

**MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF BRADBURY
HELD ON TUESDAY, NOVEMBER 20, 2018**

MEETING CALLED TO ORDER:

The Regular Meeting of the City Council of the City of Bradbury was called to order by Mayor Barakat at 7:00 p.m.

ROLL CALL:

PRESENT: Mayor Barakat, Mayor Pro-Tem Hale, Councilmembers Lewis, Bruny and Lathrop

ABSENT: None

STAFF: City Manager Kearney, Acting City Attorney Kranitz, and City Clerk Saldana

APPROVAL OF AGENDA:

Councilmember Lewis made a motion to approve the agenda to proceed with City business. Mayor Pro-Tem Hale seconded the motion which carried.

**DISCLOSURE OF ITEMS REQUIRED BY
GOV. CODE SECTION 1090 & 81000
ET SEQ.:**

In compliance with the California Political Reform Act, each City Councilmember has the responsibility to disclose direct or indirect potential for a personal financial impact as a result of participation in the decision-making process concerning agenda items.

City Manager Kearney stated that staff was aware of none.

PUBLIC COMMENT:

Mr. Mo Bina, LA County Sanitation Districts Employee Union, addressed the City Council regarding LACSD Labor Negotiations. Mayor Barakat serves on the Personnel Committee of the County Sanitation Districts of Los Angeles County. Mr. Bina handed the Minutes of the April 26, 2017 Special Meeting of the Personnel Committee of the County Sanitation Districts of Los Angeles County to the City Clerk to be included in the record. Mr. Bina stated that 400 Sanitation workers have been without a contract and received no COLA increases for the last two years and that Mayor Barakat opposes the contract.

Mr. Basil Hewitt, LACSD, also addressed the Mayor and City Council regarding the contract negotiations.

Mayor Barakat thanked Mr. Bina and Mr. Hewitt for their comments and stated that he cannot respond because this item is not on the agenda.

CONSENT CALENDAR:

All items on the Consent Calendar are considered by the City Council to be routine and will be enacted by one motion unless a Councilmember requests otherwise, in which case the item will be removed and considered by separate action. All Resolutions and Ordinances for Second Reading on the Consent Calendar are deemed to "waive further reading and adopt."

- A. Minutes – Regular Meeting of September 18, 2018
- B. Minutes – Special Meeting of October 9, 2018
- C. Minutes – Regular Meeting of October 16, 2018
- D. Resolution No. 18-30: Demands & Warrants for November 2018
- E. Monthly Investment Report for the month of October 2018
- F. Resolution No. 18-31: Casting a Vote for Councilmember Margaret Clark (City of Rosemead) to Represent Cities Without Prescriptive Water Pumping Rights on the Board of the San Gabriel Basin Water Quality Authority (WQA)
- G. Resolution No. 18-32: Designating Management Analyst Scarlett Santos Leon as Deputy City Clerk
- H. Adoption of Ordinance No. 360: Amending the Bradbury Municipal Code to Prohibit Parking on City Street in Excess of 72 Hours
- I. Memorandum of Understanding between the County of Los Angeles, Department of Public Health, and the City of Bradbury regarding Onsite Wastewater Treatment Systems

**ITEM #I PULLED FROM
CONSENT CALENDAR:**

Councilmember Lathrop pulled Item #I (Memorandum of Understanding between the County of Los Angeles, Department of Public Health, and the City of Bradbury regarding Onsite Wastewater Treatment Systems) off the Consent Calendar for discussion.

**PRESENTATION FROM
LA COUNTY PUBLIC WORKS:**

City Manager Kearney introduced Edel Vizcarra, Assistant Head, Community and Government Relations, Los Angeles County Public Works. Mr. Vizcarra gave a presentation on the Onsite Wastewater Treatment Systems (OWTS) and stated that he would answer any questions the Council may have.

Councilmember Lathrop wanted to know how deep the groundwater is in Bradbury. Mr. Vizcarra did not know.

Councilmember Lathrop stated that a significant amount of our population is still on septic tanks.

City Manager Kearney stated that the City already adopted Title 8 and Title 11 of the County and only needs to adopt the MOU at this time.

**MOTION TO APPROVE MEMORANDUM
OF UNDERSTANDING:**

Mayor Pro-Tem Hale made a motion to approve the Memorandum of Understanding between the County of Los Angeles, Department of Public Health, and the City of Bradbury regarding Onsite Wastewater Treatment Systems. Councilmember Bruny seconded the motion, which was carried by the following roll call vote:

APPROVED:

AYES: Mayor Barakat, Mayor Pro-Tem Hale, Councilmembers Lewis, Bruny and Lathrop

NOES: None

ABSENT: None

Motion passed 5:0

**MOTION TO APPROVE
CONSENT CALENDAR:**

Councilmember Lewis made a motion to approve the Consent Calendar, Items A through H. Mayor Pro-Tem Hale seconded the motion, which was carried by the following roll call vote:

APPROVED:

AYES: Mayor Barakat, Mayor Pro-Tem Hale,
Councilmembers Lewis, Bruny and Lathrop

NOES: None

ABSENT: None

Motion passed 5:0

**RESOLUTION NO. 18-33 -
406 MOUNT OLIVE DRIVE:**

City Manager Kearney stated Architectural Review No. 17-006 and Neighborhood Compatibility Review No. NC 17-005 were conditionally approved on appeal by the City Council on December 19, 2017 with the adoption of Resolution No. 17-21 for a new, two-story, 6,232 square foot Spanish-style, single-family residence, and the remodeling of the existing, one-story 1,704 square foot residence to a Spanish-style accessory living quarter at 406 Mount Olive Drive.

EXTENSION REQUEST:

The property owner, Dr. Victor De Los Santos, is requesting a nine-month extension due to difficulties in completing the construction plans (his architect fell off a ladder).

RECOMMENDATION:

City Manager Kearney stated that the extension request is for nine months, but because only one extension may be granted for up to one year, it is recommended that the City Council grant a one-year extension, subject to the provisions and conditions of approval of Resolution No. 18-33 and Resolution No. 17-21.

PUBLIC HEARING OPENED:

Mayor Barakat opened the public hearing and asked those speaking in favor or opposition to come forward and be heard.

PUBLIC INPUT:

Mr. David Meyer, representing the property owner, Victor De Los Santos, stated that his client would like to take this opportunity to put two requests before the Council for consideration:

- 1) Allow the removal of one (1) oak tree
- 2) Retain the circular driveway

City Manager Kearney stated that the City Council would only be considering the extension tonight. The two questions raised by Mr. Meyer would have to be referred to the Planning Commission.

PUBLIC HEARING CLOSED:

There being no further public input, Mayor Barakat declared the public hearing closed.

MOTION:

Councilmember Lathrop made a motion adopt Resolution No. 18-33: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADBURY, CALIFORNIA, SETTING FORTH ITS FINDINGS OF FACT AND DECISION TO GRANT A ONE-YEAR EXTENSION OF THE CONDITIONAL APPROVAL OF ARCHITECTURAL REVIEW NO. AR 17-006 AND NEIGHBORHOOD COMPATIBILITY NO. NC 17-005 FOR THE ARCHITECTURAL PLANS APPROVED BY CITY COUNCIL RESOLUTION NO. 1-21 FOR A NEW TWO-STORY 6,232 SQUARE-FOOT SPANISH-STYLE SINGLE-FAMILY RESIDENCE AND REMODEING OF THE EXISTING ONE-STORY 1,704 SQUARE-FOOT RESIDENCE TO A SPANISH-STYLE ACCESSORY LIVING QUARTER AT 406 MOUNT OLIVE DRIVE.

Mayor Pro-Tem Hale seconded the motion, which was carried by the following roll call vote;

APPROVED:

AYES: Mayor Barakat, Mayor Pro-Tem Hale, Councilmembers Lewis, Bruny and Lathrop

NOES: None

ABSENT: None

Motion passed 5:0

ORDINANCE NO. 361:

City Manager Kearney stated during the October 16th meeting, the City Council directed staff to further review and expand upon the current duties and responsibilities of the City's Emergency Response Committee (ERC).

In response, Staff drafted Ordinance No. 361, which restructures the City's Emergency Response Committee to a Public Safety Committee. The proposed committee will act in an advisory capacity in formulating recommendations to the City Council pertaining to:

- Law Enforcement priorities
- Crime Preventions and Control
- Animal Control
- Emergency Preparedness
- Other duties and functions as may be provided by ordinance, resolution, or direction of the City Council, or by law

FINANCIAL REVIEW:

There are no significant impacts associated with restructuring the City's ERC to a Public Safety Committee as proposed in Ordinance No. 361.

The City currently contributes \$50,000 of restricted COPS funds for Duarte's daytime patrol services. The City of Duarte will assign an LASD Special Assignments Deputy at no additional cost to the City as long as the time allocated does not exceed five (5) hours per month.

RECOMMENDATION:

It is recommended that the City Council introduce for first reading, by title only, Ordinance No. 361: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY, CALIFORNIA, AMENDING TITLE II, CHAPTER 4, OF THE BRADBURY MUNICIPAL CODE TO ADD ARTICLE III, ESTABLISHING THE BRADBURY PUBLIC SAFETY COMMITTEE.

Additionally, it is recommended that the City mail postcards to all Bradbury residents to advise of the restructured committee, which also serves to attract volunteers to serve on the new formed Public Safety Committee.

DISCUSSION:

Councilmember Lathrop stated that he would to amend the draft ordinance to allow for one alternate per district. City Manager Kearney referred to Section (b) which reads:

**SECTION B OF
ORDINANCE NO. 361:**

"The City Manager or a designated representative shall attend meetings of the Committee to act in a staff advisory capacity. The City Council may designate one or more members of the Council to attend the Committee meetings to act as liaison between the Council and the Committee."

MOTION:

Councilmember Lathrop made a motion to introduce for first reading, by title only, Ordinance No. 361, as amended to provide for alternates. Mayor Barakat seconded the motion, which was carried by the following roll call vote:

APPROVED:

AYES: Mayor Barakat, Mayor Pro-Tem Hale, Councilmembers Lewis, Bruny and Lathrop

NOES: None

ABSENT: None

Motion passed 5:0

Ordinance No. 361 will be on the December 18th Agenda for Second Reading and Adoption.

MATTERS FROM THE CITY MANAGER:

City Manager Kearney stated that the Ring Partnership has been finalized. Information about the Ring Program can be found on the City's website.

MATTERS FROM THE CITY ATTORNEY:

Acting City Attorney Lisa Kranitz had nothing to report.

MATTERS FROM THE CITY COUNCIL:

MAYOR BARAKAT:

Mayor Barakat stated that Foothill Transit just purchased 35 new buses.

MAYOR PRO-TEM HALE:

Nothing to report

COUNCILMEMBER LEWIS:

Nothing to report

COUNCILMEMBER BRUNY:

Councilmember Bruny reported that she attended the quarterly meeting of the Duarte Community Education Council (CEC) and met the new Superintendent.

COUNCILMEMBER LATHROP:

Councilmember Lathrop also recently met the Superintendent who is planning to attend a City Council meeting in the near future to introduce himself.

ITEMS FOR FUTURE AGENDAS:

City Manager Kearney stated that the Housing Element updates (Ordinance No. 362) will be on the December agenda.

ADJOURNMENT:

At 7:40 p.m. Mayor Barakat adjourned to a Special meeting on Thursday, December 13, 2018 at 10:30 a.m.



MAYOR – CITY OF BRADBURY

ATTEST:

Claudia Saldana
CITY CLERK – CITY OF BRADBURY

MINUTES OF THE SPECIAL MEETING OF THE
PERSONNEL COMMITTEE OF THE
COUNTY SANITATION DISTRICTS
OF LOS ANGELES COUNTY

April 26, 2017
11:30 o'clock, A.M.

Pursuant to the call of the Chairperson and upon written notice of the Secretary setting the time and place of a special meeting and mailed to each Director at least 24 hours before the meeting, a special meeting of the Personnel Committee of the County Sanitation Districts of Los Angeles County was held at the Joint Administration Office, 1955 Workman Mill Road, Whittier, California, on April 26, 2017, at 11:30 o'clock, a.m., for the purpose of:

1. Approve Minutes of Special Meeting Held March 22, 2017
2. Legal Fees
3. Personnel Related Matters

There were present: Dee Andrews, Districts Nos. 1 and 8
Joseph Buscaino, Districts Nos. 3, 4 and 9
Richard Barakat, District No. 15
Robert Joe, District No. 16
Terry Tornek, District No. 17
Carol K. Chen, District No. 19
Curtis Morris, District No. 21
Margaret E. Finlay, District No. 22
William Davis, District No. 23
David A. Spence, District No. 28
Ed Wilson, District No. 29

Absent: David Armenta, Chairperson, Districts Nos. 2 and 18
Pat Furey, South Bay Cities and District No. 5
Rex Parris, District No. 14
James C. Ledford, District No. 20
Mark Ridley-Thomas, District No. 27
Cameron Smyth, Santa Clarita Valley

Also present: Grace Robinson Hyde, Chief Engineer and General Manager
Robert Ferrante, Assistant Chief Engineer and Assistant General Manager
Wesley Beverlin, District Counsel
Kimberly S. Compton, Secretary of the Committee

Upon motion of Director Barakat, duly seconded and unanimously carried, Director Spence was elected Chairperson pro tem.

RE: MINUTES
of the special meeting held on March 22, 2017, were approved.

Upon motion of Director Chen, duly seconded with Director Wilson abstaining from the vote, the minutes

RE: JOINT ADMINISTRATION
LEGAL SERVICES FEES - REPORT
ON SERVICES PROVIDED - ESTABLISH
RATES OF COMPENSATION FOR
DISTRICTS' GENERAL COUNSEL
LABOR RELATIONS COUNSEL, AND
OTHER REQUIRED SPECIAL COUNSEL

The Chief Engineer and General Manager reported the Districts' staff reviews the rates for legal services every few years and she gave a presentation. She advised that the Districts have three types of legal services: (1) general counsel, (2) human resources counsel, and (3) special counsel. All three types were discussed.

She stated that almost all of the Districts' routine legal work has long been done by a group of attorneys currently with the firm Lewis, Brisbois, Bisgaard & Smith, LLP (LBBS). She introduced Mr. Wes Beverlin, District Counsel. This long-term relationship has very important benefits for the Districts because of the continuity of legal services provided, which is a critical need for the Districts. The Districts, as an agency

The recommended increase for partner rates reflect a \$10/hour increase. A slightly higher increase is proposed for associates at \$12/hour and \$11/hour for junior associates to address the recent higher associate turnover rate. The associate rate would still be lower than the partner rates and the preference would be to use lower cost associates, if possible, for litigation.

The next slide detailed expectations for LBBS: (1) continued development of new associates to maintain continuity and (2) goal of at least 50 percent of litigation work to be performed by associates.

District Counsel stated that LBBS has been implementing these expectations for some time now.

The next slide reflected the recommended rates for Musick, Peeler, & Garrett (MPG) and the annual limit for special counsel. MPG is the Districts' Human Resources counsel. Staff recommended a \$6/per hour increase for each of the next three years. The rate has not been increased in four years. Their annual work varies but is usually around \$200,000.

Staff recommended keeping the same special counsel cap of \$500,000. Special counsel is used for various legal matters requiring special expertise, such as for regulatory matters related to endangered species. If a special counsel is needed for an extended period of time, an item would go to the boards for approval.

Director Wilson stated that looking at the numbers, the recommendation looks reasonable. He also stated that, in the future, he would like to see the recovered costs on litigation matters.

Director Tornek stated that based on the presentation, Districts' staff clearly values the long-term expertise. In response to his question about if a solicitation had been considered, the Chief Engineer and General Manager advised that for the reasons previously discussed, staff believes that continuity of the legal services provided to the Districts is very important and that staff's recommendation is based on what was presented to the Committee; that is, to continue with LBBS. In addition, staff does not believe that more cost-effective rates would be proposed by others in a solicitation process.

Director Morris stated that the Boards receive excellent service from LBBS and the rates are reasonable. The firm has served the Boards well.

Director Barakat stated that he has served 20 years on the board and long-term legal issues such as Westlake Farms are still going on and it would be difficult to bring a new firm up to speed on long-term issues.

Director Joe asked the following: (1) could staff provide what has been done and what is the success rate and (2) staff has only shown the Committee this year's costs, can you provide the last three years. In response, the Chief Engineer and General Manager showed an additional slide that depicted historical costs and stated that staff's goal is to stay out of court whenever possible and minimize the costs. The Districts have been successful in avoiding additional legal costs.

In response to Director Morris, the Chief Engineer and General Manager advised that the recommended modest increase for associates would enable LBBS to hire and keep qualified associates for Districts' work.

Upon motion of Director Finlay, duly seconded with Director Barakat abstaining from the vote, the committee endorsed the recommendation of the Chief Engineer and General Manager for Districts' general counsel, labor relations counsel, and special counsel for fiscal years 2017/18, 2018/19, and 2019/20. For Districts' general counsel the base retainer rate for fiscal years 2017/18, 2018/19 and 2019/20 would be \$259/hour, \$269/hour and \$279/hour, respectively.

The litigation rates for Districts' general counsel for the next three fiscal years would be:

	<u>July 1, 2017</u>	<u>July 1, 2018</u>	<u>July 1, 2019</u>
Partners:	\$259 per hour	\$269 per hour	\$279 per hour
Senior Associates:	\$225 per hour	\$237 per hour	\$249 per hour
Junior Associates:	\$213 per hour	\$224 per hour	\$235 per hour
Paralegal:	\$116 per hour	\$123 per hour	\$130 per hour

The composite rate for Districts' labor relations counsel, MPG, for the next fiscal years would be:

	<u>July 1, 2017</u>	<u>July 1, 2018</u>	<u>July 1, 2019</u>
Labor Matters:	\$310 per hour	\$316 per hour	\$322 per hour

Furthermore, the Personnel Committee also endorsed a recommendation to authorize the Chief Engineer and General Manager to hire special counsel, as needed, at competitive rates with the total expenditure in each of fiscal years 2017/18, 2018/19, and 2019/20, not to exceed \$500,000 per year.

with 24 individual districts managing wastewater, solid waste, and stormwater, have very unique and complex legal service needs that few other agencies have. The list of legal activities is long, but some examples provide an idea of the variety of projects on which the Districts require legal assistance: environmental, financial, energy, such as green power generation, research, property, joint powers agreements, construction, and regulatory. Continuity of legal services is also critical since issues may last for five to ten years before they are resolved.

Showing the first slide, the Chief Engineer and General Manager described the Districts' general counsel. LBBS is a full service law firm headquartered in Los Angeles and consists of five partners working full-time for the Districts with a combined experience of over 100 years with the Districts. They represent all 24 districts. The majority of the Districts' legal work is handled by LBBS, although occasionally a unique topic will arise and LBBS is often able to quickly bring in an outside special advisory counsel from the firm. For LBBS, Districts' general counsel, there is a retainer for day-to-day legal work (flat rate) and a non-retainer (separate rate).

The next slide showed a chart with other agencies' retainer rate histories. She advised that there really aren't any agencies exactly like the Districts in Southern California with which to compare rates, but staff did its best to look at agencies that do similar work. Of the agencies shown, all but one only provides wastewater services and all are single district agencies as opposed to the Districts' 24 individual districts, and they are all significantly smaller than the Districts. The rates vary, but she advised that LBBS's rates are significantly below the rates of the other agencies pay for their legal counsel.

The Chief Engineer and General Manager added that from 2010 to 2016, LBBS' legal rates have not kept up with the Cost Price Index (CPI) and are six percent below CPI.

The next slide showed the recommended LBBS retainer rates. The retainer rate is a blended rate for a fixed number of hours per month to provide for the day-to-day legal needs of the District. Staff recommended that the retainer rate be increased by \$10/hour for each of the next three years.

The current retainer is based on 450 hours per month, which is fixed regardless of the amount of work performed. This past year the retainer hours have averaged over 500 per month. So for this year, the Districts have received over \$200,000 legal services at no charge. Staff recommends that the base number of hours be increased to 475 hours per month. She advised that added projects, such as food waste, stormwater, and Tulare Lake Composting, have contributed to the increase and the base retainer hours should be increased to cover these added projects.

In response to Director Wilson, District Counsel advised that clerical work is not included in attorney hours. LBBS employs paralegals and delegates work to the paralegals as needed. Paralegal work is not included in the retainer.

In response to Director Joe, District Counsel advised that LBBS' Districts' practice group regularly consists of five partners and six associates from LBBS who work on Districts' issues. The Chief Engineer and General Manager added that, under the proposed rates the retainer costs would increase from \$1.3 million to \$1.4 million per year.

The next slide showed a graph of the LBBS retainer rate proposal comparison to other agencies. Even after three years, the proposed rate will still be lower than the other agencies' rates.

In response to Director Barakat, the Chief Engineer and General Manager advised that Orange County spends about two percent of their budget on legal fees and the Districts spend approximately one percent.

The next slide showed a pie graph of the non-retainer legal expenses. She pointed out that three-quarters of the pie graph is for construction disputes. She advised that construction costs vary from year to year depending on the number of active construction projects underway, such as a large construction project in District No. 14 and upgrading wastewater treatment plants. Each year, the Districts manage construction contracts with a dollar amount of \$250 million to \$300 million and although the legal costs are significant, they are a very small portion of the total project costs.

Industrial Waste legal costs primarily consist of collection from non-paying customers and are very successful in cost recovery over the long term. She also showed the environmental legal costs, property related legal costs, and administrative legal costs.

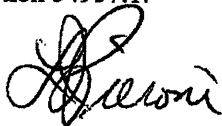
The next slide detailed the recommended litigation rates. Litigation rates for partners are currently \$10 more per hour compared to the retainer rates to reflect the more intensive work needed on lawsuits. The approach to litigation by LBBS is to use associates to the extent possible, therefore keeping litigation rates lower. One current concern is that there has been a larger turnover of associates than in past years. For Districts' staff and legal counsel, continuity is important because of the critical multi-year issues.

RE: PERSONNEL RELATED MATTERS

In regular session, District Counsel requested that the Committee meet in closed session pursuant to Section 54957.6 of the Government Code, *Conference with Labor Negotiators. Agency Designated Representatives: Grace R. Hyde, Chief Engineer and General Manager; Robert C. Ferrante, Assistant Chief Engineer and Assistant General Manager; Ramon Cortez, Human Resources Manager; and Jennifer Allen, Assistant Human Resources Manager*, to discuss matters concerning the union-represented, self-represented, and non-represented employee units.

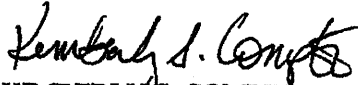
Upon motion of Director Wilson, duly seconded and unanimously carried, the meeting convened in closed session at 12:24 p.m. pursuant to Section 54957.6 of the Government Code, *Conference with Labor Negotiators*, to discuss the matter referred to by District Counsel.

Upon motion of Director Wilson, duly seconded and unanimously carried, the meeting reconvened in regular session at 1:28 p.m. District Counsel announced that the Board took no action that requires disclosure under the Brown Act pursuant to Government Code Section 54957.1.



LEONARD PIERONI
In behalf of
DAVID SPENCE
Chairperson pro tem

ATTEST:



KIMBERLY S. COMPTON
Secretary

/ksc