

**MINUTES OF A REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF BRADBURY  
HELD ON TUESDAY, APRIL 18, 2017**

**MEETING CALLED TO ORDER AND  
PLEDGE OF ALLEGIANCE:**

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

**ROLL CALL:**

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

ABSENT: None

STAFF: City Attorney Reisman, City Clerk Saldana and Management Analyst Parker-St John

**APPROVAL OF AGENDA:**

The City Council approved the agenda to proceed with City business.

**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.

Mayor Pro-Tem Lathrop stated that he has to abstain from approving demands & warrants for AxonTech.

**REORGANIZATION:**

Every year in April the City Council reorganizes and appoints a Mayor and Mayor Pro-Tem for the term of one year.

**APPOINTMENT OF MAYOR:**

Mayor Lewis nominated Mayor Pro-Tem Lathrop for the position of Mayor. There were no further nominations. All ayes. Motion carried 5:0.

**APPOINTMENT OF MAYOR PRO-TEM:**

Councilmember Hale nominated Councilmember Pycz for the position of Mayor Pro-Tem. There were no further nominations. All ayes. Motion carried 5:0.

**COMMENTS BY NEW MAYOR:**

Mayor Lathrop stated he will continue to keep the City on track and that the City Council is looking forward to working with the new permanent City Manager, Kevin Kearney, who starts on May 1<sup>st</sup>.

**NEW ROLL CALL:**

Mayor Lathrop, Mayor Pro-Tem Pycz,  
Councilmembers Barakat, Hale and Lewis

**PUBLIC COMMENT:**

None

**PRESENTATION:**

Los Angeles County Assistant Fire Chief Jim Enriquez, Division II, East Regional Operation Bureau, gave a Power Point presentation (attached) regarding evacuation procedures associated with the San Gabriel Complex Fire, which consisted of two brush fires that started the morning of June 20, 2016 and led to the evacuation of 1376 homes, including homes in Bradbury on Mount Olive Drive (north of Royal Oaks Drive) and all of Woodlyn Lane.

Mayor Lathrop and Councilmember Lewis had some questions/comments regarding the mandatory evacuation in the City of Bradbury during the fire. Assistant Fire Chief Enriquez responded that he understands that evacuations are inconvenient for residents but they are necessary to protect lives and property. Residents have the choice to sign a waiver if they do not wish to evacuate. Chief Enriquez concluded his presentation with the statement that thanks to the efforts of the LA County Fire Department and Sheriff's Department no lives were lost and no homes destroyed in the San Gabriel Complex Fire.

**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 City Council Meeting of March 21, 2017
- B. Minutes – Adjourned City Council Meeting of March 27, 2017
- C. Minutes – Special City Council Meeting of April 7, 2017
- D. Resolution No. 17-06: Demands & Warrants for April 2017
- E. Monthly Investment Report for the month of March 2017
- F. Quarterly Budget Review (as of March 31, 2017)
- G. Approval of Employment Agreement with City Manager
- H. Reappointment of Planning Commissioners for Districts 1, 3 & 5
- I. Award of Tree Maintenance Contract to Mariposa Landscapes, Inc.
- J. Award of Street Sweeping Contract to Burrtec Waste Services, LLC

Mayor Lathrop pulled items A, D and I for discussion.

**CORRECTION TO MINUTES:**

There was a correction to the March 21 Minutes on page 4 regarding the intent of SB 541.

**DEMANDS & WARRANTS:**

Mayor Lathrop had a question regarding Check No. 14400 in the amount of \$425.26 payable to Anne Absey. Councilmember Lewis clarified that the check is to reimburse Ms. Absey for damages to her driveway incurred during the Woodlyn Lane Street Rehabilitation Project.

**STREET TREE MAINTENANCE CONTRACT:**

The City Council approved the Tree Service Proposal from Mariposa in the amount of \$17,960.00 and directed the City Attorney to prepare a Professional Services Agreement with Mariposa Landscapes, Inc.

**MOTION TO APPROVE CONSENT CALENDAR:**

Councilmember Lewis made a motion to approve the Consent Calendar as amended. 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

**MUNICIPAL CODE CODIFICATION  
FOR THE CITY OF BRADBURY:**

City Attorney Reisman stated that after more than a year's work with staff, Municipal Code Corporation (Municode) has finally completed its codification of the Bradbury Municipal Code. Many of the provisions are carried over from the previous Municipal Code and City ordinances; some are updated or revised. Notes accompanying each section describe the origin.

The City Council had a first reading of Ordinance No. 346, and introduced same at its meeting of March 21, 2017. The re-codified Municipal Code will become effective 30 days after adoption (on April 21, 2017).

**RECOMMENDATION:**

It is recommended that the City Council waive further reading and adopt Ordinance No. 346:

**ORDINANCE NO. 346:**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY, CALIFORNIA, ADOPTING AND ENACTING A MUNICIPAL CODE FOR THE CITY, PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE, AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE

**PUBLIC HEARING OPENED:**

Mayor Lathrop opened the public hearing and asked those wishing to speak in favor or opposition to come forward and be heard.

**PUBLIC HEARING CLOSED:**

There being no public comment, Mayor Lathrop declared the public hearing closed.

**MOTION:**

Councilmember Lewis made a motion to adopt Ordinance No. 346. Councilmember Hale 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

**ORDINANCE NO. 347:**

At the March 21, 2017 meeting the City Council adopted Urgency Ordinance No. 347U:

AN ORDINANCE OF THE CITY OF BRADBURY ADOPTING BY REFERENCE TITLE 26 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA BUILDING CODE, 2016 EDITION; TITLE 27 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA ELECTRICAL CODE, 2016 EDITION; TITLE 28 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA PLUMBING CODE, 2016 EDITION; TITLE 29 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA MECHANICAL CODE, 2016 EDITION; TITLE 30 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA RESIDENTIAL CODE, 2016 EDITION; TITLE 31 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2016 EDITION; ADD TITLE 33 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA EXISTING BUILDING CODE,

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EDITION 2016; ADD THE CALIFORNIA HISTORICAL BUILDING CODE, EDITION 2016; MAKING AMENDMENTS TO SAID CODES; AMENDING TITLE IV, CHAPTER 3, TITLE XVII, CHAPTERS 1, 2, 3, 4, 5, 6, 7, 8, 9 AND ADDING CHAPTERS 12 AND 13

The City Council set the public hearing for introduction and first reading of Ordinance No 347 for April 18, 2017 and asked for a summary of the amendments to the 2016 Building Code, to be provided by VCA Code Group, which provides building and safety services to the City. City staff has not received this summary yet and City Attorney Reisman advised staff that the public hearing can be postponed until the May City Council Meeting given that the urgency ordinance is still in effect.

**RECOMMENDATION TO POSTPONE PUBLIC HEARING TO MAY MEETING:**

It is recommended that the City Council postpone the public hearing for Ordinance No. 347 to the May 16, 2017 meeting. The City Council had no objection.

**UUT OVERSIGHT COMMITTEE REPORT:**

Per Section 6722 of the voter approved ordinance on the Utility Users Tax (UUT) an Oversight Committee was appointed by the City Council to review and make recommendations concerning the audit and collection of the funds collected and/or remitted for the UUT. This report is being presented to the City Council by the members of this committee concerning the current year and with consideration of the upcoming 2017-2018 budget.

**RECOMMENDATION:**

It is recommended that the City Council receive and review this report and provide further direction to staff.

**PRESENTATION OF REPORT:**

Committee member Daniel Hyde presented the fourth annual report to the City Council. City Treasurer Laurie Stiver was also present.

**CONCLUSION AND COMMITTEE RECOMMENDATION:**

Mr. Hyde stated that the City Council has the option to lower the UUT rates, maintain the current rates, raise rates, or to allow the UUT Ordinance to expire. Significant time, effort, and expense were required to establish the UUT and to implement collection by the Utility Service Providers. The Committee therefore does NOT recommend allowing the UUT Ordinance to expire. While the need to expend UUT revenues has not materialized as soon as expected at the time the UUT Ordinance was adopted, the need still exists as long as the MS4 Permit compliance requirements remain in force. The Committee therefore recommends that until the extend of the City's MS4 compliance requirements are known, the UUT should remain in effect and that the City Council should continue to collect utility users tax at the current rates.

**DISCUSSION:**

Mayor Lathrop pointed out that the City's General Fund Balance continues to grow and handed out a chart he prepared showing the monthly cash balance growth from January 2015 (\$2,449,232) to April 2017 (\$3,509,044).

Mayor Pro-Tem Pycz disagreed with the conclusion of the UUT report stating that the City is not getting hit with the permit costs and asked if the Committee has considered dropping the rate.

Councilmember Hale stated that the MS4 permit costs are coming.

Councilmember Barakat stated that the City could spend the funds collected on something else.

Mayor Lathrop stated that the City Council made a promise to our residents to reduce the UUT rate if possible, but he is giving up the fight. It's only more year until the UUT Ordinance expires. The City is not going bankrupt.

Councilmember Lewis stated that the City needs its General Fund monies for sewers and other capital improvement projects, not NDPEs compliance.

**UUT REPORT ORDERED RECEIVED AND FILED:**

The City Council thanked the Committee for the presentation and ordered the fourth annual UUT report received and filed.

**DISCUSSION – CONSIDERATION OF HIRING A SPECIAL PLANNER FOR OAK VIEW ESTATES PROJECT:**

At the March 21, 2017 meeting, Councilmember Hale requested that the City Council discuss hiring a Special Planner for the administration of the Environmental Review of the proposed 90-acre Oak View Estates project located in the Bradbury Estates.

**RECOMMENDATION TO POSTPONE DISCUSSION TO MAY MEETING:**

Due to the absence of a City Manager during the month of April there is no agenda report for this item and staff is recommending that the City Council postpone this discussion to the May 16, 2017 meeting.

**DISCUSSION:**

Councilmember Hale stated that he had a problem with waiting until the May meeting because this project has been going on for a long time and no progress has been made to move forward. Councilmember Hale stated that the cost for the Special Planner would be paid for by the applicant, not the City. Councilmember Hale has proposed in the past to hire former City Planner David Meyer for this project. City Attorney Reisman stated that there is a conflict of interest or at least the appearance of impropriety because David Meyer serves as a consultant for the Bradbury Estates Community Services District (CSD).

Mayor Lathrop stated that the City Attorney needs to discuss this matter with the new City Manager (Kevin Kearney) and to wait until May. Councilmember Hale stated that he was disappointed as this has been going on for years.

The City Council agreed to direct the new City Manager to put this item on top of his list of things to do.

**MOTION:**

Councilmember Hale made a motion to direct the new City Manager, Kevin Kearney, to start the process of obtaining proposals for a Special City Planner for the Oak View Estates Project for the May 16, 2017 City Council meeting. Councilmember Lewis seconded the motion, which carried unanimously.

**COMMENT BY FUTURE CM:**

Mr. Kearney, who was in the audience, stated that he has to work out a time line and that the proposals will probably not be ready for the May agenda.

**DISCUSSION – CITY COUNCIL LIAISONS  
FOR FISCAL YEAR 2017-2018 AND  
RESOLUTION NO. 17-07 PERTAINING TO  
THE APPOINTMENTS TO THE SGVCOG:**

The City Council discussed the 2017-2018 organization and association assignments. It is recommended that the City Council designate City Councilmembers to organizations and associations and adopt Resolution No. 16-07 pertaining to the San Gabriel Valley Council of Governments.

**ASSOCIATION/ORGANIZATION:**

California Contact Cities Association (CCCA):

Rep: vacant

Alt: vacant

League of California Cities:

Rep: Mayor Lathrop

Alt: vacant

LA County City Selection Committee:

Rep: Mayor Lathrop (must be Mayor)

Alt: Mayor Pro-Tem Pycz

LA County Sanitation Districts:

Rep: Mayor Lathrop (must be Mayor)

Alt: Councilmember Barakat

San Gabriel Valley Council of Governments (SGVCOG):

Rep: Councilmember Barakat

Alt: vacant

Southern California Association of Governments (SCAG):

Rep: vacant

Alt: vacant

Southern California Joint Powers Insurance Authority (JPIA):

Rep: Councilmember Pycz

Alt: vacant

Foothill Transit:

Rep: Councilmember Barakat

Alt: Councilmember Lewis

San Gabriel Valley Mosquito & Vector Control District:

Rep: Councilmember Barakat (term expires December 2019)

Duarte Community Education Council (CEC) and

Duarte Education Foundation:

Rep: Mayor Lathrop

Alt: Councilmember Hale

Duarte Education Foundation:

Rep: Mayor Lathrop

Alt: Councilmember Hale

Area D Emergency Services and

Director of the Bradbury Disaster Committee:

Rep: Councilmember Lewis

Alt: Mayor Lathrop

Temple Station Booster Club:

Rep: Councilmember Barakat

Civic Center Committee:  
Rep: Councilmember Hale  
Alt: Mayor Pro-Tem Pycz

**RESOLUTION NO. 17-07  
ADOPTED:**

The City Council adopted Resolution No. 17-07 by a 5:0 vote appointing Councilmember Barakat as the Governing Board Member. The position of Alternate Governing Board Member to the San Gabriel Valley Council of Governments is vacant.

**DIRECTION TO STAFF:**

Staff was directed to provide the City Council with a review of Associations which require membership dues at next month's meeting.

**MATTERS FROM THE CITY ATTORNEY:**

City Attorney Reisman gave the Closed Session report from the Special Meeting held on April 7, 2017: The City Council authorized Gary Phillips of Bob Murray & Associates to extend an offer of employment to Kevin Kearney for the position of City Manager (annual salary \$102,500.00) and directed the City Attorney to draft the Employment Agreement for approval at tonight's meeting (see Consent Calendar item #G).

**MATTERS FROM THE CITY COUNCIL:**

**MAYOR LATHROP**

Mayor Lathrop handed out a press release regarding Duarte High School students having received acceptance notifications by top colleges, including Harvard, UCLA, Duke University and UC Berkeley.

**MAYOR PRO-TEM PYCZ:**

Nothing to report

**COUNCILMEMBER BARAKAT:**

Nothing to report

**COUNCILMEMBER HALE:**

Nothing to report

**COUNCILMEMBER LEWIS:**

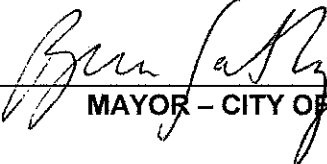
Nothing to report

**ITEMS FOR FUTURE AGENDAS:**

- Discussion regarding the need for a special Planner for Oak View Estates
- Public Hearing: Introduction and First Reading of Ordinance No. 347 (Adoption of Los Angeles County Building Codes, 2016 Edition)
- Discussion Item: San Diego County Water Authority vs Metropolitan Water District

**ADJOURNMENT:**

At 8:20 p.m. Mayor Lathrop adjourned the meeting to Tuesday, May 16, 2017 at 1:00 p.m.

  
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**MAYOR – CITY OF BRADBURY**

**ATTEST:**

  
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**CITY CLERK – CITY OF BRADBURY**