

**MINUTES OF A REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF BRADBURY  
HELD ON TUESDAY, MAY 15, 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

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

**APPROVAL OF AGENDA:** Councilmember Hale made a motion to approve the agenda to proceed with City Business. Councilmember Lewis 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 reported that he was not aware of any conflicts.

**PRESENTATIONS:** Lt. Coronne Jacobs introduced Lt. Paula Tokar, the City's new liaison with the Los Angeles County Sheriff's Department. Lt. Jacob, who was the City's liaison for only two months, thanked the City Council and stated that she is moving on due to a promotion.

**PUBLIC COMMENT:** Joe Gardner introduced himself as a candidate for the 48<sup>th</sup> Assembly District.

**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 March 20, 2012
- B. Minutes – Regular City Council Meeting of April 17, 2012
- C. Resolution No. 12-13: Demands & Warrants for May 2012
- D. Financial Statement for the month of April 2012
- E. Third Quarter Financial Review
- F. Resolution No. 12-14: Delegating the Handling of Claims to the California Joint Powers Insurance Authority
- G. Resolutions No. 12-15 and 12-16: Approving authorized signatures for City bank accounts
- H. Audit Report – Proposition A & C, Measure R and TDA Article 3 Funds for Fiscal Years ending June 30, 2010 and 2011
- I. Transfer by Bill of Sale the Winston Hydrant/Main Project to California-American Water

**MOTION TO APPROVE CONSENT CALENDAR:** Councilmember Lewis moved to approve the Consent Calendar as presented. Mayor Pro-Tem Pycz 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 – LOS ANGELES COUNTY CLEAN WATER, CLEAN BEACHES PROTECTION MEASURE:**

City Manager Keith prepared a detailed report on the Los Angeles County Clean Water, Clean Beach Protection Measure. Ms. Keith stated that the Los Angeles County Board of Supervisors is considering scheduling a property owner election for a proposed water quality fee. The report discussed the water quality issues, the fee proposal and the need for a stable funding source to address surface water quality issues (aka stormwater issues).

**BACKGROUND:**

The Los Angeles County region faces critical and very costly stormwater and urban runoff water quality challenges. Runoff containing trash, bacteria, metals and other pollutants drains into streams and waterways and ultimately into the ocean. Many water bodies in the Los Angeles region have been determined by the State and Regional Water Quality Boards to not meet State and Federal water quality standards and are listed as impaired under the Federal Clean Water Act – nearly 100 pollutants are claimed to affect over 500 miles of rivers and streams and the region's coastal waters and beaches.

**WATER QUALITY FUNDING INITIATIVE (WQFI):**

The Water Quality Funding Initiative (WQFI), if approved by a property owner vote, will provide local Cities and the County of Los Angeles on behalf of the unincorporated areas a dedicated source of funding to fund the State and Federal stormwater requirements and improve surface water qualities.

The WQFI proposes a property-related fee that would be levied to assist cities in Los Angeles County in funding the removal of pollutants from local rivers, lakes, channels, beaches and coastal waters. Over 90% of the funds collected would be returned to Municipalities directly or indirectly. The District would fund the property owner election, which is tentatively planned for the Spring of 2013. Fee amounts for single family residential homes will range between \$8 and \$83 annually, with the majority of homeowners paying \$54 annually.

**ESTIMATED ANNUAL LOCAL RETURN:**

Bradbury drains into the Los Angeles River and San Gabriel River Watersheds. Forty percent of the funds collected in the local cities are required to be returned to the cities for implementation of local storm water and runoff projects and program; fifty percent of the funds collected in the cities would be allocated to local Watershed Authority Group (WAG) for regional projects and programs, and the remaining 10% would be allocated to the District for administration of the Water Quality Fee, monitoring and special studies. The City's local return is estimated to be \$20,000 annually.

**FUNDING OPTIONS:**

Over the years, as costs for complying with stormwater regulations have continued to increase, Municipalities have pursued a concerted effort to find a sustainable funding source. Many Municipalities have relied on their General Funds, but that is increasingly at the expense of other vital public services, including police and fire. With additional TMDLs required, cost could be hundreds of millions of dollars annually for Los Angeles region Municipalities. However, a convergence of legal and regulatory constraints has severely limited the available funding option.

**PROPOSITION 218:**

Property-related fees provide a promising potential funding source. However, since its passage in 1996, Proposition 218 has required that, with certain exceptions, new or increased property-related fees must be approved by voters. Proposition 218 includes an exemption to the voter approval requirement for water, sewer and trash collection fees, and many Municipalities at first believed that a stormwater fee also qualified for this exemption. However, a stormwater fee imposed by the City of Salinas on property owners in that city was challenged by the Howard Jarvis Taxpayers Association, which argued this was a property-related fee that was not exempt from Proposition 218 voter approval requirements. In a 2002 decision, an appellate court agreed with this position. As a result of this ruling, Municipalities considering a new or increased stormwater fee must first obtain voter approval either by property owners or registered voters.

**DISCUSSION:**

Councilmember Barakat inquired if the Sawpit Wash, which feeds into the LA River, can be diverted. City Manager Keith replied "no."

City Manager Keith stated that to comply will cost millions and millions and is bankrupting cities left and right. The economics of the new permit have not even been addressed by the Regional Water Quality Boards.

City Manager Keith also explained that the City is currently regulated by 12 TMDLs, including Peck Park, and that we are trying to be responsible within economic reason.

Councilmember Lewis asked if the City Council can adopt a Resolution objecting to the permit requirements. City Manager Keith stated that there is existing litigation with the County regarding who should be the responsible party but according to the Clean Water Act it is each city.

**CONCLUSION OF REPORT:**

It is recommended that the City Council receive and file this report.

**DISCUSSION –  
CITY OF BRADBURY  
FISCAL SUSTAINABILITY -  
POST ELECTION PART 2  
OPTIONS FOR REVENUE  
ENHANCEMENT AND  
CONSIDERATION OF A  
FINANCE COMMITTEE:**

City Manager Keith stated that following almost 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 20, 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.

When deciding to place Measure A on the ballot, the City Council considered the fact that it would be using approximately \$118,678 from City reserves to fund all the budgeted expenditures for fiscal year 2011-2012. Due to the continued economic conditions with the catastrophe of the State's economy and combined impacts of the national recession, fiscal mismanagement of the State and the previous collapse of the residential real estate market, this "structural budget deficit" is expected to grow unless new funding sources are located.

**DISCUSSION:**

Mayor Lathrop stated that two things have to happen:

1. We need to put the UUT Measure back on the ballot.
2. We need a Finance Committee to review the City's financial position.

Councilmember Hale stated that the City Council can't wait for the Finance Committee to find "stuff." We have to work on solutions at the same time. Mayor Lathrop stated that only water and sewer was omitted from the UUT and that we didn't poll people. We need community feedback.

Councilmember Barakat stated that perhaps we add water back in and lower the percentage of a UUT>

Councilmember Pycz also commented that we should eliminate the color concerns.

**SPECIAL ELECTION:**

City Manager Keith stated that a Special Election could be held next year in April, or in May, if the City elects to do a mail-only election.

**PUBLIC TESTIMONY:**

Anne Absey, 44 Woodlyn Lane, suggested using survey monkey or zoomerang, which is free.

City Manager Keith stated that these sources would not be reliable survey tools for this purpose.

Ann Absey then suggested that the Councilmembers call their constituents to get feedback.

Mr. Alan DeVault, 244 Barranca Road, felt that the City didn't deliver the message that most other cities have UUTs.

Mr. James Adams, 106 Bradbury Hills Lane, stated that in order to pay less UUT tax people could use less power and the City will receive less money. Councilmember Lewis replied that the upside is that the UUT would be an incentive for people to reduce their energy use.

**DISCUSSION REGARDING  
FINANCE COMMITTEE:**

The City Council briefly discussed using a consultant to get feedback and determined not to proceed with that at this time, but to focus on a Finance Committee instead.

The City Council determined that the Finance Committee should consist of the City Treasurer and five community members, but no City Councilmembers or Planning Commissioners.

Mayor Lathrop asked if the City Treasurer or the new Finance Director should be on the Committee. City Manager Keith said that Lisa Bailey, the new Finance Director, should be on the Committee.

**MOTION:**

Councilmember Lewis made a motion to form a Finance Committee consisting of the new Finance Director and five community members. 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

**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.

**DISCUSSION:**

Mayor Lathrop suggested to "cash in" on the Forbes Magazine article declaring Bradbury the most expensive zip code in the Country and to sell T-Shirts with a Bradbury logo (or zip code), maybe through Café Press.

**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.

City Manager Keith reminded the public that the City Council has a public meeting with Supervisor Antonovich in the morning.

City Hall will be closed on Monday, May 28, for Memorial Day.

The Joint Meeting with the City Council & Planning Commission will be held on Monday, May 30, from 6-9 pm at City Hall. A draft budget will be ready for discussion.

The City Manager will be out of office on Friday, May 18.

**MATTERS FROM THE CITY  
COUNCIL:**

**MAYOR LATHROP:**

Mayor Lathrop stated that he attended the first Ad Hoc Committee that was formed to review how the San Gabriel Valley COG is managed.

Mr. Lathrop also attended a Duarte Unified School presentation of videos of student who are going to UCLA, etc.

**MAYOR PRO-TEM PYCZ:**

Mayor Pro-Tem Pycz had nothing to report.

**COUNCILMEMBER BARAKAT:**

Councilmember Barakat stated that the Los Angeles County Sanitations Districts collect up to 5 gallons per resident at the monthly Household Hazardous Waste Round-Ups.

**COUNCILMEMBER HALE:**

Councilmember Hale had nothing to report.

**COUNCILMEMBER LEWIS:**

Councilmember Lewis had nothing to report.

**CITY ATTORNEY:**

City Attorney Reisman inquired if he needed to be present at the Joint City Council-Planning Commission workshop on May 30. The City Council responded "no."

**ITEMS FOR FUTURE AGENDAS:**

None

**CLOSED SESSION:**

At 8:12 p.m. the Council went into Closed Session to discuss Personnel:

A. Pursuant to California Government Code Section 54957 –  
Evaluation of Performance. Title: Building and Safety 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 8:25 p.m. Mayor Lathrop adjourned to the meeting to Wednesday, May 16, 2012 at 8:00 a.m. at the Bradbury Civic Center (Breakfast with Supervisor Antonovich).

  
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MAYOR - CITY OF BRADBURY

**ATTEST:**

  
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CITY CLERK - CITY OF BRADBURY