

**MINUTES OF A REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF BRADBURY  
HELD ON TUESDAY, NOVEMBER 21, 2017**

- MEETING CALLED TO ORDER:** The Regular Meeting of the City Council of the City of Bradbury 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 and Hale  
ABSENT: Councilmember Lewis  
STAFF: City Manager Kearney, City Attorney Reisman, City Clerk Saldana and Management Analyst Santos Leon
- COUNCILMEMBER LEWIS EXCUSED:** Mayor Lathrop made a motion to excuse Councilmember Lewis from the meeting. Mayor Pro-Tem Pycz seconded the motion, which carried unanimously.
- APPROVAL OF AGENDA:** Councilmember Barakat made a motion to approve the agenda to proceed with City business. Councilmember Hale seconded the motion which carried.
- 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 Lathrop stated that he has to abstain from Consent Calendar Item #E (Approving Amendments to the San Gabriel Valley Council of Government's Joint Powers Agreement)
- PUBLIC COMMENT:** None
- 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 October 21, 2017  
B. Resolution No. 17-18: Demands & Warrants for November 2017  
C. Monthly Investment Report for the month of October 2017  
D. Revisions to the City's Investment Policy  
E. Resolution No. 17-19: Approving Amendments to the San Gabriel Valley Council of Government's Joint Powers Agreement

**ITEM #D PULLED FROM  
CONSENT CALENDAR:**

Mayor Lathrop pulled item #D (Revisions to the City's Investment Policy) from the Consent Calendar for discussion. City Manager Kearney stated that staff proposed to revise the City's current Investment Policy to allow the purchase of negotiable CDs out to three years in maturity. The City Treasurer has reviewed the policy and made a significant number of additional changes.

Mayor Lathrop suggested two changes be made to the policy:

**Delegation of Authority** (Page 2). The following sentence should remain: *"Except as to protect the principal of the City's money, all changes in the nature or investments of City funds shall require approval by the City Council."*

**Review and/or Modifications** (Page 5) should read as follows: *"The City Manager and City Treasurer shall be responsible for reviewing and modifying this investment policy as conditions warrant and submit same for re-approval to the City Council."*

**MOTION TO APPROVE  
CONSENT CALENDAR ITEM #D:**

Councilmember Hale made a motion to approve the Revisions to the City's Investment Policy as amended. Councilmember Barakat seconded the motion, which was carried by the following roll call vote:

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

NOES: None

ABSENT: Councilmember Lewis

Motion passed 4:0

**MOTION TO APPROVE  
CONSENT CALENDAR:**

Councilmember Barakat moved to approve the Consent Calendar, Items #A, B, C and E, 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,  
Councilmember Barakat and Hale

NOES: None

ABSENT: Councilmember Lewis

ABSTAIN: Mayor Lathrop (item #E only)

Motion passed 4:0

**DISCUSSION – REVIEW OF CITY'S  
NOISE ORDINANCE:**

City Manager Kearney stated that staff has recently received inquiries regarding the City's noise ordinance as it pertains to construction and hours of operation. The Bradbury Municipal Code currently allows for construction and the operation of mechanically powered equipment between the hours of 7:00 am and 7:00 pm on weekdays, and 9:00 am and 7:00 pm on weekends and holidays. Staff compared the municipal code as it pertains to noise, construction and hours of operations with the neighboring cities of Arcadia, Duarte and Monrovia.

**RECOMMENDATION:**

It is recommended that the City Council review the current noise regulations (BMC Section 9.127.080) and provide staff with direction on how to proceed. Should the Council decide to make changes to the City's municipal code pertaining to hours of operation, staff will present an ordinance revising the municipal code for introduction and first reading at the December 19th meeting. The revised ordinance would go into effect 30 days after second reading and adoption at the January 16, 2018 meeting.

**DISCUSSION:**

Councilmember Hale stated that he sees no reason to change the ordinance.

Councilmember Barakat felt that there should be no construction on holidays and suggested to shorten the hours on Sunday.

Mayor Pro-Tem Pycz stated that we need to itemize the holidays. Mayor Pro-Tem Pycz also inquired how this got on the agenda.

Councilmember Barakat replied that there is a problem in his District.

The Council discussed enforcement on weekends and holidays when City Hall is closed.

The City Council designated the following six (6) holidays:  
New Year's Day  
Memorial Day  
Independence Day (4<sup>th</sup> of July)  
Labor Day  
Thanksgiving  
Christmas

**ACTION:**

The City Council directed staff to prepare an ordinance for introduction and first reading at the December 19, 2017 meeting prohibiting construction on the designated six holidays as discussed.

**DISCUSSION – LEMON TRAIL RECONSTRUCTION:**

City Manager Kearney stated that the Lemon Trail was constructed around 2005 and was dedicated to the City under two parcel maps (PM No. 26407 and PM No. 61576). It is assumed that the construction of the trail was conditioned as part of the approval of the two parcel maps. Over the years the City has received a number of complaints during the rainy season regarding runoff from the trail onto Royal Oaks Drive North and the clogging of private drains on properties adjoining the trail. It is unclear if there were any construction plans prepared for the trail. Neither the City nor RKA can locate any plans. The final inspection of the trail occurred prior to RKA's contract with the City.

**RUNOFF ISSUES:**

Since its construction the City has only performed remediation repairs after the trail was damaged from erosion and has not performed any mitigation improvements to prevent any future damage and/or erosion.

**EVALUATION BY RKA:**

After evaluating the Lemon Trail, RKA is recommending that remediation improvements be made to the trail to prevent future runoff. This would include re-grading, providing water bars, repairing the existing drainage facilities and re-applying a compacted DG surface. To start remediation, a survey of the entire trail would need to be completed, including the development of a set of improvement plans. Once the survey and plans are developed, the project could be completed all at once or it could be divided into small segments of remediation.

**FINANCIAL REVIEW:**

RKA is recommending the first step to remediation improvements is to survey the entire trail and develop a set of improvement plans. The cost of this would be approximately \$5,000. Overall, it is anticipated that the total cost of remediation would be approximately \$30,000, although RKA has indicated that work could be done in segments over a period of time, potentially at a slightly higher cost. Final costs of doing the project in segments could be determined once the survey is done and the plans have been completed.

**TDA FUNDS AVAILABLE:**

City Manager Kearney stated that the City currently has \$20,000 in TDA funds available to potentially use toward the funding of this project. Every year, the City receives \$5,000 in TDA Funds, and the City currently has a surplus that could be used. These funds are restricted to bikeways and pedestrian ways, which could include a trail reconstruction project. Should the Council decide to use TDA funds, the City would be utilizing General Fund money to pay for the remaining costs.

**RECOMMENDATION:**

Staff recommends that the City Council consider appropriating \$5,000 in TDA funds in the 2017-18 budget toward the surveying of the Lemon Trail and the development of the improvement plans. Once this is completed, it is recommended that Council direct staff to bring an action plan to Council for review at a future meeting, which would include recommendations on timelines for moving forward all at once with the project or in segments.

**DISCUSSION:**

The City Council discussed paving the trail. City Attorney Reisman stated that a paved trail is more liability than a nature trail. Councilmember Barakat stated that it's a horse trail and paving a horse trail makes no sense. Mayor Pro-Tem Pycz would like to see options before spending \$5,000. City Manager Kearney stated that he will work with RKA, but that we need the survey and development plans to know what options are available to remedy the trail issues. City Manager Kearney added that the staff will also be looking into paving at as part of the survey,

**MOTION:**

Mayor Pro-Tem Pycz made a motion to spend \$5,000 in TDA funds for RKA to move forward with the survey and development plans of the Lemon Trail. Councilmember Hale seconded the motion, which was carried by the following roll call vote:

**APPROVED:**

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

NOES: None

ABSENT: Councilmember Lewis

**DISCUSSION – REQUEST TO USE CIVIC CENTER PARKING LOTS:**

City Manager Kearney stated that on October 15, 2017 staff received a request from resident Anne Absey, Director of Animazonia Wildlife Foundation, to utilize the Civic Center parking lots to host a fundraising event. This type of request is not specifically addressed by the current Civic Center Facility Use Policy. It is recommended that the City Council consider Animazonia's request and direct staff on how to proceed.

**BACKGROUND:**

Animazonia Wildlife Foundation is a non-profit organization dedicated to providing a permanent sanctuary to exotic wildcats that cannot be rehabilitated. Active members of the organization are residents of Bradbury, including the founder and three members of the Board of Directors. According to Anne Absey, a number of Bradbury residents support the organization.

**ANNUAL EVENT:**

Animazonia hosts an annual event to raise funds for the organization. In previous years the event was hosted at a private residence in Sierra Madre. This venue is no longer available. As a result, Animazonia is interested in hosting a garage sale at the Civic Center parking premises over the course of three consecutive days – Friday through Sunday. In order to minimize the impact on City Hall business hours the organization is proposing to hold the event on a weekend with a furlough Friday. If that does not work (the next furlough Fridays are February 2 and March 2, 2018), the organization proposes to begin set-up on Friday in the back parking lot to prevent visibility from the street. Set-up time would be determined by staff. The garage sale would take place on Saturday and Sunday from 8:00 am to 3:00 pm.

**RECOMMENDATION:**

It is recommended that the City Council consider Animazonia's request and direct staff on how to proceed. If the Council desires to move forward, a review of the Civic Center Facility Use Policy is suggested to determine if a fee is applicable, and if so, which fee schedule (Group 1, 2 or 3) is suitable for the organization, being that the policy does not directly address the usage of the Civic Center parking lots.

**DISCUSSION:**

Anne Absey, 44 Woodlyn Lane, stated that the organization is only asking for outdoor access and no staff assistance is required. There are no big ticket items to be sold at the event. The garage sale will be advertised with signs and a garage sale app. Ms. Absey stated that either February or March would be fine. Animazonia is asking for a fee waiver but agreed to pay for the security deposit.

Councilmember Hale inquired about liability and asked that the City be named an additional insured for the event.

Councilmember Barakat stated that the City does not want this to become a regular thing and wants to limit these kinds of events to once a year. Mr. Barakat also wants to make sure that people won't park on both sides of Winston Avenue. Ms. Absey stated that the front parking lot should suffice.

**LETTER FROM COUNCIL-MEMBER LEWIS:**

City Manager Kevin Kearney referred to a letter from Councilmember Lewis in support of the event.

**MOTION:**

Councilmember Barakat made a motion to grant the request by Animazonia to use the Civic Center parking lots for the garage sale event, with no access to the City Hall building, no street parking, and to waive the usage fee but not the security deposit. Mayor Pro-Tem Pycz seconded the motion, which was carried by the following roll call vote:

**APPROVED:**

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

NOES: None

ABSENT: Councilmember Lewis

Motion passed 4:0

City Manager Kearney stated that an update of the Civic Center Facility Use Policy was not needed. Animazonia's situation is quite unique in that a majority of its Boardmembers are Bradbury residents, which closely aligns with the current use policy. Staff will coordinate with Animazonia as the event draws near.

**DISCUSSION – RENEWAL OF THE UTILITY USER TAX (UUT):**

City Manager Kearney stated that the City's Utility Users Tax (UUT) will sunset on May 31, 2018. Since the passage of the UUT five years ago, the City's economic health has improved, but little has changed in resolving the uncertainty to the State's mandated stormwater compliance. Although staff is working with a group of surrounding cities to balance the need for financially achievable compliance, the current projections for Bradbury's stormwater compliance are estimated between 30 and 67 million dollars. With so much uncertainty, both staff and the UUT Oversight Committee recommend that the UUT remain in effect at the current rate until the City's stormwater compliance requirements are better known.

**JUNE 5, 2018 ELECTION:**

Should the City Council decide to move forward with renewing the UUT, staff would prepare the required ordinance and resolutions for review and approval by the City Council so that the UUT measure can be included on the ballot for the June 5, 2018 General Municipal Election.

**BACKGROUND:**

On May, 2013 the voters of the City of Bradbury approved Measure BB – Utility User Tax – ratifying the adoption of Ordinance No. 327. The Ordinance became effective on May 31, 2013 and sunsets on May 31, 2018. Ordinance No. 327 imposes a Utility Users Tax on gas, electric, cable, solid waste collection and telecommunication services at a rate of 5.5% and on water at the rate of 2.75%. Although these were the established rates at the time the ordinance passed, the implemented ordinance provides the City Council with the ability to adjust rates higher or lower, with a maximum of 3.5% on water and 7.5% on the other utilities.

According to the language in the ordinance, the UUT was adopted in order to preserve the City's essential municipal services, maintain a safe and quality community, and meet the obligations of state and federal mandates.

Although the language in the ordinance allowed for monies to be spent on essential municipal services, keeping it as General fund money, the City Council made a commitment to the community that UUT funds would be spent solely on the impending stormwater expenses.

**UUT OVERSIGHT COMMITTEE:**

As part of the UUT ordinance, an oversight committee was established to ensure integrity of monies collected and spent. According to Article VI, Chapter 7, Section 6722 of the Utility Users Ordinance, a six (6) member Oversight Committee was established. The Committee is comprised of the City Treasurer plus five (5) members of the community, with each Councilmember making one appointment. The ordinance specifies the duties of the Oversight Committee as "reviewing and making recommendations concerning the audit and collection of the funds collected and/or remitted."

**UUT OVERSIGHT COMMITTEE  
RECOMMENDATION:**

Overall, the UUT Oversight Committee felt that while there have been delays in the implementation of the MS4 Permit compliance requirements, the City's responsibility to comply with these requirements remain in effect and continue to have the potential to impose significant additional costs to the City. The Committee recommends to extend the UUT at the current rates until the City's MS4 Permit compliance requirements are known.

**OUTLOOK AND FINANCIAL ANALYSIS:**

The City Manager gave a Near Term Outlook (1-3 years), 3-5 Year Outlook and 5-15 Year Outlook and a detailed financial analysis on the NPDES/Stormwater management mandates.

**STAFF RECOMMENDATION:**

City Manager Kearney stated that the City's financial health has improved since the UUT's inception five years ago. However, there is still much uncertainty about the costs of stormwater compliance, with approximations of City expenditures ranging from 30 to 67 million dollars. With such uncertainty, both staff and the UUT Oversight Committee recommend renewing the UUT at the current rates. Should the Council decide to move forward with renewal, staff recommends that a measure renewing the UUT be put before the voters at the June 5, 2018 General Municipal Election.

**DISCUSSION:**

Mayor Lathrop felt that the \$30 to \$67 million price tag for stormwater compliance is not going to happen and it is absurd to talk about it. Mayor Lathrop also distributed a General Fund Balance chart he created to show the City's monthly cash in the bank from January 2015 through November 2017. The UUT balance as of 11/17 is \$648,489.85, the combined UUT and General Fund balance is \$2,811,638.35.

Mayor Pro-Tem Pycz stated that the current Ordinance No. 327 reads that the proceeds of the UUT shall be paid into the General Fund of the City, but that was not the intention of the City Council. The UUT proceeds were to be used for unfunded state mandates only.

Mayor Pro-Tem Pycz also stated that we never reduced the UUT rates. UUT Oversight Committee Member Anne Absey explained why the committee never reduced the UUT rates. The committee has been keeping track on developments and milestones regarding stormwater compliance and recommends to renew the UUT Ordinance.

Mayor Lathrop stated that he did not see an urgency to renew the UUT Ordinance because the City could borrow \$5 million anytime in case of an emergency. Mayor Lathrop also wants to wait and see what the County will do. Mayor Pro-Tem Pycz agreed with Mayor Lathrop to hold off on renewing the UUT Ordinance as long as possible.

Councilmember Barakat felt that if we wait (for the County) we might lose momentum.

**MOTION:**

Councilmember Hale made a motion to prepare the documents for the UUT renewal for the June 5, 2018 election, with further discussion at the next meeting. Councilmember Barakat seconded the motion, which was carried by the following roll call vote:

**APPROVED:**

AYES: Mayor Lathrop, Councilmembers Barakat and Hale

NOES: Mayor Pro-Tem Pycz

ABSENT: Councilmember Lewis

Motion passed 3:0

**MATTERS FROM THE CITY MANAGER:**

City Manager Kearney inquired about City Council's plans in regards to the Annual Appreciation Party. The City included \$1,200 in the FY 2017-18 budget for the event. Mayor Lathrop suggested to combine the Appreciation Party with the Citywide National Night Out event. Councilmember Barakat disagreed. City Manager Kearney stated that we would agendaize this item for further discussion at the December 19<sup>th</sup> meeting.

City Manager Kearney reported that she met with Don Hopper, who is going to facilitate the joint City Council/Planning Commission retreat on January 20, 2018. Don Hopper wants to interview each Councilmember and the Planning Chair before the retreat to get a better understanding of the issues. The fee for Don Hopper to facilitate this event is \$2,200. Mr. Hopper also suggested to have lunch after the meeting for "team building" purposes. City Manager Kearney reminded the Council that Commissioner Susan Esparza informed staff that she can't make the retreat due to a prior commitment.



City Manager Kearney stated that there will be no Weekly Memo this week because it's a short week and City Hall will be closed on Thursday and Friday for Thanksgiving.

**MATTERS FROM THE CITY ATTORNEY:**

City Attorney Reisman stated that the City Council needs to amend the Municipal Code to add "Time for Placement" for Trash Containers. This section seems to have been inadvertently omitted during codification of the Bradbury Municipal Code. An Ordinance will be prepared for the December agenda.

**MATTERS FROM THE CITY COUNCIL:**

**MAYOR LATHROP:**

Mayor Lathrop stated that the City Selection Committee does not have a quorum for the December 7<sup>th</sup> meeting and asked if anyone from Council is interested in attending.

**MAYOR PRO-TEM PYCZ:**

Nothing to report

**COUNCILMEMBER BARAKAT:**

Councilmember Barakat reported that the County Sanitation Districts are in negotiations with unions regarding the ½% cut in employee retirement benefits. Sanitation employees are asking for a 7% raise to make up for the loss.

**COUNCILMEMBER HALE:**

Councilmember Hale reported that the Annexation of four Monrovia parcels went through.

**COUNCILMEMBER LEWIS:**

Not present

**ITEMS FOR FUTURE AGENDAS:**

- Noise Ordinance
- UUT Ordinance
- Discussion regarding the Annual Appreciation Event
- Ordinance regarding "Time of Placement" for Trash Containers

**CLOSED SESSION**

**CONFERENCE WITH LEGAL COUNSEL  
RE ANTICIPATED LITIGATION:**

The City Council convened to a Closed Session for Conference with Legal Counsel.

1. Pending Litigation pursuant to Government Code Section 54956.9 (d) (3) (Based on existing facts and circumstances, the legislative body of the local agency is meeting only to decide whether a closed session is authorized pursuant Government Code Section 54956.9

(d) (2) One matter: BKK Tolling Agreement [(e) For purposes of paragraphs (2) and (3) of subdivision (d), "existing facts and circumstances shall consist only of one of the following: ...

(2) Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transitional occurrence that might result in litigation against the agency and that are known to a potential plaintiff or plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced.]

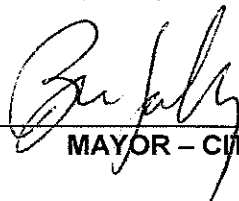
2. Pending Litigation pursuant to Government Code Section 54956.9 (d) (2) (A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.)

**RECONVENE INTO OPEN SESSION:**

City Attorney Reisman reported that the City Council was informed of the process and requested to discuss the matter. The City Council took no action taken at this time but may perhaps at a later date.

**ADJOURNMENT:**

At 8:55 p.m. Mayor Lathrop adjourned the meeting to Tuesday, December 19, 2017, at 7:00 pm.



\_\_\_\_\_  
MAYOR – CITY OF BRADBURY

**ATTEST:**

Claudia Saldaña  
CITY CLERK – CITY OF BRADBURY