

**MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF BRADBURY
HELD ON TUESDAY, JANUARY 15, 2013**

**CALL TO ORDER AND
PLEDGE OF ALLEGIANCE:**

The regular meeting of the City Council of the City of Bradbury was called to order by Mayor Lathrop at 7:09 p.m. Mayor Lathrop led the pledge of allegiance.

ROLL CALL:

PRESENT: Mayor Lathrop, Mayor Pro-Tem Pycz, Councilmembers Barakat, Hale (arrived at 7:18 p.m.) and Lewis

ABSENT: None

STAFF: City Manager Keith, City Attorney Reisman and Management Analyst Kearney

APPROVAL OF AGENDA:

Councilmember Barakat made a motion to approve the agenda to proceed with City business. Mayor Pro-Tem Pycz seconded the motion, which carried unanimously.

**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 he was not aware of any conflicts of interest.

PUBLIC COMMENT:

None

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 December 18, 2012
- B. Resolution No. 13-01: Demands & Warrants for January 2013
- C. Financial Statement for the month of December 2012
- D. Approval of a Proposal to mail out one City Newsletter annually
- E. Quarterly Review of Financial Statements as of December 31, 2012
- F. Agreement with the Gateway Cities Council of Governments for Implementing a Coordinated Monitoring Plan for the LA River Bacteria TMDL

CORRECTION TO MINUTES:

Mayor Lathrop requested a correction to the December minutes, page 1, to read: *Mayor Lathrop called for a moment of silence for the children and staff of Newtown.*

**ITEM E PULLED FROM
CONSENT CALENDAR:**

Mayor Lathrop requested to pull item E from the consent calendar for a correction and place it on the consent calendar for the February meeting.

**MOTION TO APPROVE
CONSENT CALENDAR:**

Councilmember Lewis moved to approve the Consent Calendar, not including item E, with the correction to the minutes. Mayor Pro-Tem Pycz seconded the motion, which was carried by the following roll call vote:

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

NOES: None

ABSENT: Councilmember Hale

Motion passed 4:0

**DISCUSSION – STATUS OF THE
NEWLY ADOPTED NATIONAL
POLLUTANT DISCHARGE
ELIMINATION SYSTEM (NPDES)
PERMIT FOR MUNICIPAL
SEPARATE STORM SWER
SYSTEM (MS4) DISCHARGES IN
THE LOS ANGELES REGION:**

City Manager Keith stated that the Los Angeles Regional Water Quality Control Board recently adopted a new Municipal Separate Storm Sewer System (MS4) Permit. The new storm water permit is now in effect and expands water quality standards to a higher level than the previous permit, which expired in 2006. The new requirements include compliance measures based on numeric waste loading values and programs for monitory water quality. Planning for how the City will approach the new permit requirements will need to take place in the coming months to meet the compliance deadlines set forth in the new permit. This is a "receive and file" report. However, some direction to staff may be given as to how to proceed with the new regulations.

At the November 8, 2012 meeting of the Los Angeles Regional Water Quality Control Board, the Board adopted a new NPDES permit for MS4 discharges in the Los Angeles Region. The new MS4 permit went into effect on December 28, 2012. This current permit shifts the structure of the last permit from a single principle permittee (Los Angeles County) with co-permittees (cities) to standardized requirements for each specific watershed based on a group of permittees (cities) without a defined Principle Permittee. The requirements of the new MS4 permit are based on the needs of the individual watersheds.

Ms. Keith stated that the permit itself comprises 156 pages, however with all the necessary appendices, the permit totals over 500 pages.

The permit allows for permit enforcement by the private sector though third party litigation (civil lawsuits). The nature of the permit is that once the permit becomes effective, the cities, including Bradbury, must comply immediately. Currently, the permit allows for interim compliance measures while watershed management plans are being developed, but there does not appear to be any protection from third-party litigation while the cities develop this plan.

**PRESENTATION BY
STEVE LORISO, RKA:**

Steve Loriso with RKA (the City's Engineering firm) talked about Watershed Management Plans. Mr. Loriso stated that the new MS4 Permit provides three options of how an individual permittee implements the new requirements of the permit, however all permittees must meet minimum measures of compliance.

FIRST OPTION:

The first option is to comply with the permit requirements on an individual agency basis, without development or inclusion into a watershed plan. While all permittees will have to meet this level of implementation, not developing a watershed specific plan will limit a permittee from tailoring implementation strategies that best suit the plan to the specific needs of the watershed area.

SECOND OPTION:

The second option for the permittees is to develop a Watershed Management Plan (WMP). This plan allows the permittee to implement the permit requirements in an efficient way that best meets the needs of the watershed area. A WMP provided alternatives for a permittee to prepare a plan that is limited to the jurisdictional area of the permittee to coordinate with surrounding permittees within a watershed area to more effectively use resources while gaining compliance with the MS4 Permit. However, the use of structural Best Management Practices (BMPs) will be limited to the jurisdictional boundaries of individual permittees.

THIRD OPTION:

The third option is for permittees to coordinate with other watershed area permittees in the development of an Enhanced Watershed Management Plan (EWMP). What differentiates an EWMP from the group based WMP is that water quality improving projects of multi-jurisdictional benefit can be utilized as a method of meeting compliance with the new MS4 Permit. These potential projects would not have to be within a permittee's jurisdictional boundaries, however being a partner in the EWMP would allow for that permittee to use the benefits of the water quality improving project in its effort to meet the compliance requirements of the new MS4 Permit.

MINIMUM CONTROL MEASURES (MCMS):

One commonality of the three options is that all permittees will have to meet the same compliance requirements with regards to the Minimum Control Measures (MCMS) included in the permit. The MCMS in this permit include requirements that were included in the previous permit, which additional tracking, inspection and development requirements new to this permit.

MS4 PERMIT REQUIREMENTS IMPLEMENTATION OPTIONS AND TIMELINE:

An important difference between all three of the implementation options is the timeline allowed for obtaining compliance with the new permit. An important note to consider is if the City elects to pursue the default option and not develop a WMP or EWMP with a corresponding monitoring plan, all of the MCMS and monitoring provisions will be required to be implemented within six month of the effective date of the permit. That places the deadline to achieve compliance at late June 2013.

TOTAL MAXIMUM DAILY LOADS (TMDL):

City Manager Keith stated that the City of Bradbury is currently subject to 12 TMDLs. These TMDLs are for both the San Gabriel River Watershed and the Los Angeles River Watershed as portions of the City drain into each of the watersheds. Permittees are only responsible for the water quality at their respective outfalls located at the downstream city limit as confirmed by US Supreme Court's January 8, 2013 ruling. However, many TMDLs waste loading limitations are for the receiving water body. The TMDLs with this contradictory arrangement of compliance indicators are no longer in line with the US Supreme Court's ruling and their future configuration of compliance measures is still to be determined. Pending changes, these TMDL requirements, in their current form, lead to potential conflicts. A receiving water body may be the meeting point of many permittees' runoff, such as a stream, river or lake. Due to the interaction of a local permittee storm water discharges within a storm drain system or water body, there is great potential for future problems in the event of an exceedance of allowable waste levels. Identifying where the source of pollution that led to the exceedance will be an issue resulting from this arrangement of compliance indicators. The current permit leaved the burden of proof on the permittee for determining that it has not contributed to an exceedance event.

It is anticipated that meeting the new TMDL compliance requirements will be the most costly for the new MS4 permit.

The TMDLs that the City of Bradbury is subject to include:

- ✓ Los Angeles River Trash TMDL
- ✓ Los Angeles River Harbor's Toxic TMDL
- ✓ Peck Park Road lake Dieldrum TMDL
- ✓ Peck Park Rock Lake Chlordane TMDL
- ✓ Peck Park Road Lake Nutrients TMDL
- ✓ Los Angeles River Bacteria TMDL
- ✓ Los Angeles River Estuary Bacteria TMDL
- ✓ Peck Park Road lake DDT TMDL
- ✓ Peck Park Road Lake PCBs
- ✓ Peck Park Road Lake Trash TMDL
- ✓ San Gabriel River Metals TMDL

**DISCUSSION AND
CITY COUNCIL ACTION:**

Mayor Lathrop felt that choosing the third option of an EWMP would make Bradbury dependent on other cities.

There was no public comment regarding this agenda item.

City Manager Keith recommended that the City Council wait giving direction to staff at this point in time. The City Council received and filed the Status Report of the New Adopted National Pollutant Discharge Elimination System (NPDES) Permit for Municipal Separate Storm Sewer System (MS4) Discharges in the Los Angeles Region.

**DISCUSSION – STATE ROUTE 710
EXTENSION AND CONSIDERATION
OF TAKING A FORMAL POSITION
ON THE PROJECT:**

City Manager Keith reported that the concept of connecting the 710 freeway with the 210 freeway has been discussed and debated for many years. The 710 freeway currently ends at Valley Blvd. in the City of Alhambra, and a portion of the 210 extends south to California Blvd. in the City of Pasadena, where it ends. The total distance of the gap is approximately 4.5 miles.

ANALYSIS:

Since 1959, the State of California has wanted to connect the SR-710 to the I-210, and pushed forward with a surface highway route through the City of South Pasadena and extending north to the I-210. This alternative, through many legal actions, was found to be environmentally unworkable and the state withdrew its Notice of Determination in 2004.

In June 2010, Metro (the local lead agency), in coordination with the California Department of Transportation (Caltrans), authorized moving forward with an environmental review phase for multimodal solutions for the SR-710 study area.

THE SR-710 STUDY:

The State Route 710 (SR-710) environmental study evaluates transportation options to improve mobility and relieve congestions in the area between State Route 2, Interstates 5, 10, 210, and 604 in Northeast Los Angeles and San Gabriel Valley. The study considers a range of multimodal alternatives and their proposed effects to the surrounding communities.

5 ALTERNATIVES:

The five alternatives that are currently being considered are:

- ✓ No build – this alternative is the use of the existing freeway, arterial and transit system plus a series of system improvements that are already programmed in the Regional Transportation Improvement Program (RTIP)
- ✓ Bus Rapid Transit – Los Angeles to Pasadena – this is a bus rapid transit alternative that would enter the City of Pasadena south of Fair Oaks, travel east on Colorado to Hill, south to California, west to Lake and north to Colorado and then retrace to Fair Oaks and exit the City Limit.
- ✓ Right Trail Transit - East Los Angeles to Pasadena – this light rail alternative would enter the City of Pasadena from the south in a tunnel under Fair Oaks and end at the underground station adjacent to the Gold Line Fillmore Station near Arroyo Parkway and Fillmore Street.
- ✓ Alternative F-7, which includes a freeway tunnel(s) connecting the north and south termini of existing SR 710 – this alternative is the freeway tunnel that would start in the City of Pasadena and contain the entire corridor already owned by the State (Caltrans) and generally follow Pasadena Avenue under South Pasadena and Alhambra.
- ✓ Transportation System Management and/or Transportation Demand Management – this alternative is the existing transportation system plus enhanced operations management and demand management activities.

Recently, a number of communities and elected officials have been taking formal positions on the project as a whole, or a combination of the five alternative projects that are being considered for the EIR.

Currently the cities of Los Angeles, South Pasadena, Glendale, Pasadena and La Canada Flintridge have taken formal positions against the extension, mostly because those communities believe the tunnel would cause significant, detrimental traffic and truck impacts on the 1-210 freeway through the cities of Glendale, Pasadena, La Canada Flintridge and the community of La Crescenta.

The cities of San Marino, Monterey Park and Alhambra have supported the extension.

It is recommended that the City Council provide direction to staff on whether there should be an official position on the project and what form it should take.

DISCUSSION:

Mayor Lathrop stated that the City Selection Committee meeting is coming up and he has to vote for a Metro board member. Mayor Lathrop requested this item be placed on the agenda to see how the Council feels. Mayor Lathrop stated that the cost of the tunnel project study bothers him.

Councilmember Barakat stated that this has gone on for too many years and that we don't need any more feasibility studies. Mr. Barakat stated that no one is in favor of the tunnel.

Mayor Lathrop stated that he favors the "status quo" meaning to keep the board members who have been dealing with this as they are the ones most familiar with the issues.

NO ACTION TAKEN:

The City Council did not take an official position on the project.

**CONSIDERATION OF ADOPTION
OF ELECTIONS RESOLUTIONS
CALLING THE MAY 7, 2013
ALL MAIL-IN SPECIAL MUNICIPAL
ELECTION AND SUBMITTING TO
THE VOTERS A MEASURE
CREATING A UTILITY USERS TAX
AND CONSIDERATION OF
ARGUMENTS REGARDING THE
MEASURE BY THE CITY
COUNCIL:**

City Manager Keith stated that, as previously discussed, the City Council has two options for holding the special election for Measure BB* – City of Bradbury Utility Users Tax: an all mail-ballot election on Tuesday, May 7, or a Special Election on Tuesday, June 4, 2013.

***MEASURE BB – City of Bradbury Utility Users Tax**

In order to preserve Bradbury's essential city services, maintain a safe and quality community and meet the obligations of State and Federal Mandates, shall an ordinance be adopted to establish a Utility Users Tax on gas, electric, cable, trash and telecommunications services at a rate not to exceed 7.5 % (5.5% the first year) and 3.75% on water (2.25% the first year) for a period of 5 years, with exemptions for solar and certain low income households. (Vote yes or no)

Option 1: May 7, 2013

The City Council can call a special election to take place by mail-ballot only. This is the date set and required by the elections code. However, since first discussed by the City Council, staff has been made aware that the Bradbury Community Services District will also be holding its regular election for three Board of Director seats. The two elections cannot be combined or consolidated, as the CSD election is based on one vote per parcel owner and the citywide election is based on registered voters. Further, the City's election requires verification by signatures of the voter, the CDS does not have this requirement.

The Bradbury CSD is not the only conflict. It is currently anticipated that the County of Los Angeles Water Quality Initiative or Clean Water, Clean Beaches Measure will also be occurring around this time with mail-in ballots due to the County.

Having just one of these other mail-in measures/elections at the same time as the City is potentially confusing enough, but two increases the risk for much greater confusion, ballots potentially ending up in the incorrect envelope, ballots without signatures and other voter errors.

Option 2: June 4, 2013

The City Council can call the Special Election to take place on June 4, 2013, which is the date set by the election code for General Municipal Elections. Since the date is still several months away there are no items known at this time for the election cycle. However, according to the Los Angeles County Registrar-Recorder website, the June date has historically been for presidential and other federal primary elections or special school board bond measures.

City Manager Keith stated that given the various competing elections being held in May, staff would recommend the City Council consider calling the election for June 4, 2013. At the last meeting, the City Council opted to proceed with the June election date. However, since the last meeting there have been further developments regarding the County's Clean Beaches measure and staff would advise waiting until the County Board of Supervisors decides in January as to whether it will hold a per parcel mail-in ballot or a June regular voter election on the Measure.

DISCUSSION:

Mayor Lathrop inquired if the City Council could adopt the Resolutions tonight. He felt there were no more loose ends.

Councilmember Hale stated that the CSD actually never had an election, and will probably not have an election in May this year either.

The Council wanted to know what the last day was to adopt the Resolutions calling for a May 7, 2013 election. City Manager Keith did some research and then came back with the answer that the last day to adopt the Resolutions would be February 8.

If the Council adopts the Resolutions tonight, the City Attorney's Impartial Analysis and the Argument in Favor have to be filed within 14 days by January 29.

PUBLIC COMMENT:

Mike Misik, 645 Mount Olive Drive, stated that he opposes the proposed measure because of the subpar utility services the City of Bradbury receives. Mr. Misik stated that the City needs better providers.

Councilmember Hale replied that the UUT measure has nothing to do with the level of service, and that the UUT tax is the best option the City has to generate much needed revenue. Councilmember Hale also explained that the City Council looked at a parcel tax, but it requires a 2/3 majority, and the UUT needs a simple majority (50% +1) to pass. Those are the only two things that can be taxed.

Ann Absey, 44 Woodlyn Lane, asked about Bill Novodor's proposal to build a skilled nursing facility in Bradbury for the incarcerated. Staff stated that resources are not available to move forward with this proposal.

Mike Misik stated that he never saw any other proposals.

Councilmember Hale stated that the City Council has an item on the agenda every month for Long-term revenue solutions to reduce taxes in Bradbury for sustainable viability and/or cost savings. There is a list of suggestions to date.

MOTION TO ADOPT ELECTION RESOLUTIONS :

Councilmember Barakat made a motion to adopt Resolution No. 12-30, calling for the holding of an all-mail ballot Special Election on Tuesday, May 7, 2013, for the submission to the qualified voters a proposed measure (Measure BB) and Resolution No. 12-31, setting priorities for filing written arguments and providing for the filing of rebuttal arguments regarding a city measure and directing the City Attorney to prepare an impartial analysis. Councilmember Lewis seconded the motion, which was carried by the following roll call vote:

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

NOES: None

ABSENT: None

Motion passed 5:0

DISCUSSION REGARDING CAMPAIGN:

Anne Absey stated that now the campaign for the UUT Measure can begin. Ms. Absey suggested holding at least two evening meetings. It was also discussed that each Councilmember would send a letter to his constituents explaining the need for the UUT tax.

**LONG-TERM SOLUTIONS TO
REDUCE TAXES IN BRADBURY
FOR SUSTAINABLE VIABILITY
AND/OR COST SAVINGS:**

This item is on the agenda every month for the City Council to consider ideas and comments from residents regarding long-term solutions to the City's fiscal challenges, specifically potential strategies for enhancing and creating new revenue and/or cost savings.

City Manager Keith stated that in December 2012 the City renewed its health insurance with Aetna, but chose a different plan which requires the employees to pay a higher co-payment and deductible to save the City \$2,500.

**MATTERS FROM THE
CITY MANAGER:**

City Manager Keith stated that the City of Bradbury and the City of Duarte are partnering together to use CDBG funds for a mutual beneficial project for ADA sidewalks. This has become necessary since the County discontinued the program to sell or exchange funds.

City Manager Keith stated April 20 is Earth Day and that City of Duarte youth volunteers will clean our trails on that day.

City Manager Keith stated that City Hall is closed on Monday, January 21 for Martin Luther King Jr. Day and that Friday, February 1st is a furlough day. The State of the District meeting for District Four is on Wednesday, January 30 at 7 p.m. at the Civic Center.

Ms. Keith reminded everyone to buy a brick and to sign up for Nextdoor.

**MATTERS FROM THE CITY
COUNCIL:**

MAYOR LATHROP:

Mayor Lathrop stated that the San Gabriel Valley COG at its next meeting is going to discuss hiring a permanent Executive Director.

Mayor Lathrop also stated that he recently found out that our ERC members have term limits and he asked that this item be put on the next agenda.

MAYOR PRO-TEM PYCZ:

Nothing to report.

COUNCILMEMBER BARAKAT:

Councilmember Barakat asked if the City could buy a new flag. City Manager Keith stated that staff is working on it.

Councilmember Barakat inquired if people are allowed to park on grass. City Manager Keith replied no. Councilmember Barakat will get staff the address where this occurs.

Councilmember Barakat stated that the Sanitation Districts will meet next week and that a letter is in the works asking the Board of Supervisors how they propose to supplement the loss of income from the proposed closure of the Puente Hills Landfill. Mr. Barakat stated that the landfill has the capacity to stay open for another 2-5 years.

COUNCILMEMBER HALE:

Nothing to report.

COUNCILMEMBER LEWIS:

Nothing to report.

ITEMS FOR FUTURE AGENDAS:

Mayor Lathrop requested that term limits for Emergency Response Committee (ERC) members be placed on the next agenda.

CLOSED SESSION

CALL TO ORDER/ROLL CALL: Mayor Lathrop called the Closed Session to order at 8:30 p.m.

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

ABSENT: None

STAFF: City Manager Keith and City Attorney Reisman

**PUBLIC COMMENT REGARDING
CLOSED SESSION ONLY:** None

CLOSED SESSION: Pursuant to California Government Code Section 54957 the City Council met in Closed Session to discuss Personnel:
A) City Manager – Evaluation of Performance
B) City Planner – Public Employment

**REPORT FROM CLOSED
SESSION:** City Attorney Reisman reported that the City Council did not take any formal action.

ADJOURNMENT: At 8:40 p.m. Mayor Lathrop adjourned to the meeting to Tuesday, February 19, 2013 at 7:00 p.m. at the Bradbury Civic Center.



MAYOR – CITY OF BRADBURY

ATTEST:

Claudia Saldana
CITY CLERK – CITY OF BRADBURY