidates' Statements Submitted to the Voters at an Election to be Held on Tuesday, April 9, 1996, was presented.

It was moved by Gonzales, seconded by Davis, that Resolution No. 6712 be approved and adopted. Motion carried.

RESOLUTION NO. 6713 - A Resolution of the City Council of the City of Vernon, California, Requesting the Board of Supervisors of the County of Los Angeles to Render Specified Services to the City Relating to the Conduct of a General Municipal Election to be held on Tuesday, April 9, 1996, was presented.

It was moved by Ybarra, seconded by Davis, that Resolution No. 6713 be approved and adopted. Motion carried.

Communication from Bruce V. Malkenhorst, Director of Personnel, dated November 16, 1995, was presented, transmitting the Agenda for the Personnel Committee Meeting to be held November 20, 1995, for approval of the recommendations contained therein.

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It was moved by McCormick, seconded by Gonzales, that the recommendations contained in the Agenda for the Personnel Committee Meeting held November 20, 1995 be approved. Motion carried.

WARRANT REGISTER NO. 926 covering claims and demands presented during the period of November 3 thru November 16, 1995, drawn on the First Interstate Bank totaling \$219,070.14, which includes Demand Nos. 54302 thru 54509 (inclusive), excluding Light and Power Demands and Void Demand Nos. 54341, and 54343 thru 54353 (inclusive) (accounting period November, 1995), was examined and audited.

It was moved by Davis, seconded by Gonzales, that Warrant Register No. 926 be approved and payment authorized for claims and demands totaling \$219,070.14, excluding Light and Power Demands. Motion carried.

WARRANT REGISTER NO. 926 covering claims and demands presented during the period of November 3 thru 16, 1995, drawn on the First Interstate Bank totaling \$1,667,114.31, which includes Light and Power Demand Nos. as listed below (accounting period November, 1995), was examined and audited:

54306	54330	54339	54383	54419	54464	54494
54312	54331	54340	54386	54425	54466	54496
54315	54333	54342	54388	54432	54471	54497
54316	54334	54355	54406	54446	54476	54499
54320	54335	54370	54411	54451	54477	54501
54321	54336	54372	54413	54454	54482	54502
54322	54337	54375	54414	54458	54491	54508
54327	54338	54378	54415	54460	54492	54314

It was moved by Ybarra, seconded by McCormick, that Warrant Register No. 926 be approved and payment authorized for claims and demands totaling \$1,667,114.31. 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. 473 covering claims and demands presented during the period of September 17 thru October 14, 1995, drawn on the First Interstate Bank totaling \$1,566,678.93 which includes Demand Nos. 8191 thru 8237 (inclusive) (accounting period October, 1995), was presented.

It was moved by Gonzales, seconded by Ybarra, that Payroll Warrant Register No. 473 be approved and payment authorized for claims and demands totaling \$1,566,678.93. Motion carried.

Results of bids submitted and opened this date at 2 p.m., in accordance with Contract No. 528, Traffic Pavement Striping 1996, were presented:

ASAP Services	\$43,203.86
Arrow Straight Marking & Striping	32,918.38

Kevin Wilson, Acting Director of Community Services, addressed the Council and advised that the bids have been reviewed and is hereby recommending that the bid be awarded to the lowest bidder. Mr. Wilson also advised that both bids were recalculated and that the bid of Arrow Straight Marking & Striping was off by one penny and the correct amount is \$32,918.39.

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It was moved by Davis, seconded by Ybarra, that the Bids for Contract No. 528 be accepted and that the contract be awarded to Arrow Straight Marking and Striping on the basis of their being the lowest bidder.

RESOLUTION NO. 6718 - A Resolution of the City Council of the City of Vernon Accepting the Bid of Arrow Straight Marking and Striping Service for Traffic Pavement Striping 1996 in Accordance with Contract No. 528 of the City of Vernon and Approving the Execution of Said Contract, was presented.

It was moved by Gonzales, seconded by Davis, that Resolution No. 6718 be approved and adopted. Motion carried.

The Mayor called a recess at 5:57 p.m.

The Council reconvened at 6:05 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 to confer on Item Nos. 1, 2, and 3 listed below, the time being 6:05 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 Government Code Section 54957.

a. EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

2. 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) City of Vernon vs. Central Basin Municipal Water District, LASC No. BC 121124;
- (b) City of Vernon vs. Central Basin, etc., Zastrow, et al., LASC No. BC 130693;
- (c) City of South Gate, et al. vs. City of Los Angeles, et al., LASC No. BC 129447;
- (d) The Atchison, Topeka and Santa Fe Railway vs. City of Vernon; LASC No. BC 123510;
- (e) CPUC Docket No. A.93-09-006 (SoCalGas) (BCAP);
- (f) CPUC Docket No. A.91-03-039 (SoCalGas) (BCAP);

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- (g) SoCalGas v. Vernon LASC No. BS 017468;
2 CIV BO88723 and 2 CIV BO77228;
- (h) Vernon v. SoCalGas, USDC No. CV-92-03435 SWW
(Ctx); USCA No. 94-56174
- (i) Andrew Beltowski vs. City of Vernon; WCAB
Nos. ANA 0265141; ANA 0265142; 89 VEN
073111;

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

CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Initiation of litigation: Two (2) potential cases

Mayor Malburg was excused from the Closed Session at 6:18 p.m. and Mayor Pro Tem Ybarra assumed the chair.

The Mayor returned to the Closed Session at 6:21 p.m. and resumed the chair.

Councilman Davis was excused from the Closed Session at 6:21 p.m.

Councilman Davis returned to the Closed Session at 6:27 p.m.

It was moved by McCormick, seconded by Ybarra, that the Council go out of Closed Session and resume regular session, the time being 6:28 p.m. Motion carried.

It was moved by Ybarra, seconded by Gonzales, that the City Attorney be authorized to intervene in FERC Docket No. ER96-221-000. 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.

It was moved by McCormick, seconded by Gonzales, that the City Attorney be authorized to intervene in FERC Docket No. ER96-222-000. 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.

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


Leonis C. Malburg, Mayor

ATTEST:


Bruce V. Malkenhorst, City Clerk

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