

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 H (11 PAGES)**

MINUTES OF AN ADJOURNED REGULAR MEETING  
OF THE CITY COUNCIL, HELD JUNE 27, 1985  
AT 4:45 P.M., IN THE COUNCIL CHAMBER OF  
THE CITY HALL, LOCATED AT 4305 SANTA FE  
AVENUE, VERNON, CALIFORNIA

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

MEMBERS ABSENT: None

The meeting was called to order by Mayor Malburg.

It was moved by McCormick, seconded by Gonzales, that the minutes of the Adjourned Regular City Council Meeting held June 11, 1985, be approved as written and submitted. Motion carried.

Health Department Report for the month of May, 1985, was presented.

It was moved by Ybarra, seconded by Davis, that the Health Department Report for the month of May, 1985, be received and filed. Motion carried.

Police Department Activity Log for the period June 1-15, 1985, was presented.

It was moved by Davis, seconded by Gonzales, that the Police Department Activity Log for the period June 1-15, 1985, be received and filed. Motion carried.

Fire Department Activity Report for the period June 1-15, 1985, was presented.

It was moved by Ybarra, seconded by Davis, that the Fire Department Activity Report for the period June 1-15, 1985, be received and filed. Motion carried.

Warrant Register No. 671, covering claims and demands presented during the period June 1-15, 1985, which includes Demand Nos. 5061-5172 (both inclusive), 5057 and 5058, excluding void Demand Nos. 5068-5071 and Light and Power Demands, drawn on the First Interstate Bank, totaling \$42,967.42 (accounting period June 1985), was examined and audited.

It was moved by Davis, seconded by Ybarra, that Warrant Register No. 671 be approved and payment authorized for Demand Nos. 5061-5172 (both inclusive), 5057 and 5058, excluding void Demand Nos. 5068-5071 and Light and Power Demands, in the amount of \$42,967.42, with no other exceptions. Motion carried.

Warrant Register No. 671, covering claims and demands presented during the period June 1-15, 1985, which includes Light & Power Demand Nos. 5057, 5058, 5077, 5092, 5097, 5101, 5102, 5105, 5106, 5109, 5127, 5138, 5145, 5158 and 5165, drawn on the First Interstate Bank, totaling \$29,240.51 (accounting period June 1985), was examined and audited.

It was moved by Ybarra, seconded by Gonzales, that Warrant Register No. 671, be approved and payment authorized for Light & Power Demand Nos. 5057, 5058, 5077, 5092, 5097, 5101, 5102, 5105, 5106, 5109, 5127, 5138, 5145, 5158 and 5165, in the amount of \$29,240.51, with no exceptions. Councilman Davis is abstaining from voting on the above motion and is disqualifying himself because it is reasonably foreseeable that the decision will have a material financial effect on his source of income. Motion carried.

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6/27/85

The City Council of the City of Vernon hereby finds and determines that it is in the public interest and necessity to waive the formal contract procedures in the matter of the Vernon City Hall janitorial services for the 1985-86 fiscal year and go to an informal bidding process.

RESOLUTION NO. 5192 - A Resolution Of The City Council Of The City Of Vernon Accepting The Bid Of Korean Maintenance Company For Vernon City Hall Janitorial Services For The 1985-86 Fiscal Year In Accordance With Janitorial Contract No. 008 And Approving The Execution Of Said Contract, was presented.

It was moved by Ybarra, seconded by Davis, that Resolution No. 5192 be approved and adopted.

AYES: Ybarra, Davis, Malburg, Gonzales, McCormick  
NOES: None  
ABSENT: None

Communication from Bruce V. Malkenhorst, City Administrator/City Clerk, dated June 18, 1985, recommending authority and funds for Mayor Pro-Tem Thomas A. Ybarra, Councilmen William J. Davis, Hilario Gonzales, William M. McCormick, and City Administrator/City Clerk Bruce V. Malkenhorst to attend the Mayors, Councilmen and Executives Forum in Monterey, California, July 16-19, 1985, with an expense allowance of \$796.00, was presented.

It was moved by McCormick, seconded by Davis, that the recommendation of the City Administrator/City Clerk be approved and authority and funds be granted for Mayor Pro-Tem Thomas A. Ybarra, Councilmen William J. Davis, Hilario Gonzales, William M. McCormick and City Administrator/City Clerk Bruce V. Malkenhorst to attend the Mayors, Councilmen and Executives Forum in Monterey, California, July 16-19, 1985, with an expense allowance of \$796.00. Motion carried.

RESOLUTION NO. 5193 - A Resolution Of The City Council Of The City Of Vernon Approving And Authorizing The Execution Of An Interim Cost Sharing Agreement Among The Transmission Agency Of Northern California, The Cities Of Anaheim, Azusa, Banning, Colton, Riverside and Vernon, Pacific Gas And Electric Company, San Diego Gas & Electric Company, Southern California Edison Company And Western Area Power Administration For The California-Oregon Transmission Project ("PROJECT"), was presented.

It was moved by Ybarra, seconded by Gonzales, that Resolution No. 5193 be approved and adopted. Councilman Davis is abstaining from voting on the above motion and is disqualifying himself because it is reasonably foreseeable that the decision will have a material financial effect on his source of income. Motion carried.

AYES: Ybarra, Gonzales, Malburg, McCormick  
NOES: None  
ABSENT: None

Communication from Bruce V. Malkenhorst, Director of Finance, dated June 20, 1985, transmitting the minutes of the Adjourned Finance Committee Meeting held June 18, 1985, for approval of recommendations contained therein, was presented.

It was moved by Ybarra, seconded by Davis, that the communication from Bruce V. Malkenhorst, Director of Finance, dated June 20, 1985, transmitting the minutes of the Adjourned Finance Committee Meeting held June 18, 1985, be deferred to executive session. Motion carried.

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6/27/85

RESOLUTION NO. 5194 - A Resolution Of The City Council Of The City Of Vernon Approving And Authorizing The Execution Of An Agreement For Mobila Intansive Care Unit (MICU) Paramedic Services And Use Of Vehicle Equipment And Facilities By And Between The City Of Vernon And AIDS Medical Enterprises, Inc. ("AIDS"), was presented.

It was moved by Ybarra, seconded by Gonzales, that Resolution No. 5194 be approved and adopted. Motion carried.

AYES: Ybarra, Gonzales, Davis, Malburg, McCormick  
NOES: None  
ABSENT: None

RESOLUTION NO. 5195 - A Resolution Of The City Council Of The City Of Vernon Approving A Budget For The Fiscal Year 1985-1986, was presented.

It was moved by Ybarra, seconded by Gonzales, that Resolution No. 5195 be approved and adopted. Motion carried.

AYES: Ybarra, Gonzales, Davis, Malburg, McCormick  
NOES: None  
ABSENT: None

RESOLUTION NO. 5196 - A Resolution Of The City Council Of The City Of Vernon Establishing A General Government Appropriations Limit For The Fiscal Year Ending June 30, 1986 Pursuant To Government Code §7910.

It was moved by Gonzales, seconded by Davis, that Resolution No. 5196 be approved and adopted. Motion carried.

AYES: Gonzales, Davis, Malburg, McCormick, Ybarra  
NOES: None  
ABSENT: None

RESOLUTION NO. 5197 - A Resolution Of The City Council Of The City Of Vernon Amending Resolution No. 4918 Fixing The Compensation For Certain Employees Of Said City And Authorizing Certain Expense Allowances By Repealing Sections 4, 5 And 6 Of Said Resolution And Substituting The Following Provisions And Repealing All Resolutions Or Parts Of Resolutions In Conflict Therewith, Specifically Resolution Nos: 4954, 4957, 4980, 5018, 5025, 5056, 5060, 5120, 5134, 5139, 5147 And 5180, was presented.

It was moved by Gonzales, seconded by McCormick, that Resolution No. 5197 be deferred to executive session. Motion carried.

RESOLUTION NO. 5198 - A Resolution Of The City Council Of The City Of Vernon Establishing Compensation For The City Attorney, David B. Brearley, In Accordance With That Certain Amendment To The City Attorney Employment Agreement Approved By Resolution No. 4774, was presented.

It was moved by Davis, seconded by McCormick, that Resolution NO. 5198 be deferred to executive session. Motion carried.

Communication from Jeff Little of Crookall, Shirley & Company on behalf of Manny Zosa, dated June 18, 1985, requesting permission to install a fence on the 38th Street side of the alley of property located at 3710 S. Alameda and also at the rear of lot 42 (map attached), was presented.

It was moved by Gonzales, seconded by Davis, that the communication from Jeff Little of Crookall, Shirley & Company on behalf of Manny Zosa, dated June 18, 1985, requesting permission to install a fence on the 38th Street side of the alley of property located at 3710 S. Alameda and also at the rear of lot 42 be deferred to the first meeting in August. Motion carried.

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6/27/85

Communication from Bruce V. Malckenhorst, Director of Personnel, dated June 26, 1985, transmitting the minutes of an Adjourned Regular Personnel Committee Meeting held June 24, 1985, for approval of recommendations contained therein, was presented.

It was moved by Gonzales, seconded by Davis, that the minutes of an Adjourned Regular Personnel Committee Meeting held June 24, 1985, be approved as written and recommendations contained therein be adopted. Motion carried.

Communication from Bruce V. Malckenhorst, Director of Personnel, dated June 26, 1985, recommending that Renee Doull be advanced and reclassified to Senior Utilityclerk, Step 4, with a monthly salary of \$1673.00, effective July 1, 1985, based on her increased job responsibilities and meritorious job performance.

It was moved by Ybarra, seconded by Gonzales, that Renee Doull be advanced and reclassified to Senior Utilityclerk, Step 4, with a monthly salary of \$1673.00, effective July 1, 1985. Motion carried.

Communication from Bruce V. Malckenhorst, Director of Personnel, dated June 26, 1985, recommending that Martha Garcia be advanced and reclassified to Accountant, Step 5, with a monthly salary of \$2043.00, effective July 1, 1985, based on her increased job responsibilities and meritorious job performance.

It was moved by Davis, seconded by Ybarra, that Martha Garcia be advanced and reclassified to Accountant, Step 5, with a monthly salary of \$2043.00, effective July 1, 1985. Motion carried.

Communication from Bruce V. Malckenhorst, Director of Personnel, dated June 26, 1985, recommending that Jaime DeLaRosa be hired as a regular full time employee classified as Utilityman V, Step 7, with a monthly salary of \$1247.00, effective July 1, 1985.

It was moved by Ybarra, seconded by Gonzales, that Jaime DeLaRosa be hired as Utilityman V, Step 7, with a monthly salary of \$1247.00, effective July 1, 1985. Motion carried.

Communication from Bruce V. Malckenhorst, Director of Personnel, dated June 26, 1985, recommending that Civilian Parking Control Officer Randall Miller be terminated effective June 26, 1985, due to his failure to pass probation.

It was moved by Ybarra, seconded by Davis, that Civilian Parking Control Officer Randall Miller be terminated effective June 26, 1985. Motion carried.

At 6:10 p.m., it was moved by Ybarra, seconded by McCormick, that the City Council go into executive session under Government Code Section 54957. Motion carried.

All persons with the exception of the City Administrator/ City Clerk and the City Attorney were excluded from the executive session.

Mayor Malburg declared all communications to and from the executive session deemed private and confidential.

6/27/85

At 6:30 p.m., David B. Brearley was excused.

At 6:40 p.m., David B. Brearley returned.

At 6:41 p.m., it was moved by McCormick, seconded by Ybarra, that the City Council go out of executive session and resume regular session. Motion carried.

At 6:42 p.m., it was moved by Gonzales, seconded by McCormick, that the City Council go into executive session under Attorney/Client privilege. Motion carried.

All persons with the exception of the City Administrator/ City Clerk and the City Attorney were excluded from the executive session.

Mayor Malburg declared all communications to and from the executive session deemed private and confidential.

At 6:50 p.m., Councilman Davis was excused.

At 7:02 p.m., Councilman Davis resumed his seat on the Council.

At 7:04 p.m., it was moved by McCormick, seconded by Ybarra, that the City Council go out of executive session and resume regular session. Motion carried.

Communication from Bruce V. Malikenhorst, Chief Executive Officer, Light and Power, dated June 27, 1985, recommending that the City of Vernon provide notice to Edison, pursuant to Special Condition 12 of the R-3 Tariff Schedule, that Vernon will operate, schedule and dispatch nonintegrated sources and further that the staff be authorized as follows:

1. Negotiate a formal Purchase Agreement with Pasadena for capacity and associated energy.
2. Accept Azusa's participation with Vernon in the Pasadena Agreement.
3. Notify Edison of Vernon's intent to purchase capacity and associated energy to reduce Vernon's demands on the Edison system.
4. To authorize the Vernon staff to take all further action necessary to implement this proposal.
5. That Vernon provide Edison with notice of Vernon's intent to operate it's allocation of contingent capacity and associated energy from the Boulder Canyon Project Uprating Program as a nonintegrated source to reduce Vernon's demands on the Edison system.
6. That Vernon provide Edison with notice that Vernon intends to purchase and schedule nonfirm energy as a nonintegrated source.

It was moved by Gonzales, seconded by McCormick, that the above recommendations of the Chief Executive Officer of Light and Power be approved. Councilman Davis is abstaining from voting on the above motion and is disqualifying himself because it is reasonably foreseeable that the decision will have a material financial effect on his source of income. Motion carried.

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6/27/85

The City Attorney advised the City Council that he had received a settlement offer in the case of City of Vernon vs. Tony Wayne Perkins which provided that Mr. Perkins will pay the sum of \$2000.00 on August 1, 1985, and on the first day of each month thereafter he will pay the sum of \$150.00 per month until the total of \$6000.00 is paid. The City Attorney recommended that the City Council (1) Approve the settlement with Mr. Perkins and (2) Authorize him to execute all documents necessary to effectuate said settlement.

It was moved by Ybarra, seconded by McCormick, that the recommendations of the City Attorney be approved and that the City Council approve the settlement with Tony Wayne Perkins wherein Mr. Perkins will pay the City of Vernon the sum of \$2000.00 on August 1, 1985, and on the first day of each month thereafter he will pay the sum of \$150.00 per month until the total of \$6000.00 is paid and that the City Attorney is hereby authorized to execute all documents necessary to effectuate said settlement. Motion carried.

Communication from Bruce V. Malckenhorst, City Administrator/City Clerk recommending that the city continue to pay medical insurance coverage for miscellaneous retired employees and miscellaneous employees who retire during the 1985-86 fiscal year, with twenty (20) years of continuous service and being sixty (60) years of age, was presented.

It was moved by McCormick, seconded by Ybarra, that the recommendation of the City Administrator/City Clerk be approved and that the city continue to pay medical insurance coverage for miscellaneous retired employees and miscellaneous employees who retire during the 1985-86 fiscal year, with twenty (20) years of continuous service and being sixty (60) years of age. Motion carried.

Communication from Bruce V. Malckenhorst, Director of Finance, dated June 20, 1985, transmitting the minutes of the Adjourned Finance Committee Meeting held June 18, 1985, for approval of recommendations contained therein, was presented.

It was moved by McCormick, seconded by Davis, that the minutes of the Adjourned Finance Committee Meeting held June 18, 1985, be approved as written and recommendations contained therein be adopted. Motion carried.

RESOLUTION NO. 5197 - A Resolution Of The City Council Of The City Of Vernon Amending Resolution No. 4918 Fixing The Compensation For Certain Employees Of Said City And Authorizing Certain Expense Allowances By Repealing Sections 4, 5 and 6 Of Said Resolution And Substituting The Following Provisions And Repealing All Resolutions Or Parts Of Resolutions In Conflict Therewith, Specifically Resolution Nos. 4954, 4957, 4980, 5018, 5025, 5056, 5060, 5120, 5134, 5139, 5147 And 5180, was presented.

It was moved by McCormick, seconded by Ybarra, that Resolution No. 5197 be approved and adopted. Motion carried.

AYES: McCormick, Ybarra, Malburg, Davis, Gonzales  
NOES: None  
ABSENT: None

RESOLUTION NO. 5198 - A Resolution Of The City Council Of The City Of Vernon Establishing Compensation For The City Attorney, David B. Brearley, In Accordance With That Certain Amendment To The City Attorney Employment Agreement Approved By Resolution No. 4774, was presented.

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6/27/85

It was moved by Ybarra, seconded by Davis, that Resolution No. 5198 be approved and adopted. Motion carried.

AYES: Ybarra, Davis, Malburg, Gonzales, McCormick  
NOES: None  
ABSENT: None

ORDINANCE NO. 954 - An Ordinance Of The City Council Of The City Of Vernon Repealing Ordinance No. 936 And Providing For Salary And Expense Allowance For Members Of The City Council Of The City Of Vernon And Declaring The Urgency Thereof, To Take Effect Immediately was read by title for a first and final reading.

It was moved by Ybarra, seconded by McCormick, that Ordinance No. 954 receive and pass a first and final reading and be adopted. Motion carried.

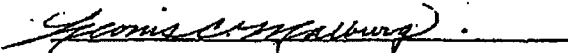
AYES: Ybarra, McCormick, Malburg, Davis, Gonzales  
NOES: None  
ABSENT: None

Communication from Bruce V. Malckenhorst, City Administrator/City Clerk, dated June 27, 1985, recommending that the Medevac contract be amended and extended to cover the month of July in order to have a smooth transition between Medevac and AIDS Medical Enterprises (AME). If approval is granted, the interim contract with Medevac will expire August 1, 1985 at 8:00 a.m.


It was moved by Gonzales, seconded by Davis, that the recommendation of the City Administrator/City Clerk be approved and that the Medevac contract be amended and extended to cover the month of July with the interim contract with Medevac expiring on August 1, 1985 at 8:00 a.m. Motion carried.

It was moved by McCormick, seconded by Gonzales, that the City Administrator/City Clerk be authorized to negotiate a new contract with the City Attorney for the fiscal year 1986-87. Motion carried.

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

  
LEONIS C. MALBURG, Mayor

ATTEST:

  
BRUCE V. MALCKENHORST, City Administrator/  
City Clerk

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AFFIDAVIT OF POSTING

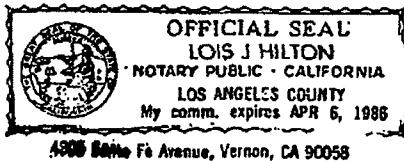
State of California )  
County of Los Angeles )  
City of Vernon )

I, Bruce V. Malckenhorst, City Clerk of the City of  
Vernon, do hereby certify that I did, on the 18th day of  
June, 1985 post Notice of Adjournment of the  
meeting of the City Council of the City of Vernon, a copy  
of which is attached hereto, at a conspicuous place on or  
near the door of the place at which said meeting of \_\_\_\_\_  
June 18, 1985, was to be held.

*Bruce V. Malckenhorst*  
BRUCE V. MALKENHORST  
CITY ADMINISTRATOR? CITY CLERK

Subscribed and sworn to before me  
this 18th day of June, 1985

*Lois J. Hilton*  
Notary Public in and for the County of  
Los Angeles, State of California



NOTICE OF ADJOURNMENT

OF THE CITY COUNCIL MEETING OF THE CITY OF VERNON

I HEREBY CERTIFY THAT A REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF VERNON TO BE HELD JUNE 18, 1985 AT  
2:00 P.M., IN THE COUNCIL CHAMBERS OF THE CITY HALL LOCATED AT  
4305 SANTA FE AVENUE, VERNON, CALIFORNIA, WAS ADJOURNED BY  
ORDER OF THE CITY CLERK (Quorum Not Present) UNTIL 4:45 P.M.,  
JUNE 25, 1985 IN THE COUNCIL CHAMBERS OF THE CITY HALL.



Bruce V. Malckenhorst  
City Clerk

AFFIDAVIT OF POSTING

State of California )  
County of Los Angeles )  
City of Vernon )

I, Bruce V. Malckenhorst, City Clerk of the City of  
Vernon, do hereby certify that I did, on the 25th day of  
June, 1985 postnotice of Adjournment of the  
meeting of the City Council of the City of Vernon, a copy  
of which is attached hereto, at a conspicuous place on or  
near the door of the place at which said meeting of \_\_\_\_\_  
June 25, 1985, was to be held.

*Bruce V. Malckenhorst*

Subscribed and sworn to before me  
this 25th day of June, 1985

*Lois J. Hilton*  
\_\_\_\_\_  
Notary Public in and for the County of  
Los Angeles, State of California



4305 Santa Fe Avenue, Vernon, CA 91358

NOTICE OF ADJOURNMENT  
OF THE CITY COUNCIL MEETING OF THE CITY OF VERNON

I HEREBY CERTIFY THAT A REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF VERNON TO BE HELD JUNE 25, 1985 AT  
4:45 P.M., IN THE COUNCIL CHAMBERS OF THE CITY HALL LOCATED AT  
4305 SANTA FE AVENUE, VERNON, CALIFORNIA, WAS ADJOURNED BY  
ORDER OF THE CITY CLERK (Quorum Not Present) UNTIL JUNE 27,  
1985, AT 4:45 P.M. IN THE COUNCIL CHAMBERS OF THE CITY HALL.

  
Bruce V. Malkenhorst  
City Clerk