MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF BRADBURY HELD ON TUESDAY, SEPTEMBER 20, 2011

CALL TO ORDER:

The meeting was called to order by Mayor Lewis at 7:02 PM.

ROLL CALL:

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

STAFF: City Manager Keith, City Attorney Reisman, City Planner Meyer and City Clerk Saldana

APPROVAL OF THE AGENDA:

Councilmember Hale made a motion to approve the agenda to proceed with City Business. Councilmember Barakat seconded the motion which was carried by the following roll call vote:

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

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

In compliance with the California Political Reform Act, each City Council Member 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.

Councilmember Barakat stated that he would be recusing himself from voting on item #4 (Civic Center Wrought-Iron Fence Bids) due to the proximity of this home to the project site.

City Attorney Reisman reported that he was not aware of any other conflicts of interest with any of the items on the agenda.

PUBLIC COMMENT:

Mayor Lewis thanked Councilmember Barakat for offering his home for the Appreciation BBQ on Saturday, September 17. Councilmember Barakat thanked Councilmember Pycz and City Planner Meyer for staying late to help clean up.

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 Council Member request 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 16, 2011
B. Resolution No. 11-31: Demands & Warrants for September 2011
C. Financial Statement for the month of August 2011

MOTION TO APPROVE CONSENT CALENDAR:

There being no discussion, Councilmember Barakat moved to approve the Consent Calendar as presented. Councilmember Hale seconded the motion, which was carried by the following roll call vote:

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

ITEM #2: PUBLIC HEARING – ORDINANCE NO. 321 REGARDING AMENDING SECTION 2103 OF THE BRADBURY MUNICIPAL CODE REGARDING THE BOUNDARIES FOR THE CITY COUNCIL DISTRICTS BOUNDARIES MAP:

At the August 16, 2011 meeting, as required by law, the City Council held a Public Hearing and received input on the map developed by the City Council reapportioning Council District with a deviation of +/- 2% and directed staff to prepare the legal descriptions and ordinance for introduction at the September meeting.

The specific changes to the districts are as follows:

Formerly District 1, now in District 5: 460 and 535 Old Ranch Road
Formerly District 5, now in District 3: 1484, 1512, 1524 and 1550 Lemon Avenue
Formerly District 4, now in District 3: 2227, 2238 and 2254 Gardi Street

It is recommended that the City Council:

A. Conduct a Public Hearing; and
B. Introduce for the first time Ordinance No. 321 amending Section 2103 of the Bradbury Municipal Code regarding the boundaries for the City Council Districts.

PUBLIC HEARING OPENED:

Mayor Lewis opened up the Public Hearing and invited those wishing to speak in favor or opposition to come forward and be heard.

PUBLIC HEARING CLOSED:

There being no public testimony, Mayor Lewis declared the Public Hearing closed.

DISCUSSION:

Councilmember Hale inquired how much the City spent on redistricting. City Manager Keith stated that she could supply that information at the next meeting or in the Weekly Memo and that not all related bills have been received yet.

MOTION:

Councilmember Barakat made a motion to introduce for first reading Ordinance No. 321 amending Section 2103 of the Bradbury Municipal Code regarding the boundaries for the City Council Districts. Councilmember Hale seconded the motion which was carried by the following roll call vote:

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

Motion passed 5:0

ITEM #3: PUBLIC HEARING – ORDINANCE NO. 322 CONSIDERATION OF ADOPTION OF ELECTION RESOLUTIONS CALLING THE APRIL 10, 2012 GENERAL MUNICIPAL ELECTION AND SUBMITTING TO THE VOTERS A MEASURE CREATING A UTILITY USERS TAX:

City Manager Keith stated that the City of Bradbury is in serious danger of not having sufficient funds to maintain day to day operations within the next 18 months. This shortfall is largely due to unfunded mandates by the State and Federal levels of government, increasing costs, and the global recession. Bradbury, like other cities, is faced with difficult decisions, which may require cuts to vital city programs.

Following months of discussions to "close the fiscal gap" the City Council, at the August meeting, directed the City Attorney and staff to prepare an Ordinance to send a Utility Users Tax measure to the voters.

RESOLUTIONS:

The elections resolutions calling the election and placing the measure on the ballot were prepared by the City Clerk and reviewed by the City Attorney to be presented for the Council's consideration this evening.

5-YEAR SUNSET CLAUSE:

City Manager Keith stated that the City Council had previously decided to provide for a "sunset" provision in five (5) years. This would result in the automatic termination of the Utility Users Tax on June 30, 2017.

UUT TAX RATE:

The tax rate will be set from 1% to 8.75% over the 5-year life of the Ordinance, per the City Council's annual determination. At 8.4% for the first year, the UUT is estimated to raise approximately $359,000.

OVERSIGHT COMMITTEE:

City Manager Keith asked the City Council if they wished to appoint a Citizens' Oversight Committee which would receive reports from the City's Tax Administrator and make recommendations. The entire City Council agreed that there was no need for an Oversight Committee and directed staff to remove that section from the Ordinance.

PUBLIC HEARING OPENED:

Mayor Lewis opened up the Public Hearing and invited those wishing to speak in favor or opposition to come forward and be heard.

PUBLIC HEARING CLOSED:

There being no public testimony, Mayor Lewis declared the Public Hearing closed.

DISCUSSION REGARDING EXEMPTIONS:

Mayor Lewis inquired about the definitions for "low and very low" income and for "disabled." City Attorney Reisman stated "disabled" means persons who are permanently disabled and receive Social Security benefits, but are not senior citizens.

Mayor Pro-Tem Lathrop asked if we could delete "Head of Household" and just call it "Household." City Attorney replied "probably not." Mr. Lathrop cited as an example a wealthy couple living with a low-income parent. Councilmember Barakat responded to Mr. Lathrop that "you can't accomplish what you want to accomplish" by doing this and that there is no way to verify it. Mayor Lewis stated that we are not creating social security reform here and to get back to the topic. The intent of the Ordinance is to mean the total household income and the same goes for disability. The real goal is to provide relief for those who truly cannot afford the UUT.

DISCUSSION REGARDING UTILITY USER TAX RATE:

Mayor Pro-Tem Lathrop was concerned about equality in Section 6718 - Utility Users Tax rate.

City Attorney Reisman suggested to change the word "portion" to "percentage" to read: "*The City Council may, by ordinance or resolution, adjust the rate or temporarily suspend a percentage of the tax, as appropriate to the financial condition of the City.*"

Mayor Lewis stated that he didn't foresee the Council doing this, but what if gas prices go through the roof, for example?

Councilmember Barakat pointed out that this is the same issue as the discussion the Council had about water.

Mayor Pro-Tem Lathrop stated that this could become an issue of divisiveness between various utilities and varies between the City Council's intent.

Councilmember Hale stated that the UUT is only good for five years and that the City Council should avoid spending $25,000 on a special election when it is not necessary.

DISCUSSION REGARDING CHANGES:

Mayor Pro-Tem Lathrop shared the following concerns:
Page 2 of the Ordinance, 4th line from the bottom – hit return before #15
Page 3, Section 6702, #18, a word is missing after "shall".
City Attorney Reisman stated the word missing is ***include***.
Page 4 – what does "no promotional mail mean in Section 6704 D (5)?
Section 6718 needs to be ***equal***, not different rates for different utilities.
Page 15, Section 6714, 4th line after "below" a word is missing.
City Attorney Reisman stated the word missing is ***1%.***

MEASURE WORDING FOR UTILITY USER TAX TO BE AMENDED:

City Manager Keith read the measure language to appear on the ballot. The wording of the measure was amended to read as follows:
"Shall an Ordinance be adopted imposing a Utility Users Tax ranging from 1% to 8.75 (first year being 8.4%) in order to maintain essential general city services and meet the obligations of State and Federal Mandates, establish exemptions for households with low and very low income seniors or with disabled persons on Supplemental Security Income (SSI) and terminating automatically in five (5) years?"

MOTION TO DIRECT STAFF:

Councilmember Hale made a motion to direct staff to make the changes to Draft Ordinance No. 322 (no oversight committee, change the wording of the measure, and include the SSI disability exemption in the language of the measure). Councilmember Barakat seconded the motion which was carried by the following roll call vote:

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

Motion passed 5-0

COUNCILMEMBER BARAKAT LEAVES ROOM:

Councilmember Barakat left the room for the discussion regarding the Civic Center wrought-iron fence bids.

ITEM #4: DISCUSSION - CIVIC CENTER WROUGHT-IRON FENCE BIDS:

City Planner Meyer stated that the City Council directed staff to prepare fence plans that included an electrically operated gate at the entrance to the Civic Center to restrict access to the site and a five-foot high wrought-iron and masonry fence along the street frontage. The plans were sent out to 16 companies capable of constructing the fence for bids. Only two companies responded with bid proposals:

1. Dash Construction Company, Inc. $37,230
2. Western Fence Company $50,079

City Planner Meyer stated that the amount remaining in the Civic Center Construction Contingency Account is $10,377.

DISCUSSION:

City Planner Meyer stated that the reason we received so few bids is that contractors don't want to deal with prevailing wage, not getting paid up front for materials, having to wait to be paid 30-60 days and having 10% retention withheld until 30 days after completion of the project. An alternative would be to combine landscaping and fencing to make it a bigger project and hopefully receive more bids.

Mayor Pro-Tem Lathrop inquired if the City could purchase the wrought iron material. Mr. Meyer replied that it could not as it is a custom design.

Mayor Lewis suggested putting the project on hold for a while. City Planner Meyer stated we could wait a couple of months to see if any grant money becomes available before going out to bid again.

Mayor Pro-Tem Lathrop felt that the City has a security problem and did not want to wait for the grant. The project is incomplete.

Mayor Lewis stated that the bidders don't want to deal with us anymore because we keep changing the design.

Councilmember Hale stated that landscapers and fence companies are not always the same.

Mayor Pro-Tem Lathrop stated that we have an incomplete project with no fence in place.

City Planner Meyer suggested that we go out for bid for the masonry first and see what happens. The masonry work should cost about $25,000.

Mike Misik, 645 Mount Olive Drive, asked Mr. Meyer to explain prevailing wages. City Planner Meyer and City Manager Keith explained that it is state law for all public projects.

MOTION:

Councilmember Hale made a motion to get bids for the masonry pilasters and to reject all other bids. Mayor Pro-Tem Lathrop seconded the motion which was carried by the following roll call vote:

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

COUNCILMEMBER BARAKAT RE-JOINS MEETING:

Councilmember Barakat re-joined the meeting.

ITEM #5: APPOINTMENT OF CITY COUNCIL/CITY STAFF TO THE SAN GABRIEL VALLEY MOSQUITO & VECTOR CONTROL DISTRICT:

City Manager Keith stated that currently Councilmember Barakat serves on the San Gabriel Valley Mosquito & Vector Control District Board of Trustees. His term is set to expire on December 31, 2011. The City Council needs to consider the appointment of a Councilmember or City staff person to the San Gabriel Valley Mosquito & Vector Control District Board of Trustees for a 2-year or 4-year term. The Board meets the second Friday of each month at 7 am in the District Office in West Covina. There is a $100 per month stipend for attending these meetings.

MOTION:

Councilmember Hale made to motion to appoint Councilmember Barakat to the San Gabriel Valley Mosquito & Vector Control District Board of Trustees for a four-year term, expiring December 2015. Councilmember Pycz seconded the motion which carried unanimously.

ITEM #6: DISCUSSION REGARDING LONG-TERM SOLUTIONS TO REDUCE TAXES IN BRADBURY FOR SUSTAINABLE VIABILITY:

Mayor Lewis stated that this is a standing item on the agenda and asked if anyone had any comments. Planning Commissioner Bill Novodor stated that he has a proposal that he would like to submit in writing to the City Council. Staff was directed to place Mr. Novodor's proposal on the October 18, 2011 City Council agenda.

PUBLIC COMMENT RE-OPENED:

Anne Absey, 44 Woodlyn Lane, stated that she got here late and missed the public comment portion. Mayor Lewis re-opened the public comment portion. Ms. Absey stated that she was concerned about the proposed low-income housing project on Huntington Drive in Duarte and what it will bring to our area. Ms. Absey also stated that a low-income medical clinic is supposed to open where Joe's Place used to be. Is this fightable? Councilmember Barakat stated that adjacent cities don't care what we think. Ms. Absey stated that Duarte residents would like our support. Mr. Barakat stated that the Duarte City Council does not and that they have to meet State mandates and can't say "no" to those types of projects. Councilmember Barakat also pointed out that there is a WIC center in the Ralphs shopping center which does not seem to cause any problems.

Mike Misik, 645 Mount Olive Drive, stated that his wife has been reviewing the crime sheets for Duarte and that there has been more activity. Mr. Misik suggested that the City of Bradbury withhold support/favors from Duarte and move the low-income housing project somewhere else. Mayor Lewis stated that somewhere else could be our City. Councilmember Hale stated that we have to get more involved with the City of Duarte. Mayor Lewis said he wasn't sure if there was anything we could do about the low-income housing project.

City Manager Keith reminded everyone that this was not an agenda item. Staff will request staff reports on this issue from the City of Duarte and brief the Council. Councilmember Barakat suggested we invite Duarte City Councilmember Phil Reyes to our meeting. City Manager Keith replied that we would then have to provide an open forum for both sides to plead their case.

MATTERS FROM THE CITY MANAGER:

City Manager Keith stated that there is no Planning Commission meeting this month due to a lack of agenda items.

The City Manager will be out of the office on Friday, September 23.

City Hall will be closed on Monday, October 10, for furlough day.

City Manager Keith stated that there has been media attention due to bear sightings in the City of Duarte.

MATTERS FROM THE CITY COUNCIL:

MAYOR LEWIS:

Nothing to report.

MAYOR PRO-TEM LATHROP:

Mayor Pro-Tem Lathrop stated that COG is close to resolving the Caltrans audit issue and will repay some money to Caltrans for a 2006 Gold Line grant

The Duarte Education Foundation will hold its Annual Dinner on Sunday, October 9, from 4 to 8 pm at The Village Mediterranean Restaurant, 1525 Huntington Drive, in Duarte. Tickets are available though the Duarte Chamber of Commerce and each Councilmember received an invitation.

COUNCILMEMBER PYCZ:

Nothing to report.

COUNCILMEMBER BARAKAT:

Councilmember Barakat stated that an invasive mosquito, the Asian Tiger Mosquito, was identified last week in the City of El Monte. Unlike most common species in the San Gabriel Valley, this mosquito is a very aggressive "day-biter" and a transmitter of dengue, yellow fever, chikungunya, and several viruses that can cause encephalitis. This mosquito is not native to California and has not been seen in the San Gabriel Valley since 2001 when it was accidentally imported in shipments of "Lucky Bamboo" plants. The San Gabriel Valley Mosquito & Vector Control District is aggressively targeting problem areas to prevent its spread.

Councilmember stated that although he is aware of the City's budgetary constraints he would like to discuss code enforcement issues at a future meeting.

COUNCILMEMBER HALE:

Nothing to report.

ITEMS FOR FUTURE AGENDAS: City Manager Keith stated that there are two items to be added to the October agenda:

1. Written Proposal by Planning Commissioner Novodor regarding long-term revenue solutions to reduce taxes in Bradbury for sustainable viability; and
2. Code Enforcement issues requested by Councilmember Barakat

ADJOURNMENT: At 8:15 pm Mayor Lewis adjourned to the meeting to the next regular meeting to be held on Tuesday, October 18, 2011 at 7:00 pm at the Bradbury Civic Center.

MAYOR – CITY OF BRADBURY

ATTEST:

CITY CLERK – CITY OF BRADBURY