

**MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF BRADBURY
HELD ON TUESDAY, SEPTEMBER 18, 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: Councilmember Barakat made a motion to approve the agenda to proceed with City Business. Councilmember Hale 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 is not aware of any conflicts of interest.

PRESENTATION: The City Council adopted a proclamation declaring September National Preparedness Month.

PUBLIC COMMENT: Councilmember Barakat expressed serious concern over the issue of Massachusetts inmate Michelle Kosilek, formerly Michael Kosilek, who is serving life in prison for murdering his wife, and now a judge has ruled to allow for the operation after it was ruled a medical necessity by Department of Corrections doctors. Councilmember Barakat stated that this is a great example of wasting taxpayers' money.

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 August 21, 2012
- B. Resolution No. 12-26: Demands & Warrants for September 2012
- C. Financial Statement for the month of August 2012
- D. Re-Appointment of Planning Commissioners for Districts 2 and 4

Mayor Lathrop requested a correction to the August minutes. The second paragraph on Page 5 should read: "The San Gabriel Valley COG *voted to* hire three employees of Arroyo Associates."

**MOTION TO APPROVE CONSENT
CALENDAR:**

Councilmember Barakat moved to approve the Consent Calendar as amended. 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

**DISCUSSION -
DRAFT ORDINANCE AMENDING
THE BRADBURY MUNICIPAL
CODE BY UPDATING CHAPTER 3
SECTION 2301 REGARDING THE
CITY TREASURER:**

City Manager Keith stated that staff is seeking direction from the City Council regarding the suggested changes to the City Municipal Code establishing duties, functions and qualifications of the City Treasurer.

In an effort to continue to review the City's Municipal Code and keep it up to date, staff has reviewed the section pertaining to the City Treasurer.

City Manager Keith stated that duties, functions and responsibilities of City Treasurers are identified in California Government Code Sections 41001-41007. Additionally, general law cities may add functions to those required by State Code. The Government Code requires each general law city to have a City Clerk and a City Treasurer but does not require any particular qualifications. The only requirement is that the City Treasurer be a registered voter residing within the city limits.

Normally, City Treasurers do not have access to money as they are not employees, but rather appointed/elected officials. This is the primary reason why they do not have direct access to the City's Cash or financial software. Over time, throughout the state most City Treasurers' tasks have migrated to other city staff, primarily Finance Directors. As a result, many City Treasurers duties are not directly performed as the tasks are identified by State Code.

The purpose of this code amendment is to promote consistency with the manner in which the City operates as a contract city, in that certain duties and responsibilities are performed by staff and reviewed by the City Treasurer.

DISCUSSION:

Mayor Lathrop suggested to add a Section D regarding the City Treasurer getting support from the Finance Director and/or City Clerk.

The City Council took out the words "prior to presentation to the City Council" in item C.1 to read: "Review demands and warrants for approval, making a specific comparison between the receipts and invoices and the warrants."

DIRECTION TO STAFF:

Staff will make the requested changes and bring back a draft ordinance at the next City Council meeting.

**DISCUSSION –
CITY OF BRADBURY FISCAL
SUSTAINABILITY OPTIONS FOR
REVENUE ENHANCEMENT:**

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 User 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 the items contained in the agenda report and provide staff with policy direction.

DISCUSSION:

The City Manager explained that if it is the desire of the City Council to place a UUT measure on the ballot, the City Attorney should be directed to draft/update the Ordinance for the City Council's review and approval. The soonest another UUT measure led by the City Council could be placed on the ballot is May 8, 2013 for an all-mail election only or June 4, 2013 for a regular Special Election. It is believed that measures have a better chance to pass with an all-mail election.

Councilmember Lewis inquired why we are adopting an Ordinance declaring a fiscal emergency if we are not in a fiscal emergency situation. City Manger Keith replied that the City Council needs to do this before they use up their reserves. The Council wanted to know if the City can wait until November to declare a fiscal emergency. The answer is yes.

The City Council discussed voluntarily translating the ballot measure into Chinese to reach more voters. The City Manager stated that the City usually has Spanish and Chinese translations available upon request.

City Manager Keith stated that at the last meeting the City Council omitted the part regarding the formation of an oversight committee from the ordinance. A UUT oversight committee would be compiled of residents and the City Treasurer to review and make recommendations concerning the collection and allocation of the funds collected from the UUT. However, the Finance Committee has taken over that function and is going to make a recommendation to the City Council at the October meeting.

PUBLIC COMMENT:

Mayor Lathrop opened the discussion for public comment.

Resident Susan Collins-Esparza, 2327 Freeborn Street, stated that at the last election people were confused about the difference between "incorporated" and "unincorporated" and what the consequences would be to Bradbury residents. All her neighbors are on fixed incomes and did not see the urgency. Ms. Esparza said that people need more information.

City Manager Keith stated that the City could send out mailers with the pros and cons and what would happen if the City had to unincorporate and what it would mean to lose local control.

DISCUSSION CONTINUED TO OCTOBER MEETING:

Councilmember Hale inquired if we can "sit on it" for a month? The City Manager replies yes. The Finance Committee will make a recommendation next month regarding percentages and which utilities to tax. The City Council had excluded water from the last UUT measure.

Councilmember Lewis stated that the City needs to meet a goal (to close the fiscal gap), it doesn't really matter how.

The discussion was continued to the October City Council meeting.

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 not much new to report. The planned Community Yard Sale was cancelled to due lack of participation.

MATTERS FROM THE CITY MANAGER:

City Manager Keith stated that we have sold 25 bricks so far to help fund the Civic Center landscaping.

ValleyCrest Landscape Maintenance was fired and will be replaced by Mariposa starting on Monday, October 1st.

The new auditors, Pun & McGeady LLP, will start the audit of fiscal year 2010-2011 on Friday, September 21.

The City's website platform needs to be updated to current technology and that will cost \$2,000.

The General Plan Steering Committee will meet on Monday, October 1st. The Finance Committee will meet on Tuesday, October 2nd.

City Manager Keith reminded everyone about the Bradbury Appreciation Event won Thursday, October 4 at the Congregational Ale House in Azusa.

City Hall will be closed on Monday, October 8 (Furlough Day).

The City Manager will be out of the office on October 4 and 5 attending the LA MS4 Permit Hearings and will be on vacation from October 19-26.

MATTERS FROM THE CITY COUNCIL:

MAYOR LATHROP:

Mayor Lathrop stated he is going to read up on the Puente Hills Landfill issue.

Mayor Lathrop reported that the San Gabriel Valley COG is working on how to reorganize (i.e. Executive Director and Staff).

MAYOR PRO-TEM PYCZ:

Nothing to report.

COUNCILMEMBER BARAKAT:

Councilmember Barakat stated that when the Puente Hills Landfill closes, 100 people will lose their jobs. Councilmember Hale wanted to know who wants to close the landfill. Mr. Barakat stated that the Board of Supervisors wants to close the landfill.

Mayor Lathrop stated that he received a letter from Supervisor Don Knabe pushing for the closing of the Puente Hills Landfill.

Councilmember Barakat stated that West Nile Virus is on the rise and that it's been a bad year. The San Gabriel Valley Mosquito and Vector Control District is changing its PERS formula and it waiting to hire new employees until after January 1, 2013, when the reform items go into effect.

COUNCILMEMBER HALE:

Nothing to report.

COUNCILMEMBER LEWIS:

Nothing to report.

ITEMS FOR FUTURE AGENDAS:

None

CLOSED SESSION:

At 8:35 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 ANNOUNCE ACTION TAKEN:**

The Open Session was reconvened and City Attorney Reisman stated that no formal votes were required or taken.

ADJOURNMENT:

At 9:12 p.m. Mayor Lathrop adjourned to the meeting to Tuesday, October 16, 2012 at 7:00 p.m. at the Bradbury Civic Center.



MAYOR – CITY OF BRADBURY

ATTEST:



CITY CLERK – CITY OF BRADBURY