MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF BRADBURY HELD ON TUESDAY, NOVEMBER 15, 2011

CALL TO ORDER:

The meeting was called to order by Mayor Lewis at 7:00 p.m.

MOMENT OF SILENCE FOR JOE GIFFORD:

Mayor Lewis called for a moment of silence for Planning Commissioner Joe Gifford, who passed away the previous weekend. Joe Gifford has been serving on the City Planning Commission since 1985.

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

APPROVAL OF THE AGENDA:

Councilmember Hale made a motion to approve the agenda to proceed with City Business. 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

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 #2 (Civic Center Fence) 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:

None

PRESENTATION BY ALADS:

Mark Divis, Vice President of the Association for Los Angeles Deputy Sheriffs (ALADS) presented Mayor D. Montgomery Lewis and the Members of the Bradbury City Council with a scroll in appreciation of more than 8,200 Deputy Sheriffs and District Attorney Investigators working in Los Angeles County for the City's ongoing dedication to public safety in the City of Bradbury.

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 October 18, 2011
B. Resolution No. 11-36: Demands & Warrants for November 2011
C. Financial Statement for the month of October 2011
D. Resolutions for the April 10, 2012 General Municipal Election

ELECTION RESOLUTIONS:

1. Resolution No. 11-37:
A Resolution of the City Council of the City of Bradbury, California, requesting the Board of Supervisors of the County of Los Angeles to render specified services of the City relating to the conduct of a General Municipal Election to be held on Tuesday, April 10, 2012

2. Resolution No. 11-38:
A Resolution of the City Council of the City of Bradbury, California, adopting regulations for candidates for elective office pertaining to candidate statements submitted to the voters at an election to be held on Tuesday, April 10, 2012.

CORRECTIONS TO OCTOBER MINUTES:

Mayor Pro-Tem Lathrop had corrections to the October draft minutes. Mayor Pro-Tem Lathrop stated that on page 2 of the minutes it should say that the City of Bradbury was "considering allocating" $12,000 of its COPS funds to the City of Duarte. On page 3 the corrections to the September minutes should be itemized. Also on page 3 it should say that Mayor Pro-Tem Lathrop was "concerned" about giving away $12,000 in COPS funds to another city.

MOTION TO APPROVE CONSENT CALENDAR:

Mayor Pro-Tem Lathrop moved to approve the Consent Calendar (except item #D.2). 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

DISCUSSION REGARDING RESOLUTION NO. 11-38:

Mayor Lewis pulled item #D.2 from the Consent Calendar for discussion.
The Council needed to choose options regarding Foreign Language Policy and Payment for Translations and Printing Costs.

FOREIGN LANGUAGE POLICY:

FOREIGN LANGUAGE POLICY:

A. Pursuant to the Federal Voting Rights Act, the City is required to translate candidates statements in the following languages: Spanish and Chinese.
B. Pursuant to state law, the candidate's statement must be translated and printed in the voters pamphlet in any language at the candidate's request.
C. The City Clerk shall:

TRANSLATIONS:

Translations: (choose one or **both**)*

(a) have all candidates statements translated into the languages specified in (A) above.

(b) Have translated those statements into the languages as required by the candidate in (B) above.

* **bold** indicates City Council selection

PRINTING:

Printing: (choose one or more as appropriate) (**all**)

(a) Print an English voter pamphlet to be mailed to all voters.

(b) Print any translations of candidates who so request printing in the main voter pamphlet. The main voter pamphlet will be an English pamphlet, also containing candidate statement translations if requested by the candidate.

(c) Print all translations of all candidates statements pursuant to (A) above, in facsimile voter pamphlets.

(d) Print all translation of all candidates statements in the main voter pamphlet.

(e) Have all translations made available upon request in the office of the City Clerk.

PAYMENT:

Translations: (choose one or both)

(a) The candidate shall/**shall not** be required to pay for the cost of translating the candidate's statement into any required foreign language as specified in (A) and/or (B) of Section 2 above pursuant to Federal and/or State law.

(b) The candidate **shall**/shall not be required to pay for the cost of translating the candidate's statement into any foreign language that is not required as specified in (A) and/or (B) of Section 2 above, pursuant to Federal and/or State law, but is request as an option by the candidate.

Printing: (choose one or more as appropriate)

(a) The candidate shall/**shall not** be required to pay for the cost of printing the candidate's statement in English in the main voter pamphlet.

(b) The candidate shall/**shall not** be required to pay for the cost of printing the candidate's statement in a foreign language required in (A) of Section 2.

(c) The candidate **shall**/shall not be required to pay for the cost of printing the candidate's statement in a foreign language requested by the candidate per (B) of Section 2 above, in the main voter pamphlet.

(d) The candidate shall/**shall not** be required to pay for the cost of printing the candidate's statement in a foreign language required by (A) of Section 2 above, in the facsimile voter pamphlet.

MOTION TO APPROVE ELECTION RESOLUTION NO. 11-38:

Councilmember Hale moved to approve Resolution No. 11-38 (Consent Calendar item #D.2). 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

COUNCILMEMBER BARAKAT LEAVES ROOM:

Councilmember Barakat left the room for the discussion regarding the Civic Center Fence.

ITEM #3 - CIVIC CENTER FENCE:

City Planner Meyer stated that the City Council directed staff to seek bids for the construction of five (5) six-foot high and one (1) four-foot high masonry pilasters to be installed along the street frontage of the Civic Center. Additionally, staff solicited bids for the installation of chain link fencing along the front of the Civic Center. The intent is to provide the City Council with a variety of alternatives regarding the fencing of the Civic Center.

OPTION 1:

Masonry Pilasters:
This option includes the grading of the front parkway and the construction of six masonry pilasters with stone veneer and the installation of stone veneer on the two existing masonry pilasters at the driveway entrance. No fencing or automatic vehicular access gate will be installed.

Staff sent the Request for Proposal (RFP) to sixteen (16) fence contractors. The City received two (2) bids as follows:

1. Dave Pycz Construction, Inc. for $20,650
2. Western Fence Company for $28,399

OPTION 2:

Chain Link Fencing:
This option includes the grading of the front parkway and the installation of a five-foot high black vinyl coated chain link fence across the front of the Civic Center. No masonry pilasters will be constructed and no automatic vehicular access gate will be installed.

Staff sent the Request for Proposal (RFP) to nine (9) fence contractors. The City received one (1) bid as follows:

1. Stump Fence Co. for $6,435

OPTION 3:

Masonry & Wrought-Iron Fence with Automatic Gate:
This option includes the grading of the front parkway and the construction of six masonry pilasters with stone veneer and the installation of stone veneer on the two existing masonry pilasters at the driveway entrance. Wrought-iron fencing and an automatic vehicular access gate will be installed.

The City received two (2) bids:

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

OPTION 4:

Wrought-Iron Fence with Automatic Gate:
This option includes the grading of the front parkway and the construction of a five-foot high wrought-iron fence across the Civic Center street frontage. An automatic vehicular access gate will be installed. No additional masonry pilasters will be constructed.

The City received two (2) bids:

1. Western Fence Company for $26,780
2. Rasmussen Brothers Construction for $32,110

OPTION 5:

Remove Existing Fencing and Landscape the Street Frontage:
The City Council may wish to consider the removal of the existing fencing and the installation of landscaping along the street frontage. The design for this alternative has not been authorized as of this date. This alternative is considered to be cost effective. If this alternative is selected, direction should be given to staff to prepare the landscape design for the Council approval. Upon City Council approval of the landscape design, bid will be solicited.

FINANCIAL REVIEW:

City Planner Meyer stated that the amount remaining in the Civic Center Construction Contingency Account is $10,377. California-American Water Company provided the City a rebate of $6,462.87 for the cost of the installation of the public water main line.

City Manager Keith stated that the City has a balance of $34,220 that was initially budgeted for the cost of adopting the new Council District Boundaries. These funds could be appropriated for the cost of the Civic Center Fencing Project. With a modification of the budget, the City Council would have $51,059.87 available for the Civic Center Fence Project.

DISCUSSION:

Councilmember Hale inquired if we can split up the project. City Attorney Reisman stated that bifurcation of the project could be seen as unlawful and advised against it. Mr. Reisman was concerned with Option 1 splitting up the job. City Planner Meyer stated that there are labor oversight agencies that are keeping a watchful eye on public works projects. City Manager Keith stated that the Civic Center Fence is not a public works project.

Mayor Lewis stated that the most cost saving option would be a manual gate. Mayor Pro-Tem Lathrop stated that the neighbors who cared were here and didn't like this option.

Councilmember Hale stated that Option 2 was out. Option 5 (nice landscaping) might stop the complaints from neighbors.

Mayor Pro-Tem Lathrop preferred Option 3. All the neighbors would like that.

Mayor Lewis pointed out that there is no landscaping with Option 3 and was concerned that there would be no money left for landscaping.

City Manager Keith stated that the neighbors were concerned about security and pointed out that the entire building is alarmed.

Mayor Lewis suggested going out for bid to construct a manual gate, remove the fence, and for landscaping.

Councilmember Hale made a motion to go with Option 5 and add the wrought-iron fence. Mayor Lewis seconded the motion.

Mayor Pro-Tem Lathrop made an amended motion to add Option 4 as an alternative bid with landscaping. Mayor Lewis stated that he would not support Option 4. The motion died due to a lack of a second.

City Attorney Reisman stated that the landscaping and fence are two separate projects.

Mayor Pro-Tem Lathrop stated that if we chose Option 4 we can do the landscaping after. We have $51,000.

Mayor Lewis stated that we need to address the security issue.

City Manager Keith stated that the landscaping depends on the fence design.

Councilmember Hale amended his motion to go for bid with Option 5 and create Option 6 (manual gate and wrought-iron along the front).

Mayor Pro-Tem Lathrop made an amended motion to add Option 4 for bidding. The motion died due to a lack of a second.

SUMMARY OF DISCUSSION:

After consideration of a variety of options for the construction of a security fence for the Civic Center the City Council directed staff to have the landscape construction plans prepared for the front and center portions of the Civic Center property. Additionally, construction plans for a five foot high wrought-iron fence and a manually operated vehicular access gate are to be prepared. The wrought-iron fence and vehicular access gate are to be located approximately 22 feet easterly of the front of the Civic Center Building.

Upon completion of the landscape and fencing plans construction bids are to be solicited. The results of the landscaping and fencing bids are to be presented to the City Council at the earliest opportunity.

MOTION:

Councilmember Hale made a motion to have the landscape construction plans prepared for the front and center portions of the Civic Center property. Additionally, construction plans for a five foot high wrought-iron fence and a manually operated vehicular access gate are to be prepared. The wrought-iron fence and vehicular access gate are to be located approximately 22 feet easterly of the front of the Civic Center Building. Mayor Lewis seconded the motion which was carried by the following roll call vote:

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

Motion passed 3:1

COUNCILMEMBER BARAKAT RE-JOINS MEETING:

Councilmember Barakat re-joined the meeting.

ITEM #5: DISCUSSION REGARDING LONG-TERM SOLUTIONS TO REDUCE TAXES IN BRADBURY FOR SUSTAINABLE VIABILITY:

The City Council will consider ideas and comments from residents regarding long-germ solutions to the City's fiscal challenges, specifically potential strategies for enhancing and creating new revenue.

Mayor Pro-Tem Lathrop suggested to add "and/or cost savings" to long-term solutions to reduce taxes in Bradbury for sustainable viability.

There was no discussion at this meeting for this ongoing item.

MATTERS FROM THE CITY MANAGER:

City Manager Keith reported that City Hall will be closed on Wednesday, November 23 (furlough day) and Thursday & Friday, November 24-25, for Thanksgiving.

Ms. Keith also reported that the wife of our building inspector Stephen Fagan is gravely ill with only two weeks to two months to live, so he is taking time off. Roger Banowitz will fill in for Mr. Fagan. In the meantime the City is scaling back on non-essential code enforcement.

Ms. Keith stated that staff has no information yet on the funeral services for Joe Gifford.

MATTERS FROM THE CITY COUNCIL:

MAYOR LEWIS:

Nothing to report.

MAYOR PRO-TEM LATHROP:

Nothing to report.

COUNCILMEMBER PYCZ:

Nothing to report.

COUNCILMEMBER BARAKAT:

Councilmember Barakat stated that General Manager of the County Sanitation Districts is retiring. He had not received a raise in six years. His replacement is many steps lower on the pay scale. The County Sanitation Districts also re-financed bonds to save money.

Councilmember Barakat stated that the "new" Asian Tiger Mosquito is running amok and the San Gabriel Valley Mosquito & Vector Control District is having a hard time containing it.

COUNCILMEMBER HALE:

Nothing to report.

ITEMS FOR FUTURE AGENDAS:

Councilmember Barakat suggested the City Council make a presentation to Joe Gifford's family at the December meeting to recognize Joe's service on the Planning Commission from 1985 to 2011.

CLOSED SESSION:

The City Council met in Closed Session to discuss Anticipated Litigation/Initiation of Litigation pursuant to California Government Code Section 54956.9(c).

REPORT FROM CLOSED SESSION:

The City Council reconvened the Open Session. City Attorney Reisman reported that the City Council decided to proceed with litigation but the release of details would compromise the case.

ADJOURNMENT: At 9:33 p.m. Mayor Lewis adjourned to the meeting to the next regular meeting to be held on Tuesday, December 20, 2011 at 7:00 p.m. at the Bradbury Civic Center.

MAYOR – CITY OF BRADBURY

ATTEST:

CITY CLERK – CITY OF BRADBURY