

**MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF BRADBURY
HELD ON TUESDAY, AUGUST 18, 2015**

**MEETING CALLED TO ORDER AND
PLEDGE OF ALLEGIANCE:**

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

ROLL CALL:

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

ABSENT: None

STAFF: City Manager Keith, City Attorney Reisman, City Clerk Saldana and Management Analyst Donayre

APPROVAL OF AGENDA:

Mayor Pro-Tem Lewis made a motion to approve the agenda to proceed with City business. Councilmember Barakat 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 Attorney Reisman stated that staff is not aware of any conflicts.

PUBLIC COMMENT:

None

PRESENTATION:

At the request of Mayor Hale, the City Council adopted a Proclamation recognizing Dr. Richard and Ivy Sun at the Methodist Hospital Foundation Crystal Gala to be held on Saturday, October 10, 2015.

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 be "to waive further reading and adopt."

- A. Minutes - Regular City Council Meeting of July 21, 2015
- B. Resolution No. 15-20: Demands & Warrants for August 2015
- C. Preliminary Financial Statement for the month of July 2015
- D. Reappointment of UUT Oversight Committee Members James Adams, Anne Absey and Daniel Hyde

**MOTION TO APPROVE
CONSENT CALENDAR:**

Councilmember Lathrop moved to approve the Consent Calendar as presented. Mayor Pro-Tem Lewis seconded the motion, which was carried by the following roll call vote:

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

NOES: None

ABSENT: None

Motion passed 5:0

DISCUSSION – ADOPTION OF RESOLUTIONS 15-21 AND 15-22SUMMARY:

City Manager Keith stated that it is recommended that the City Council adopt Resolution No. 15-21 authorizing the City Manager and the City Attorney to execute certain documents required by the State Board of Equalization (BOE) to collect the City's UUT on prepaid wireless services, including authorizing the City Manager to enter into an agreement with the California State Board of Equalization in order to receive UUT imposed on consumers of prepaid mobile services; and Resolution No. 15-22 authorizing the examination of prepaid telephony services surcharge and local charge records by the City and its consultant.

ANALYSIS:

Traditionally, a city's utility users tax (UUT) is collected by wireless service providers who include the charge on their customers' monthly bill. In contrast to this arrangement, customers who purchase prepaid wireless services usually avoid paying any UUT due to collection complications. With prepaid wireless, there is no contract, no monthly bill, and the prepaid wireless services are usually sold by retailers, not service providers themselves. It is estimated that approximately 70% of all prepaid wireless services are sold by retailers. Since these transactions bypass cities' local UUT, cities experience a significant loss of revenue. Additionally, traditional phone plan users are treated disparately and the burden of the UUT is not equally shared among all telephone users.

AB 1717:

Beginning January 1, 2016, AB 1717 will take effect and solve the collection problem by requiring California retailers and online sellers to collect the local UUT at the same time it collects sales tax on its other retail products. Under this new law, all local jurisdictions have to contract with the BOE in order to receive UUT impose on consumers of prepaid wireless phone service.

RECOMMENDATION:

It is recommended that the City Council adopt Resolution No. 15-21 authorizing the City Manager and the City Attorney to execute certain documents required by the State Board of Equalization to collect the City's UUT on prepaid wireless service, including authorizing the City Manager to enter into an agreement with the California State Board of Equalization in order to receive UUT imposed on consumers of prepaid mobile services; and Resolution No. 15-22 authorizing the examination of prepaid telephony service surcharge and local charge records by the City and its consultant.

MOTION:

Councilmember Barakat made a motion to adopt Resolution No. 15-21 and Resolution No. 15-22, as discussed. Mayor Pro-Tem Lewis seconded the motion, which was carried by the following roll call vote:

APPROVED:

AYES: Mayor Hale, Mayor Pro-Tem Lewis, Councilmembers Lathrop, Pycz and Barakat
NOES: None
ABSENT: None

Motion passed 5:0

DISCUSSION – STORM WATER LITIGATION UPDATE:

City Manager Keith turned this agenda item over City Attorney Reisman to present an overview to the City Council on a number of recently filed cases regarding the management of the MS4 permit.

City Attorney Reisman stated that the cities of Gardena, Huntington Park and Duarte all have filed lawsuits. The City of Gardena named all other cities, so Bradbury would benefit from their lawsuit. There are a total of four (4) cases: (1) NRDC & The LA Bay Gatekeepers & Heal the Bay, (2) Gardena (alone), (3) Duarte & Huntington Park, and (4) Supreme Court case regarding mandated costs. Cary is involved working on preliminary injunctions with the Gardena case. Mayor Pro-Tem Lewis and Councilmember Lathrop were interested in getting more information regarding these cases and the City Attorney was to send the motions to them. City Manager Keith stated that these cases will not be resolved before the next MS4 permit.

Possible outcomes are lawyers asking for the cases to be formed together since they are of similar nature or it could result in the order (permit) being overturned. However, either way the requirement for cities to comply with the MS4 Permit and its costly conditions will not go away as a result of any of the cases.

The first hearing date is set for October 8, 2105.

MATTERS FROM THE CITY MANAGER:

City Manager Keith stated that the August 26 Planning Commission meeting has been cancelled due to a lack of agenda items. The September Planning Commission meeting has been changed from the 23rd to the 30th to accommodate the Yom Kippur holiday.

Work on the Fire Grant continues, but the Fire Department has to attend to unseasonable brush fires intermittently.

City Hall will be closed on Friday, September 4, for First Friday Closure, and Monday, September 7, for Labor Day.

MATTERS FROM THE CITY COUNCIL:

MAYOR HALE:

Mayor Hale stated that staff is working on the generator for the Civic Center.

MAYOR PRO-TEM LEWIS:

Nothing to report

COUNCILMEMBER BARAKAT:

Councilmember Barakat stated that staff should put something in the newsletter urging residents to protect themselves from mosquito bites to avoid the transmission of West Nile Virus.

COUNCILMEMBER LATHROP:

Councilmember Lathrop stated that the new Superintendent for the Duarte Unified School District, Dr. Allan Mucerino, is trying to reach out to the City Council and introduce himself.

COUNCILMEMBER PYCZ:

Councilmember Pycz inquired about the status of the Cal-Am well project.

ITEMS FOR FUTURE AGENDAS:

None

ADJOURNMENT:

At 7:34 p.m. Mayor Hale adjourned the meeting to Tuesday, September 15, 2015 at 7:00 p.m.


MAYOR - CITY OF BRADBURY

ATTEST:

Claudia Saldana
CITY CLERK - CITY OF BRADBURY