

**MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF BRADBURY
HELD ON TUESDAY, DECEMBER 15, 2020**

EXECUTIVE ORDER NO. 25-20:

Pursuant to Governor Newsom's Executive Order N-25-20, the City is allowing Council Members, Staff and the public to participate in this City Council meeting by means of a Zoom video or telephone call. Participants will be able to hear the entire proceedings (other than the Closed Session) and be able to speak during Public Comment, Public Hearing, and other authorized times. Members of the public must maintain silence and mute their microphones and telephones except during those times.

MEETING CALLED TO ORDER:

The Regular Meeting of the City Council of the City of Bradbury was called to order by Mayor Lewis at 7:00 p.m. followed by the Pledge of Allegiance.

ROLL CALL:

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

ABSENT: None

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

APPROVAL OF AGENDA:

Councilmember Hale made a motion to approve the agenda to proceed with City business. Councilmember Barakat 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 stated there were none.

PUBLIC COMMENT:

None

PUBLIC SAFETY COMMITTEE UPDATE:

No update this month

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 "waive further reading and adopt."

- A. Minutes – Regular Meeting of November 17, 2020
- B. Resolution No. 20-22: Demands & Warrants for December 2020
- C. Monthly Investment Report for the month of November 2020
- D. Resolution No. 20-23: Designating Sophia Freyre as Deputy City Clerk

**MOTION TO APPROVE
CONSENT CALENDAR:**

Councilmember Barakat made a motion to approve the Consent Calendar as presented. Councilmember Hale seconded the motion, which was carried by the following roll call vote:

APPROVED:

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

NOES: None

ABSENT: None

Motion passed 5:0

**ADOPTION OF ADMINISTRATIVE
POLICY NO. 20-02
(GIFTS AND GRATUITIES POLICY):**

City Manager Kearney stated that during the November meeting, the City Council directed staff to develop an Administrative Policy that covers gifts and gratuities for City employees. Administrative Policy No. 20-02 was drafted in response.

**CALIFORNIA POLITICAL
REFORM ACT:**

The California Political Reform Act ("Act") defines gifts, imposes regulations and provides guidance for valuing gifts for designated employees and local officials of municipal government agencies. Overall, the Act restricts the acceptance of gifts from any single source totaling more than \$500 in a calendar year (increasing to \$520 as of January 1, 2021). Local officials and employees must report gifts from a single source aggregating to \$50 or more during the preceding calendar year on their Form 700 Statement of Economic Interests as required by the California Fair Political Practices Commission (FPPC).

NOVEMBER MEETING:

At the request of Councilmember Lathrop at the October 2020 meeting, the City Council at its November meeting discussed City and State regulations on gifts and gratuities. The City Council also reviewed gift policies from the cities of Arcadia, Monrovia and Los Angeles. Ultimately, the City Council directed staff to draft an Administrative Policy that would closely resemble Monrovia's policy.

**DRAFT ADMINISTRATIVE
POLICY NO. 20-02:**

The draft Administrative Policy No. 20-02 (Gifts and Gratuities Policy) goes beyond the State's current regulations and restricts gifts or gratuities of a material value aggregating \$50 or more during a calendar year. It also defines a gift as any payment or benefit that confers a personal benefit on the recipient or family member for which they have not provided equal or greater consideration to the donor. The policy restriction excludes gifts that are consumable or usable on the work premises that are designed to be enjoyed by all employees, which is similar to Monrovia's policy. Administrative Policy No. 20-02 ensures that nothing in the policy is in conflict with the current State regulations and makes policy statements for employees to make clear the need to diligently maintain an atmosphere free of potential conflicts of interests.

RECOMMENDATION:

It is recommended that the City Council adopt Administrative Policy No. 20-02 (Gifts and Gratuities Policy).

DISCUSSION: Councilmember Lathrop stated that the second paragraph in the Administrative Policy under PROCEDURE which reads *"The gifts subject to this section do not include holiday gifts to a group of employees, or plaques and trophies"* should be amended by deleting *"holiday gifts to a group of employees."*

MOTION: Councilmember Lathrop made a motion to adopt Administrative Policy No. 20-02 (Gifts and Gratuities Policy), as amended. Councilmember Barakat seconded the motion, which was carried by the following roll call vote:

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

Motion passed 5:0

REJECTION OF KIMLEY-HORN'S SOLE BID FOR THE CITY'S 2021-2029 HOUSING ELEMENT UPDATE AND AUTHORIZATION FOR THE CITY MANAGER TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH ANY COMPETENT PROFESSIONAL TO PERFORM THE WORK:

City Manager Kearney stated that the City recently underwent two Requests for Proposals (RFP) for the City's Housing Element Update. The first RFP resulted in zero bids. Staff released a second RFP, and it resulted in a bid from Kimley-Horn for \$194,150. Staff feels this bid is high for the scope of work.

Pursuant to BMC Section 2.07.260(1), the City Council may elect to bypass competitive bidding if they feel it would cause unnecessary expense or delay. Given that the City has already undergone two (2) separate RFPs to secure a Housing Element consultant, staff believes that going through another RFP process would cause delay, given the State's October 2021 deadline, and would not produce different results. Staff feels that there would be greater success in both price and time if staff could work toward locating a competent professional and enter into a contractual agreement.

RECOMMENDATION: It is recommended that the City Council reject the sole bid. It is also recommended that the City Council vote, under Bradbury Municipal Code Section 2.07.260, to waive the requirements of notice and competitive bids and authorize the City Manager to negotiate and enter into an agreement (subject to the City Council ratification at the next City Council meeting) with any competent professional to perform the necessary services to timely adopt a Housing Element.

ANALYSIS: The implementation of SB 375 (2007) requires that the City's next Housing Element (HE) be certified by the State no later than October 15, 2021 for the 2021-2029 planning cycle with subsequent certification by the State Department of Housing and Community Development. Per Government Code Sections 65303 et seq., local jurisdictions must update the Safety Element related to fire hazard and climate adoption and resiliency strategies upon this revision of the Housing Element. Cities who have met past deadlines for HE updates are afforded the reward of only having to undergo an update once every eight (8) years. Those cities who have not previously submitted on-time are required to complete mid-term updates, which means cities have to undergo HE submissions every four

(4) years. Bradbury's most recent mid-year update was late, so the City is currently on the four (4) year cycle.

DISCUSSION:

City Manager Kearney stated that he is courting a consultant who is offering to do the Housing Element Update on time and for a reasonable price.

Mayor Lewis asked what was "wrong" with the RFP. City Manager Kearney stated that there is no real reason other than preparing a proposal is a big deal that takes lots of hours.

Councilmember Lathrop suggested that the City Manager reach out to Karen Warner, who did our last HE Update because basically she would just have to update her own work. This would also increase the pool of consultants a little bit. Councilmember Lathrop agreed that the bid from Kimley-Horn seemed far out of whack.

Mayor Lewis stated that one bid looks odd and that we need to be transparent.

MOTION:

Councilmember Hale made a motion to reject the sole bid pursuant to Bradbury Municipal Code Section 2.07.260, to waive the requirements of notice and competitive bids and authorize the City Manager to negotiate and enter into an agreement (subject to the City Council ratification at the next City Council meeting) with any competent professional to perform the necessary services to timely adopt a Housing Element. Councilmember Barakat seconded the motion, which was carried by the following roll call vote:

APPROVED:

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

NOES: None

ABSENT: None

Motion passed 5:0

MATTERS FROM THE CITY MANAGER:

City Manager Kearney stated that he had nothing to report and wished everyone Happy Holidays.

MATTERS FROM THE CITY ATTORNEY:

City Attorney Reisman seconded what the City Manager said.

MATTERS FROM THE CITY COUNCIL:

MAYOR LEWIS:

Nothing to report

MAYOR PRO-TEM BRUNY:

Nothing to report

COUNCILMEMBER LATHROP:

Councilmember Lathrop wished everyone a Happy Holiday.

COUNCILMEMBER BARAKAT:

Councilmember Barakat stated that there was not a single human case of West Nile Virus in the San Gabriel Valley this year.

COUNCILMEMBER HALE:

Councilmember Hale stated that he has plans for the proposed road widening on Wild Rose.

CLOSED SESSION

**PUBLIC COMMENT REGARDING
CLOSED SESSION ONLY:**

None

RECESS TO CLOSED SESSION:

A. Public Employee Performance Evaluation
Government Code Section 54957(b)(4)
Title: VCA – Building & Safety

REPORT FROM CLOSED SESSION:

The City Council instructed the City Attorney and City Manager as to how to proceed. No formal votes were requested or taken.

ITEMS FOR FUTURE AGENDAS:

None

ADJOURNMENT:

Mayor Lewis adjourned the meeting to Tuesday, January 19, 2021 at 7:00 p.m.



MAYOR – CITY OF BRADBURY

ATTEST:



CITY CLERK – CITY OF BRADBURY