

**MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF BRADBURY,
HELD ON TUESDAY, JUNE 16, 2009 AT 7:00 P.M.
IN THE CITY COUNCIL CHAMBERS AT CITY HALL
600 WINSTON AVENUE, BRADBURY, CA 91008**

CLOSED SESSION CALLED TO ORDER: At 7:00 p.m. Mayor Barakat called the meeting to order to begin with the Closed Session.

ROLL CALL: PRESENT: Mayor Barkat, Mayor Pro-Tem Hale, Councilmembers Guthrie, Lathrop and Lewis

ABSENT: None

STAFF: City Manager Keith

PUBLIC COMMENT REGARDING CLOSED SESSION: None

CLOSED SESSION ITEMS: 1. Conference with Legal Counsel – Anticipated Litigation: Consideration of a Tolling Agreement to allow time to negotiate settlement of the Los Angeles County Tolling Liability Trust Fund dispute.

2. Conference with Legal Counsel – Anticipated Litigation: Cal-Am Rate Case Status

REGULAR MEETING CALLED TO ORDER: At 7:30 p.m. Mayor Barakat called the Regular meeting to order and led the Pledge of Allegiance.

ROLL CALL: PRESENT: Mayor Barkat, Mayor Pro-Tem Hale, Councilmembers Guthrie, Lathrop and Lewis

ABSENT: None

STAFF: City Manager Keith, City Clerk Saldana and Management Analyst Taber

CLOSED SESSION REPORT: City Attorney Reisman reported that Closed Session Item #1 (Tolling Agreement) was informative only. On Item #2 (Cal-AM Rate Case) the City Council voted 5-0 to authorize the City Attorney to intervene, i.e. to file a motion for the City to become a party in the Application (Case No. A.09-01-013) of California-American Water Company for revenue increases.

APPROVAL OF AGENDA: Councilmember Hale moved to approve the agenda to proceed with City business. Councilmember Lewis seconded the motion, which carried.

**DISCLOSURE OF
ITEMS REQUIRED BY
GOV. CODE SECTION
1090 & 8100 ET SEQ.:**

In compliance with the California State Fair Political Practices Act, each 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 items on the agenda. There was nothing to report.

PUBLIC COMMENT:

Kathee Eckstrom, accompanied by her daughter Sarah, thanked the City Council for its Platinum Sponsorship of AYSO Region 2 and presented the City with a plaque and a plant.

Elisa Clifford of Southern California Edison complimented the City on its Mayday Expo held on May 19, 2009 and gave a brief update on the Tehachapi Renewable Transmission Project. Ms. Clifford invited the City Manager to join the Big Creek Project trip. Ms. Clifford also stated that there are no power problems expected this summer.

Ann Armstrong, 1775 Royal Oaks Drive North, inquired about solar power.

Councilmember Lathrop asked where to take fluorescent light bulbs to be recycled and suggested that maybe City Hall could collect them. Ann Armstrong volunteered to take the fluorescent light bulbs with the City's E-Waste to a recycling station.

**CONSENT
CALENDAR:**

- A. Minutes - Regular City Council Meeting of May 26, 2009
- B. Minutes – May 14, 2009 Study Session re: Budget for Fiscal Year 2009-2010
- C. Financial Statement for the month of May 2009
- D. Resolution No. 09-22 - Demands & Warrants for June 2009
- E. Proclamation Declaring the Fourth Monday of September Family Day
- F. Congestion Management Report for Fiscal Year 2008-09 – Adoption of Resolution No. 09-23
- G. Second Reading of Resolution 09-21/Ordinance No. 308 of the City Council of the City of Bradbury Establishing a New Master Fee Schedule
- H. Second Reading of Ordinance No. 307 Changing the City Council meeting time from 7:30 pm to 7:00 pm
- I. End of the Event Status Report on the Mayday Emergency Expo
- J. One-Year Extension to the Municipal Law Enforcement Contract with the County of Los Angeles Sheriff's Dept.
- K. Approval of an Agreement between the San Gabriel Valley Council of Governments and the City of Bradbury to fund the Coordinated Implementation Plan for the Los Angeles River Metals TMDL as Approved by the Los Angeles Regional Water Quality Control Board
- L. Resolution No. 09-24 - Approval of GANN Limit Appropriation for Fiscal Year 2009-2010

DISCUSSION: City Manager Keith had staff distribute the corrected version of item #F - Congestion Management Report for FY 2008-09 to the City Council.

Councilmember Lathrop wished to pull item #H – Second Reading and Adoption of Ordinance No. 307 off the Consent Calendar for discussion.

**DISCUSSION RE:
ORDINANCE NO. 307:** Councilmember Lathrop reiterated his objections from previous meetings regarding the meeting time change and wanted to hear from the audience.

Bill Gomez, 635 Mount Olive Drive, stated that he spoke to a couple of neighbors who would prefer to keep the meeting time at 7:30 p.m. Mayor Pro-Tem Hale and Councilmember Lewis stated that their constituents like the earlier meeting time of 7:00 p.m.

City Manager Keith reported that City Hall did not receive any calls or emails regarding the time change from residents.

City Attorney Reisman suggested to move Closed Sessions to the end of meetings, if possible.

**MOTION TO ADOPT
ORDINANCE NO. 307:** Following discussion, Councilmember Lewis made a motion to adopt Ordinance No. 307, changing the Council meeting time from 7:30 p.m. to 7:00 p.m. Mayor Pro-Tem Hale seconded the motion, which was carried by the following roll call vote:

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

**APPROVAL OF
CONSENT
CALENDAR:** Mayor Pro-Tem Hale moved to approve the Consent Calendar, Items A-L (except H), as presented. Councilmember Lewis seconded the motion, which was carried by the following roll call vote:

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

**ADOPTION OF
BUDGET FOR
FY 2009-2010:** City Manager Keith presented the final budget for FY 2009-2010. Councilmember Lathrop stated that he would like to defer the park project to the next fiscal year. Mayor Barakat suggested to plan ahead and prepare a 2-year budget next time, especially for capital improvement projects. City Manager Keith stated that 2-year budgets are great when the economy is more stable and that capital improvements are projected on a 5-year basis. Councilmember Lewis inquired about the budget shortfall and stated that the tie-out didn't add up. City Manager Keith apologized for not updating the chart from the previous budget session, but stated that the actual budget detail was correct and final numbers are accurate.

Following discussion, Councilmember Lewis made a motion to approve the budget for fiscal year 2009-2010. Councilmember Guthrie seconded the motion, which was carried by the following roll call vote:

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

NOES: None

ABSENT: None

**SELECTION AND
ROTATION OF
MAYOR AND
MAYOR PRO-TEM:**

City Manager Keith stated that at the last meeting the City Council requested that this item be placed on the agenda. Ms. Keith stated that on April 19, 1994 the City Council adopted Resolution No. 1287 regarding the appointment of the positions of Mayor and Mayor Pro-Tem. The resolution stipulated that these positions shall be on a rotating basis with no consecutive terms unless appointed unanimously for a second term by the Council. However, in no event shall a member serve more than two consecutive terms. It further stated that typically the Mayor Pro-Tem would be next in line for the position of Mayor. In April 2005 the City Council rescinded the policy by Resolution No. 05-09. One suggestion for the rotation of Mayor and Mayor Pro-Tem is a fixed rotation based on the past service of Mayor by District to allow service all of elected officials. Therefore the suggestion would be the order of District 1, 5, 4, 2 and 3. If a Councilmember would chose to opt out of the appointment, then the next in line would become Mayor and the sequence continues according to the fixed rotation order. Other alternatives include:

- Selecting the most senior Councilmember who has not served as Mayor;
- No Councilmember shall have the obligation to serve as Mayor should he/she not wish to do so;
- To be Mayor, a Councilmember must have served at least two (2) years on the City Council;
- If all five Councilmembers have served as Mayor, the Councilmember who has not served as Mayor for the longest period of time shall be appointed;
- The term of Mayor shall be for one year but no more than two consecutive years;
- In the event of a tie, the Mayor shall be that Councilmember with the highest vote total in the Municipal Election in which he/she was most recently elected.

DISCUSSION:

Mayor Barakat pointed out that the district numbers changed after redistricting in 2006.

Councilmember Lathrop stated that the Mayor is a ceremonial position as the leader of the City and would like the rotation to be an ordinance.

Mayor Barakat stated that the City Council may get stuck with a representative they don't want.

Councilmember Lewis disagreed with the fixed rotation stating the Council should select the Mayor.

Councilmembers Lathrop and Guthrie were concerned about three Councilmembers forming a voting block. Councilmember Lewis stated that voting blocks can happen anyway. Mayor Barakat added that voting blocks teach people how to work better with each other.

Mayor Pro-Tem Hale stated that he likes rotation but doesn't want the City Council to adopt an ordinance and be tied down.

Councilmember Lewis inquired about the benefit of rotation.

Councilmember Lathrop favored rotation because he felt the Mayor has too much power if serving consecutive terms and because it would be fair to all Districts to rotate.

Mayor Pro-Tem Hale stated that we don't want a first-year Mayor without any experience.

Mayor Barakat stated that the constituents elect Councilmembers, not Mayors and that with 4-yr terms there is a possibility that someone might never be Mayor.

Councilmember Lathrop stated that lots of cities go by rotation. Councilmember Guthrie was undecided.

Councilmember Lathrop made a motion, seconded by Councilmember Guthrie, to open up the discussion for public input.

PUBLIC INPUT:

Ann Armstrong, 1775 Royal Oaks Drive North, felt that rotation may not be necessary and could interfere with board appointments.

Karen Dunst, 1527 Lemon Avenue, was in favor of rotation.

**ITEM TABLED TO
JULY CC MEETING:**

Councilmember Lathrop felt that this issue should be dealt with while everyone on the Council is getting along.

Councilmember Lewis was concerned that too many policy stipulations could make matters complicated and that no matter what, it takes three votes of the Council to move forward with any issue.

Mayor Barakat suggested to think about it and table the item to the July meeting. City Manager Keith made it clear that the policy decision must be made by the City Council and not staff. Councilmember Lathrop clarified that he would like the City Manager to facilitate a meeting with Councilmembers Lathrop and Lewis to come up with options to be presented at the July meeting.

**DISCUSSION RE:
CENSUS
COMMITTEE:**

Management Analyst Taber reported that the Census 2010 Committee has asked for the City's assistance with the establishment of a Census Count Committee to work in getting the word out and assist with areas in the community, which are difficult to reach. Rather than start a new committee with new volunteers, staff is recommending that the City Council direct the Emergency Response Committee to take on this additional task temporarily.

Councilmember Guthrie made a motion to direct the Emergency Response Committee to act as the Census Count Committee. Councilmember Lewis seconded the motion, which carried.

**APPOINTMENT OF
LIAISON AND
ALTERNATE TO
SGVCOG:**

At the May 26, 2009 meeting the City Council approved the re-joining of the San Gabriel Valley Council of Governments. City Manager Keith stated that this evening the City Council shall select a representative and alternate to this organization. Mayor Barakat stated that he would like to be the liaison for the SGVCOG. Both Councilmember Lathrop and Councilmember Lewis were interested in serving as the alternate.

Following discussion, Councilmember Lewis made to motion to nominate Mayor Barakat as the liaison and Councilmember Lathrop as the Alternate to the San Gabriel Valley Council of Governments. Councilmember Lathrop seconded the motion, which carried unanimously.

City Manager Keith stated that any Member of the City Council, if interested, can attend the meetings of the San Gabriel Valley COG.

**MATTERS FROM THE
CITY MANAGER:**

City Manager Keith stated that she would be out of the office on Thursday. Mayor Barakat made sure everyone had Michelle's cell phone number. Mr. Barakat also stated that the phone number for the Sheriff's Department on the emergency card was incorrect. The City Manager stated that staff would have new cards printed immediately. Ms. Keith also stated that the Sheriff's Department will have increased traffic enforcement on July 4th.

**MATTERS FROM THE
CITY COUNCIL:**

Brief Reports of individual Councilmembers' activities relating to City Business occurring since the last meeting.

MAYOR BARAKAT:

Mayor Barakat reported that the Foothill Transit ridership is down despite the economy or maybe because people don't have jobs to go to. Mr. Barakat also reported that the County Sanitation's rail haul system will be ready in the next couple of years and will be good for 100 years.

**MAYOR PRO-TEM
HALE:**

Mayor Pro-Tem Hale stated that the plans for the City Hall project are ready to go to the Planning Commission for review on June 24, 2009.

**COUNCILMEMBER
LATHROP:**

Councilmember Lathrop stated that he attended the JPIA Newly Elected Officials Academy in June. Mr. Lathrop also reported that as the City's representative of the Duarte Education Foundation he volunteered to sell fire works in front of Fresh & Easy to benefit the Duarte Unified School District.

**COUNCILMEMBER
GUTHRIE:**

Councilmember Guthrie stated that the Annual meeting of the Southern California Joint Powers Insurance Authority (JPIA) will be held on July 15, 2009.

Councilmember Guthrie also inquired about an Edison bill for the TPP (Temporary Power Pole) at 600 Winston Avenue. City Manager Keith replied that the bill is for the temporary power pole for the light in the back parking lot.

**COUNCILMEMBER
LEWIS:**

Councilmember Lewis stated that the Emergency Response Committee will meet on Thursday, June 25, at 6 p.m.

ADJOURNMENT:

At 9:20 p.m. Mayor Barakat adjourned the meeting to Tuesday, July 21, 2009, at 7:00 p.m.

MAYOR – CITY OF BRADBURY

ATTEST:

CITY CLERK – CITY OF BRADBURY