

**MINUTES OF A REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF BRADBURY  
HELD ON TUESDAY, OCTOBER 16, 2012**

**CALL TO ORDER:** The meeting was called to order by Mayor Lathrop at 7:00 p.m. Mayor Lathrop led the Pledge of Allegiance.

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

ABSENT: None

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

**APPROVAL OF AGENDA:** Mayor Lathrop stated that he would like to pull item #E (LA County Metro's Measure J) from the consent calendar. The City Council voted to approve the agenda to proceed with City Business.

**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 is not aware of any conflicts of interest.

**PUBLIC COMMENT:** Councilmember Barakat stated that a school district in Northern California received a public records request and the district judge ruled that it would cost the applicant \$100,000 for the school district to produce the records. Mr. Barakat stated that all of the records are (allegedly) contained on one disk.

**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 September 18, 2012
- B. Resolution No. 12-27: Demands & Warrants for October 2012
- C. Financial Statement for the month of September 2012
- D. Quarterly Financial Forecast for Fiscal Year 2012-2013 Quarter 1
- E. Los Angeles County Metro's Measure J: Transaction and Use Tax

**MOTION TO APPROVE CONSENT CALENDAR:** Councilmember Hale moved to approve the Consent Calendar (except item #E) as presented. 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

**ITEM #E – LA COUNTY METRO'S  
MEASURE J:**

City Manager Keith explained that Measure J would extend the existing half-cent transportation sales tax of Measure R for an additional thirty years, until 2069, to accelerate traffic and job creation. Ms. Keith stated that Measure J may not benefit the San Gabriel Valley directly and provides no direct transportation to any airport in the LA Region.

Mayor Lathrop stated that he strongly opposes Measure J. Mr. Lathrop stated that he does not want his grandchildren to pay for it and asked the Council to support him in opposing Measure J.

**MOTION TO OPPOSE  
MEASURE J:**

Mayor Lathrop made a motion to oppose Measure J. Councilmember Barakat 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

Staff was directed to put something in the Newsletter stating that the City Council voted against supporting Measure J.

**DISCUSSION –  
CITY OF BRADBURY FISCAL  
SUSTAINABILITY OPTIONS FOR  
REVENUE ENHANCEMENT –  
REPORT FROM THE  
FINANCE COMMITTEE:**

City Manager Keith stated that following a year of discussion on how to close the City's fiscal gap and achieve long term financial sustainability, on October 18, 2011 the City Council unanimously approved the placement of Measure A – Bradbury Utility Users Tax (UUT) on the April 10, 2012 ballot. As a UUT dedicated to general government services and stated in the text of the measure, Measure A required a 50+1% majority to pass. If approved, Measure A would have provided approximately \$359,000 in protected revenue to maintain basic City services. Measure A did not garner the necessary votes needed to pass. As a result, the City of Bradbury must now look at alternative ways to resolve the fiscal difficulty. It is recommended that the City Council review and discuss the items presented by the City's Finance Committee and provide staff with policy direction.

**FINANCE COMMITTEE  
MEMBERS PRESENT:**

The Finance Committee is comprised of Jim Adams (Chair), Karen Dunst (Vice-Chair), and Anne Absey (Secretary). All three members were present at the meeting.

**FINANCE COMMITTEE  
PRESENTATION:**

Anne Absey made a power point presentation highlighting the following:

- Background – Why are we here?
- Finance Committee Action
- How the Finance Committee arrived at its decisions
- Recommendations

Among the questions the Finance Committee looked at were:

- Dissolve City or remain a City?
- How to remain a City?
- What tax options are best for Bradbury? (Options included Annual City Tax, Property/Parcel Tax, Utility Users Tax)

**RECOMMENDATION OF  
FINANCE COMMITTEE:**

The Finance Committee determined that a Utility Users Tax (UUT) is the City's best option. The Finance Committee recommends to tax six utilities: Gas, Electricity, Water, Trash, Cable and Communications. The tax rate would be as follows:

- 5.5% starting rate for all except water
- 2.75% starting rate for water; water will remain at 50% of other rate
- 7.75% maximum, 1% minimum
- Maximum increases of 1.25% per year. No restriction on how much it can be lowered per year.
- No tax on solar or sewer
- Revise UUT Ordinance as suggested
- Reinstate Finance Oversight Committee
- Conduct an all-mail election in May 2013

The City Council thanked the Finance Committee for their hard work and Anne Absey for developing such a thorough presentation, which will be posted on the City's website.

**DISCUSSION:**

The City Council discussed the timeline for adopting the UUT Ordinance and Resolution declaring a Fiscal Emergency. City Manager Keith stated that the City Attorney will prepare the draft UTT Ordinance for the November meeting. Councilmember Lewis volunteered to write the Argument in Favor of the UTT. The Council also decided to sign the Argument in Favor at the City Council meeting to make sure every City Councilmember's signature is on it this time to avoid confusion. The City Council will adopt the Resolution calling the special election at the December meeting.

The City Council discussed the value of the rates and projection model.

**FINANCE COMMITTEE  
DISBANDED:**

Councilmember Lewis made a motion to disband the Finance Committee and thanked them for their work. Councilmember Hale seconded the motion, which carried unanimously.

Anne Absey stated that marketing for the UUT should begin in January 2013.

The City Council asked staff to bring forward this item to the next meeting.

**PUBLIC HEARING –  
ORDINANCE NO. 326 AMENDING  
THE BRADBURY MUNICIPAL  
CODE BY UPDATING ARTICLE II  
CHAPTER 3 SECTION 2301  
REGARDING CITY TREASURER  
DUTIES:**

City Manager Keith stated that the City Council discussed this item at the September meeting and provided direction to staff regarding changes to the City Municipal Code establishing duties, functions and qualifications of the City Treasurer.

It is recommended that the City Council open a public hearing and read for the first time by title only Ordinance No. 326 amending various provisions of the Bradbury Municipal Code to update duties, function and qualifications of the City Treasurer.

**PUBLIC HEARING OPENED  
AND CLOSED:**

Mayor Lathrop opened the Public Hearing and asked anyone speaking in favor or opposition to come forward and be heard. There being no public comment, Mayor Lathrop closed the Public Hearing.

Ordinance No. 326 will be on the November 20, 2012 City Council agenda for Adoption.

**PUBLIC HEARING –  
RESOLUTION NO. 12-28  
ALLOCATION COPS FUNDS;**

City Manager Keith stated that the City is expecting to receive \$100,000 in COPS funding from the State for additional local law enforcement purposes for Fiscal Year 2012-13. It is recommended that the City Council adopt Resolution No. 12-28 allocating a portion of the City's COPS funds assisting the City of Duarte with funding a Special Assignment Deputy to supplement gang suppression.

**PUBLIC HEARING OPENED  
AND CLOSED:**

Mayor Lathrop opened the Public Hearing and asked anyone speaking in favor or opposition to come forward and be heard. There being no public comment, Mayor Lathrop closed the Public Hearing.

**MOTION:**

Councilmember Barakat moved to approve Resolution No. 12-28, allocating a portion of its COPS funds to the City of Duarte – Special Assignment Deputy in the amount of \$35,000 for FY 2012-13. 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 –  
DRAFT MS4 NPDES PERMIT:**

The City Council discussed the anticipated adoption of the Draft National Pollutant Discharge Elimination System (NPDES) Permit for Municipal Separate Storm Sewer System (MS4) Discharges within Los Angeles County (Draft MS4 Permit) by the Los Angeles Regional Water Quality Control Board (Regional Board).

It is recommended that the City Council authorize the City Manager to retain the services of outside counsel to assist the City in preparing an administrative petition with the State Water Resources Control Board (State Board) challenging the Draft MS4 Permit unless corrected as requested by the City and further to authorize the City Attorney to file an administrative petition with the State Water Resources Control Board in the event the Los Angeles Regional Water Quality Control Board (Regional Board) adopted the Draft MS4 NPDES Permit without the corrections requested by the City.

**TIMELINE:**

City Manager Keith stated that the Draft MS4 Permit allows cities only one year to develop a comprehensive watershed management program. This is insufficient time to organize the watershed cities and other agencies, develop cooperative agreements, initiate the studies, calibrate and run the models based on relevant data, draft the plans, and obtain necessary approvals from political bodies. It will require at least 24 months to develop a draft plan that is comprehensive, analytically supported, and implementable. For these reason, staff recommends that the City file an administrative petition challenging the Draft MS4 Permit if adopted by the Regional Board at the November 8, 2012 meeting.

The adoption of the Draft MS4 Permit as circulated would impose significant new and expanded mandates on the City of Bradbury related to stormwater pollution prevention and would expose the City to third party litigation from non-governmental organization. Authorizing City staff to take the specified actions would, therefore, protect the City's financial stability.

**MOTION:**

Councilmember Lewis made a motion to authorize the City Manager to retain the services of outside counsel to assist the City in preparing an administrative petition with the State Water Resources Control Board (State Board) challenging the Draft MS4 Permit unless corrected as requested by the City and further to authorize the City Attorney to file an administrative petition with the State Water Resources Control Board in the event the Los Angeles Regional Water Quality Control Board (Regional Board) adopted the Draft MS4 NPDES Permit without the corrections requested by the City. Councilmember Hale 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

**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 there was nothing new to report. Ms. Keith stated that we have sold \$5,700 worth of bricks so far.

**MATTERS FROM THE CITY MANAGER:**

City Manager Keith stated that staff is working on setting up a PayPal account for selling the bricks.

The General Plan Steering Committee is taking a break until January.

The ERC is working on updating the disaster data for the City.

Bradbury clean-up days are coming up on October 19-21.

The City Manager will be on vacation from October 19 through October 26.

**MATTERS FROM THE CITY COUNCIL:**

**MAYOR LATHROP:**

Mayor Lathrop stated that the opening day for the Duarte High School Stadium is on November 2, 2012.

Mayor Lathrop reported that the San Gabriel Valley COG to hire the new Executive Director as a staff member. Three temps were brought in to work on the extended Energy Efficiency Program. The COG is thinking about ending its relationship with Arroyo Associates. This item is on an upcoming agenda.

**MAYOR PRO-TEM PYCZ:**

Nothing to report.

**COUNCILMEMBER BARAKAT:**

Councilmember Barakat stated that if the Puente Hills Landfill closes early, Los Angeles County cities are going to take an estimated \$406.5 Million loss in over the next five years. Mr. Barakat stated that it makes no sense to close Puente Hills Landfill and that trash rates would go up.

Councilmember Barakat stated that 20 cases of West Nile Virus have been reported in the San Gabriel Valley.

**COUNCILMEMBER HALE:** Nothing to report.

**COUNCILMEMBER LEWIS:** Nothing to report.

**ITEMS FOR FUTURE AGENDAS:** None

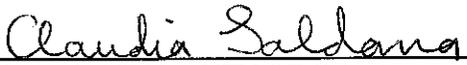
**CLOSED SESSION:** At 8:20 p.m. the Council went into Closed Session to discuss Personnel:  
Pursuant to California Government Code Section 54957 – Evaluation of Performance. Title: Planning Services

**RECONVENE OPEN SESSION AND ANNOUCE ACTION TAKEN:** The Open Session was reconvened and City Attorney Reisman stated that no formal votes were required or taken.

**ADJOURNMENT:** At 8:30 p.m. Mayor Lathrop adjourned to the meeting to Tuesday, November 20, 2012 at 7:00 p.m. at the Bradbury Civic Center.

  
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**MAYOR – CITY OF BRADBURY**

ATTEST:

  
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**CITY CLERK – CITY OF BRADBURY**