

**MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF BRADBURY
HELD ON TUESDAY, OCTOBER 18, 2011**

- CALL TO ORDER:** The meeting was called to order by Mayor Lewis at 7:02 p.m.
- ROLL CALL:** PRESENT: Mayor Lewis, Mayor Pro-Tem Lathrop, Councilmembers Pycz, Barakat and Hale
- STAFF: City Manager Keith, City Attorney Reisman, City Planner Meyer, City Clerk Saldana and Management Analyst Kearney
- NEW MANAGEMENT ANALYST INTRODUCED:** City Manager Keith introduced new Management Analyst Kevin Kearney. Mr. Kearney started his employment with the City of Bradbury on October 3, 2011.
- APPROVAL OF THE AGENDA:** Mayor Pro-Tem Lathrop made a motion to approve the agenda to proceed with City Business. Councilmember Pycz 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.
- City Attorney Reisman reported that he was not aware of any conflicts of interest with any of the items on the agenda.
- PUBLIC COMMENT:** Rainbow Yeung, Public Affairs Specialist with the South Coast Air Quality Management District (AQMD) gave an update on the following three AQMD programs:
- Lawn Mower Exchange Program
 - Permit Amnesty Program (ends December 31,2011)
 - Powering the Future (to reduce nitrogen oxide emissions)
- Councilmember Barakat commented that he traded in his gasoline lawn mower for an electric one several years ago and that it did not work very well. Ms. Yeung stated that she would follow up his concern with the AQMD.
- Dave Hall introduced himself as a candidate for the Duarte School Board in the November 8, 2011 election. Mr. Hall has been a Duarte Resident for 40 years. He stated that he is a Professional Architectural Designer with experience in construction, bonds and bidding processes.
- Jack Ochoa, a Duarte resident and volunteer for the Santa Teresita Carmelite Sisters was present to promote the Fantasia Family Festival on November 20, 2011. Mayor Lewis asked staff to post the event flyer on our City website.

**PRESENTATION BY
SOUTHERN CALIFORNIA
EDISON:**

Elisa Clifford, Region Manager, Local Public Affairs, with Southern California Edison presented the City with a certificate for the 125th Anniversary of Southern California Edison. Ms. Clifford announced that she is going to retire on December 21, 2011.

**PRESENTATION BY
LOS ANGELES COUNTY
SHERIFF'S DEPARTMENT:**

Lt. Denise Harshman introduced the new Captain of Temple Station, Christopher Nee. Lt. Harshman then proceeded to give a detailed presentation from the Los Angeles County Sheriff's Department on Crime Statistics in Bradbury and surrounding communities. Highlights of the power point presentation included:

- Bradbury Crime Comparison Year to Date January thru September
- Bradbury Crime Comparison 2009-2010 (crime is down, not up)
- Duarte Crime Comparison Year to Date January thru September
- Duarte Crime Comparison 2009-2010
- Duarte Projected Crimes 2011
- Monrovia/Duarte Demonstration Site (gang related)
- Gang Injunction
- Gang Diversion
- Parolees and Parolees in Bordering Cities
- Projected Parolee Releases
- Parolee Program

Copies of the Power Point Presentation will be available at City Hall and on the City's website.

City Manager Keith stated that some residents are not reporting crimes to the Sheriff's Department, but call City Hall instead after the fact. All crimes need to be reported to the Sheriff's Department. Staff will be making a reminder of this in an upcoming Newsletter article.

Ms. Keith also stated that the City of Bradbury was considering allocating \$12,000 of its COPS funds to the City of Duarte for the DAMAGE Program (Duarte and Monrovia Active Gang Enforcement). This item is on the Consent Calendar for tonight.

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 September 20, 2011
- B. Resolution No. 11-34: Demands & Warrants for October 2011
- C. Financial Statement for the month of September 2011
- D. Second Reading of Ordinance No. 321: Amending Section 2103 of the Bradbury Municipal Code regarding the Boundaries for the City Council Districts Boundaries Map
- E. Quarterly Financial Forecast for Fiscal Year 2011-2012
- F. Release of Performance Bond for 388 Long Canyon Road
- G. Resolution No. 11-35: Allocating the City of Bradbury's COPS Funds

**MOTION TO APPROVE
CONSENT CALENDAR:**

Mayor Pro-Tem Lathrop had a couple of corrections to the September minutes and Mayor Lewis pulled item #G (allocation of COPS funds) for discussion. Mayor Pro-Tem Lathrop stated that on page 5 of the September minutes his comment should be that "we have an incomplete project with no fence and no landscaping." Mayor Pro-Tem Lathrop also asked to strike the sentence "A complaint regarding the conflict of interest issue between the COG and Arroyo Associates is still under review by the Los Angeles District Attorney's Public Integrity Division" on Page 7 under Matters from the City Council. Mr. Lathrop stated he doesn't remember making that comment.

Councilmember Hale moved to approve the Consent Calendar (except item #G) as amended. 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, Barakat and Hale

NOES: None

ABSENT: None

**CONSENT CALENDAR
ITEM #G – ALLOCATION OF
COPS FUNDS:**

Mayor Lewis requested that this item be pulled from the Consent Calendar for discussion. Mayor Pro-Tem Lathrop stated that he was concerned about giving away \$12,000 in COPS funds to another city. City Manager explained that the funds will go toward to DAMAGE (Duarte and Monrovia Active Gang Enforcement) Program that will ultimately benefit our City as well.

Councilmember Barakat moved to approve the Consent Calendar Item #G only. 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, Barakat and Hale

NOES: None

ABSENT: None

**ITEM #2: 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 (UUT)**

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 on this issue to "close the fiscal gap" the City Council at its August meeting directed the City Attorney and staff to prepare an Ordinance to send a Utility Users Tax measure to the voters. At the September meeting the City Council made revisions to the Draft Ordinance.

City Manager Keith stated that there will be only one reading of Ordinance No. 322: ***An Ordinance of the City of Bradbury, California, adding Chapter 6 to Article VI of the Bradbury Municipal Code to Impose a Utility Users Tax and Provide for its Sunset.***

The election resolutions calling the election and placing the measure on the ballot were prepared by the City Clerk (and reviewed by the City Attorney) and presented for the Council's consideration tonight.

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: In regards to the City's ongoing structural deficit being approximately \$359,000, Councilmember Hale asked if we are committed to these (projected shortfall) numbers. City Manager Keith replied "no." Ms. Keith also stated that the revenue from the UUT Measure goes into the General Fund.

Councilmember Barakat stated that his constituents are not very happy about the UUT Measure, but understand that it is a necessary evil at this time.

MOTION TO ADOPT RESOLUTION NO. 11-32 (INCLUDING ORDINANCE NO. 322): Councilmember Hale made a motion to adopt Resolution No. 11-32: (including Ordinance No. 322): ***A Resolution of the City of Bradbury, California, calling for the holding of a General Municipal Election to be held on Tuesday, April 10, 2012, for the election of certain officers as required by the provisions of the laws of the State of California relating to General Law Cities and for the submission to the voters of an initiative Ordinance (Ordinance No. 322) adopting a Utility Users Tax.*** Councilmember Pycz 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

MOTION TO ADOPT RESOLUTION NO. 11-33: Councilmember Barakat made a motion to adopt Resolution No. 11-33: ***A Resolution of the City of Bradbury, California, 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.*** 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, Barakat and Hale

NOES: None

ABSENT: None

ABSTAIN: None

Motion passed 5:0

**ITEM #3: DISCUSSION -
GENERAL PLAN UPDATE
CONSULTANT – AWARD OF
CONTRACT:**

City Manager Keith stated that as indicated in the budgeting process the City is required to embark on the process of updating its General Plan to reflect changes made in the City's Planning and Zoning Laws and Long-Term planning items. As the scope of this project is beyond those directly associated with development activity under the City Planner's retainer, this project is considered Special Planning Services.

DISCUSSION:

Staff recommends that the City Council award the contract to LDM and Associates to prepare the General Plan Update for a cost not to exceed \$50,000. Staff seeks the Council's authorization to prepare the consultant agreement and commence work. According to the City Planner the preparation of the General Plan Amendment will require approximately 12 month to accomplish.

Councilmember Barakat stated that Dave Meyer is the best.

Mayor Pro-Tem Lathrop inquired if our city employees can help with the General Plan preparation to lower the cost. City Planner Meyer stated that his proposal already included participation of the City Clerk and Management Analyst.

Mayor Lewis stated that the rates in the proposal are low. He did inquire if there may be a benefit for going out to bid.

City Manager Keith explained that if the City hired another consultant, the City would still be required to pay for the City Planner's time to meet and review the Development Standards with another consultant, so we would really be increasing the cost.

MOTION:

Councilmember Barakat made a motion to award the contract to LDM and Associates to prepare the General Plan Update. 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 #5: DISCUSSION
REGARDING LONG-TERM
SOLUTIONS TO REDUCE TAXES
IN BRADBURY FOR
SUSTAINABLE VIABILITY:**

City Manager Keith stated that at the March 15, 2011 meeting the City Council reviewed the current status of the City's short and long-term budget prospects and reviewed some alternative ways of addressing ongoing fiscal needs. At the September meeting, Planning Commissioner Bill Novodor asked to be placed on the October agenda to make a presentation to the City Council.

**PRESENTATION BY
MR. BILL NOVODOR
REGARDING OPTIFLEX
PROPERTIES AND
DEVELOPMENT LLC -
SKILLED NURSING FACILITIES:**

Mr. Novodor stated that Optiflex is currently building two residential facilities, one in Indio, and one in Moreno Valley. These facilities will house folks who need constant medical and/or mental health services. Optiflex Property & Development is proposing the following:

1. Optiflex does not require any public funding for the construction of these facilities;

2. Optiflex is requesting a "Fee for Service" Contract for a minimum of thirty (30) years with the caveat that this agreement can be rescinded within a reasonable length of time if we do not attain and maintain certain criteria determined by the Department of Health or the Corrections Department of the State of California;
3. The reimbursements for such incarcerated individuals needing Skilled Nursing Facility services shall be overseen by the Medi-Cal (California), Medicaid (the individual States) or Medicare (generally the senior United States population), CMS services organization;
4. The Skilled Nursing Facilities will all be "delayed egress" buildings allowing for the mentally ill patient to be treated along with the medically challenged in a totally secure managed environment;
5. Depending on California's reimbursement percentage from the Federal Government for an indigent's Medi-Cal costs, the state, by enacting the following legislation which will state that the incarcerated individual can be "paroled without release" will alleviate the State from having to be responsible for the total cost of maintaining this class of individual. This will permit California who has these incarcerated individuals with special needs to receive access to Medicaid/Medi-Cal or Medicare reimbursement;
6. An example of such savings is explained by the case of a prisoner, who today is 38 years old, who went into the prison system perfectly healthy, got into an altercation, had his spine severed, and is now a quadriplegic who requires constant care at the cost of upwards of \$2,000 per day;
7. Optiflex, through its own facilities, which are all "delayed egress," will be able to care for this person for \$1,000 per day. California's current split of costs with the federal government under its Medicaid reimbursement program is 68% federal government responsibility and 38% which will come from the current State of California budget. Then the state would only be responsible for paying \$380 per day creating a savings to the state of up to \$1,620 per day;
8. The City of Bradbury would receive a 20% share of the net profits from this venture. In addition, the City would receive rent for the use of the property designated for this opportunity. The City of Bradbury would not be responsible for any costs except for the acquisition or escrow deposit for the purchase of said land. Such costs will be reimbursed, with interest, to the City of Bradbury at the time of closing the aforementioned escrow. The optimum size of the building itself would be approximately 140,000 square feet and be within a reasonable distance from a fully functioning hospital (i.e. Arcadia Methodist Hospital) with an emergency room so that immediate acute care can be provided if required. This would solve our budget concerns for as long as the facility was functioning. There would be no danger to the residents and when properly designed and built would enhance the City by its residential feel and look, making it unobtrusive, and blend in with the rural nature of the City of Bradbury;
9. This program is also a major job creation opportunity for our community. The jobs create are full-time and educationally productive. These jobs run the full gamut from highly skilled to service oriented. These jobs also create the opportunity to enhance our tax base because new homes would be built for those individuals who would want to live near their employment;

10. This program can be implemented in a very short period of time with the support and help of the City, in finding and designating the proper available land, working with our legislators to relieve the burden of financially supporting the individuals in need and by being one of the first of such facilities in the State of California.

DISCUSSION:

City Attorney Reisman stated that he thought that Mr. Novodor, who serves on the Planning Commission, has a conflict of interest being involved as a profit maker and business partner with Optiflex.

Mr. Novodor disagreed, stating that he is only talking about the concept and would not be involved with the project in Bradbury specifically.

Mayor Pro-Tem Lathrop asked how the City would get the land needed. Mayor Pro-Tem Lathrop also wondered how Bradbury residents would feel about this proposal.

Mr. Novodor stated that the Indio facility will open in the middle of next year. The facility is 92,000 square feet on 4 acres. The facility has 204 beds.

NO MOTION REQUIRED:

Mayor Lewis thanked Mr. Novodor for making his presentation to the Council and said that we are only exploring concepts right now and that there is no action required by the City Council at this time.

**DISCUSSION REGARDING
CODE ENFORCEMENT
POLICIES AND PROCEDURES:**

City Manager Keith stated that at the last meeting, the City Council requested a discussion on the City's code enforcements policies and procedures. It is recommended that the City Council review the proposed policies and procedures for code enforcements and provide further direction to staff.

Ms. Keith stated that we have code enforcement problems with empty houses that are for sale, elderly folks on fixed incomes and some repeat offenders.

City Attorney Reisman stated that prosecuting code enforcement cases is expensive and the City can't get back all the attorney costs. Mr. Reisman stated that some cities use court appointed receivers, which is very effective, but it's only for use with serious cases.

Putting liens on properties is another option to deal with serious code enforcement issues, especially for properties that are part of HOAs.

Mayor Pro-Tem Lathrop inquired if City staff reports problems. City Manager Keith replied "yes."

Mayor Pro-Tem Lathrop stated that the City should come down hard on code enforcement issues with prosecution when necessary.

City Attorney Reisman stated that the City should try less expensive options first.

Councilmember Barakat stated that the front of City Hall is offensive and that we should have someone pull out the dead vegetation.

NO MOTION REQUIRED:

This being an item for discussion only no motion from the City Council was required. The City Manager did state that she would instruct ValleyCrest Landscaping Company to clean up the City Center frontage.

MATTERS FROM THE CITY MANAGER:

Ms. Keith reported that Royal Oaks Manor said "no" to the proposal to use our back lot for parking for a fee.

MATTERS FROM THE CITY COUNCIL:

MAYOR LEWIS:

Nothing to report.

MAYOR PRO-TEM LATHROP:

Mayor Pro-Tem Lathrop stated that the Duarte Education Foundation raised \$20,000 to \$30,000 at its Annual Dinner held on October 9, making it a very successful event.

COUNCILMEMBER PYCZ:

Nothing to report.

COUNCILMEMBER BARAKAT:

Councilmember Barakat stated that the Asian Tiger Mosquito is spreading. This mosquito, which "loves" to attack human beings is very aggressive and a transmitter of dengue, yellow fever, and several viruses that can cause encephalitis.

COUNCILMEMBER HALE:

Councilmember Hale stated that he attended the Duarte School District Oversight Committee meeting last night and got to see the new neutron screens (aka smart boards) which have been installed in every class room. The school district spent about 2 million dollars on these screens. The boards seem very effective in the classrooms.

ITEMS FOR FUTURE AGENDAS:

None

ADJOURNMENT:

At 9:15 pm Mayor Lewis adjourned to the meeting to the next regular meeting to be held on Tuesday, November 15, 2011 at 7:00 p.m. at the Bradbury Civic Center.


MAYOR - CITY OF BRADBURY

ATTEST:


CITY CLERK - CITY OF BRADBURY