

**MINUTES OF A REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF BRADBURY  
HELD ON TUESDAY, FEBRUARY 20, 2018**

- 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, Hale and Lewis  
STAFF: City Manager Kearney, City Attorney Reisman, City Clerk Saldana and Management Analyst Santos Leon
- APPROVAL OF AGENDA:** Councilmember Hale made a motion to approve the agenda to proceed with City business. Councilmember Barakat 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.  
  
City Attorney Reisman stated that he was not aware of any conflicts of interest.
- 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 January 16, 2018  
B. Resolution No. 18-02: Demands & Warrants for February 2018  
C. Monthly Investment Report for the month of January 2018  
D. Resolution No. 18-03: Allocating the City of Bradbury's Citizens' Option for Public Safety (COPS) Funds  
E. Resolution No. 18-04: Amending Resolution No. 17-22 Calling for an General Municipal Election to be held on June 5, 2018  
F. Resolution No. 18-05: Adopting Regulations for Candidates for Elective Office pertaining to Candidate Statements submitted to the voters at an Election to be held on June 5, 2018  
G. Award of Bid – Winston Avenue Sewer Improvement Project  
H. Amendment for the Proposed Subdivision and Development Project known as the "Oak View Estates" in the Bradbury Foothills
- ITEM E PULLED FROM CONSENT CALENDAR:** Mayor Lathrop pulled item G from the Consent Calendar for discussion.

**MOTION TO APPROVE  
CONSENT CALENDAR  
(EXCEPT ITEM G):**

Councilmember Hale made a motion to approve the Consent Calendar, except item G. Councilmember Lewis seconded the motion, which was carried by the following roll call vote:

**APPROVED:**

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

Motion passed 5:0

**DISCUSSION REGARDING  
CONSENT CALENDAR ITEM G –  
WINSTON AVENUE SEWER  
IMPROVEMENT PROJECT:**

Mayor Lathrop inquired about the large gap between the highest and the lowest bidder for the Winston Avenue Sewer Project ranging between \$518,444.00 and \$1,066,364.00. Mayor Lathrop also asked if RKA has any previous experience with Ramona, Inc., who is the lowest bidder. Cody Howing with RKA stated that the large gap is not that unusual. RKA has not previously worked with Ramona, Inc. but all their references checked out and there was nothing negative. Councilmember Barakat inquired about the 10% bid bond. Mr. Howing stated that the 10% bid bond is standard procedure.

**MOTION TO APPROVE  
CONSENT CALENDAR  
ITEM G:**

Councilmember Hale made a motion to approve Consent Calendar item G. Mayor Pro-Tem Pycz seconded the motion, which was carried by the following roll call vote:

**APPROVED:**

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

Motion passed 5:0

**INTRODUCTION AND  
FIRST READING OF  
ORDINANCE NO. 354:**

Management Analyst Santos Leon stated that the City of Bradbury restricts and/or prohibits parking in designated areas throughout the City. Recently it was brought to staff's attention that some areas that were originally listed in the Bradbury Municipal Code (BMC) are not included any longer. Ordinance No. 354 reinstates language that includes the previously designated No Parking Areas (old Section 3204) and the restrictions on Mount Olive Drive and Mount Olive Lane.

**RESTRICTED PARKING AREAS:**

- Bradbury Hills Lane, both sides, for the entire length thereof
- Bradbury Hills Road, both sides, for the entire length thereof
- Bradbury Road, east side only, for the entire length thereof
- Lemon Avenue, north side only, for the entire length thereof
- Mount Olive Drive, northerly of Woodlyn Lane to the City Limits
- Royal Oaks Drive North, both sides, for the entire length thereof
- Winston Avenue, both sides, for the entire length thereof
- Woodlyn Lane, within gated area, both sides, for the entire length thereof
- Woodlyn Lane, outside the gated area, both sides, for the entire length thereof

**BRAEWOOD DRIVE:**

According to the BMC, Braewood Drive has two (2) hour restricted parking between the hours of 7:00 am to 6:00 pm every day except on Sunday.

**MOUNT OLIVE DRIVE AND  
MOUNT OLIVE LANE:**

Prior to the recodification, Section 3202 stated that no person shall park any motor vehicle or leave standing any motor vehicle between the hours of 4:00 am and 5:00 am on those certain public streets within the City hereinafter set forth:

- Mount Olive Drive
- Mount Olive Lane

As a result of the omitted information in Ordinance No. 338, it is difficult to enforce parking restrictions in the City. Staff proposes to reinstate the areas listed above in order to reestablish the designated areas with restricted and/or no parking on the street.

**RECOMMENDATION:**

It is recommended that the City Council introduce for first reading, by title only, Ordinance No. 354:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY AMENDING THE BRADBURY MUNICIPAL CODE REGARDING PARKING PROHIBITIONS ON DESIGNATED STREETS

**DISCUSSION:**

Councilmember Lewis stated that we need reasonable exceptions for parking, and inquired about how this ordinance affects HOA parking rules. City Manager Kearney replied that HOA rules are a different discussion. Council Lewis wants the code to reflect reality. City Manager Kearney stated that we can make tweaks before adoption of Ordinance No. 354.

**MOTION:**

Councilmember Barakat made a motion to introduce for first reading, by title only, Ordinance No. 354. Councilmember Lewis seconded the motion, which was carried by the following roll call vote:

**APPROVED:**

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

Motion passed 5:0

**DISCUSSION – JOINT CITY COUNCIL-  
PLANNING COMMISSION RETREAT:**

Management Analyst Santos Leon stated that a joint City Council-Planning Commission Retreat was scheduled for Saturday, January 20, 2018. Unfortunately, a majority of the Planning Commission was unavailable to attend the retreat. Subsequently, the retreat was cancelled. This report provides information on potential dates to reschedule the retreat.

In coordinating with the Canyon Park Facility in Monrovia, the following days are available to reserve the cabin: July 21, August 4, and August 18, 2018.

**RECOMMENDATION:**

It is recommended that the City Council discuss rescheduling the retreat and provide direction to staff on how to proceed.

**DISCUSSION:**

City Manager Kearney stated that the dates are so far off because the cabin is booked far in advance.

**DISCUSSION:**

Councilmember Hale stated that he is out of town on July 21<sup>st</sup>. Councilmember Lewis is unavailable on July 21<sup>st</sup> & August 4<sup>th</sup>.

Councilmember Barakat stated that he is disappointed that we have to put off the retreat for 6 months. Mayor Pro-Tem Pycz suggested to use a different venue (City Hall) for the retreat.

**DIRECTON TO STAFF:**

Councilmember Barakat directed staff to pick a date much sooner for a retreat here at City Hall. Following discussion, the City Council picked Saturday, May 12, 2018 to hold the retreat. June 2<sup>nd</sup> was chosen as a fallback date. The City Council stated that four (4) Planning Commissioners attending the retreat is sufficient.

**DISCUSSION – STORY POLE POLICY:**

City Manager Kearney stated that staff has recently received inquiries regarding the City's policy on the usage and placement of story poles. Currently, as it is written in Bradbury Municipal Code Section 9.43.030, staff may request the use of story poles for any proposed project that may have a possible impact on the view or vista of any pre-existing structure. Additionally, the City Council and/or Planning Commission may also informally request story poles during the public hearing on an item.

Story poles are used to depict a silhouette of a proposed structure or an addition to an existing building. They are intended to help decision makers, staff, neighbors and other interested parties visualize the location, mass and/or height of a proposed building or structure as part of the review of the project's impact on an existing view or vista.

**DEFINITIONS OF ‘VIEW:’**

According to BMC Section 9.43.020, the definitions of “view as applied to the code are as follows:

- **Far view** refers to a scene located out of the City, including, but not limited to, the Los Angeles basin, city lights at night, mountains and distant mountains
- **Near view** refers to a scene located within the City, including, but not limited to, a valley, ravine, equestrian trail, pastoral environment, or any natural setting
- **View** shall not include vacant land that is developable under this code, distant mountain areas not normally visible, nor the sky above distant mountain areas

**COMPARISON WITH OTHER CITIES:**

Given the recent inquiries regarding the policy on story poles, staff has compared the current BMC pertaining to story poles with those of other cities similar in size and population to the City of Bradbury. The following cities were contacted for information on their policies: Beverly Hills, Hidden Hills, Rolling Hills and San Marino.

**Beverly Hills:** Upon speaking to a Beverly Hills staff member, it was advised that story poles are not required for all projects and are rarely used in the City. Typically the use of story poles is limited to development projects in the hillside area of the city; however, any application that seeks approval to exceed height limitations in the hillside area or any other part of the city, the

Director of Community Development, at his or her discretion, may require the applicant to first install story poles to demonstrate the height, bulk and location of the proposed project.

**Hidden Hills:** The City of Hidden Hills does not have an existing policy addressing the use of story poles and has not utilized story poles for any developments in the city as of yet.

**Rolling Hills:** The City of Rolling Hills does not have a formal written policy on the use of "silhouettes." According to the Planning Director, any development project exceeding 1,000 square feet of new structure or addition is informally required by the Planning Commission to place silhouettes to move forward with a discretionary review.

**San Marino:** The City of San Marino usually requires "stakes" for projects over one story for new construction or involve a new structure. The Case Planner, at his or her discretion, may also request the placement of stakes for any other additions to a home which may cause concerns about bulk and mass. The policy currently applies to all areas of the City.

**RECOMMENDATION:**

It is recommended that the City Council review the City's story pole policy and provide further direction to staff.

**DISCUSSION:**

Mayor Lathrop stated that he prefers story poles for all projects in the City of Bradbury that have a potential view impacts as a curtesy to people who already live here.

Councilmember Hale disagreed, stating that he is opposed to more government. The City's policy is good the way is it now.

Mayor Pro-Tem Pycz agreed with Councilmember Hale.

Councilmember Barakat brought up the proposed second story addition on Freeborn Street. Councilmember Hale stated that this proposal is a perfect example to ask for story poles. Mayor Lathrop stated that there would be no "surprises" if everyone had to put up story poles.

The City Council directed staff to draft a story pole policy and present it to the Council at the next meeting.

Mayor Lathrop suggested to put all sections that apply to "view" in a memo for the Planning Commission.

**DISCUSSION TO BE CONTINUED:**

City Manager Kearney stated that staff will examine the issue more and a policy will be brought back at the next meeting. This will also be a topic for the joint City Council-Planning Commission retreat.

**DISCUSSION – CODE ENFORCEMENT  
IN THE CITY OF BRADBURY:**

City Manager Kearney stated that during the development of the FY 2017-2018 Work Plan, the City Council expressed city beautification to be a priority, along with providing residents with a safe, healthy, and quality environment.

Staff is approaching Council at this time to discuss the Code Enforcement policies, as property maintenance standards not only beautify a city but they also can provide residents with a safe, healthy, and quality environment.

This report provides information to the City Council on Bradbury's current Code Enforcement program. It also compares Bradbury's program to other code enforcement programs with similar cities in California. This report allows the Council to inform staff on its visualization of how the Code Enforcement program should operate and proved Council with an opportunity to consider if any policy changes are warranted.

**BACKGROUND:**

City Manager Kearney stated that previously the Building Inspector was handling all code enforcement affairs in addition to his duties in the Building Department.

**CSO PROGRAM:**

With the addition of a shared Community Services Officer (CSO), most code enforcement duties are now overseen by this position. There has been positive feedback from the community regarding the CSO, as the community seems pleased to have someone available to address nuisance complaints in a timely manner. The CSO also has been able to avert code enforcement citations by informally talking with residents at their property regarding their violations.

**SURVEY OF OTHER CITIES:**

In order to gain a better understanding of how the City's current Code Enforcement program compares to other cities, staff surveyed similar cities, including Beverly Hills, San Marino, Rolling Hills and Atherton (see staff report).

**RECOMMENDATION:**

It is recommended that the City Council review this report and direct staff on how to proceed with the City's Code Enforcement program, policies and response. Should Council consider to alter the program, it is recommended that the Council also consider policies which include cost recovery mechanisms.

**DISCUSSION:**

Councilmember Barakat stated that he would like to see something in the code that would address properties like the one on the corner of Lemon & Winston Avenue.

City Manager Kearney stated that it is easier to cite a property if we can back it up by code.

Mayor Lathrop stated that the only way for the City to prosecute is through the City Attorney which is expensive. City Attorney Reisman stated that some of it has to do with state law.

Councilmember Hale stated that we have a problem with vacant properties. The City Council liked the idea of starting a registry of unoccupied residential properties like the City of San Marino has. According to San Marino's municipal code, registering must occur when properties do not have a person who has lived on a day to day basis for a period of 60 consecutive days or longer. This does not include third party periodic visits.

**DISCUSSION TO BE CONTINUED  
AT NEXT MEETING:**

The discussion regarding code enforcement in the City of Bradbury will be continued at the March meeting.

**DISCUSSION – UTILITY USERS TAX  
RENEWAL:**

City Manager Kearney stated that at the December 2017 meeting the City Council decided to move forward with the renewal of the City Utility Users Tax (UUT) and remove the sunset clause. On January 29, 2018 staff sent an email to the City Council notifying them that the UUT measure was null and void because the perceived passage of the ordinance and resolutions calling the election for the measure occurred with a Council majority vote of 3:2. Government Code Section 53723 reads as follows:

*"No tax subject to the vote requirements prescribed by Section 53723 shall be presented at an election unless the ordinance and resolution proposing such tax is approved by a two-thirds vote of all members of the legislative body of the local district."*

A 3:2 vote, or 60%, does not meet the two-thirds, or 66%, requirement. Consequently, the passage of the ordinance and resolutions have been deemed null and void.

**NOVEMBER ELECTION:**

Unfortunately, time has passed to place the UUT measure on the June election ballot. Should there be any desire by Council to place the measure on the November 8, 2018 ballot, the following is a list of key dates:

**KEYNOTE DATES;**

- June 18, 2018 – UUT Ordinance and Resolutions must be adopted by Council
- July 2, 2018 – Arguments (For & Against) to be filed

**LA COUNTY STORMWATER  
FUNDING MEASURE:**

City Manager Kearney stated that when considering the November election for the UUT, it is recommended to take into account the County of Los Angeles' current efforts to develop a stormwater funding measure. Although the measure is not yet finalized, the County anticipates developing a tax to fund both regional projects and to provide cities with funding to assist in achieving stormwater compliance. Decisions on how the tax will be administered has not yet been decided. It is also unknown at this time how much revenue the tax would generate. However, it is anticipated that the County measure will be on the November 2018 ballot.

**RECOMMENDATION:**

It is recommended that the City Council review this report and provide direction to staff on how to proceed.

**DISCUSSION:**

Councilmember Lewis wanted to know how we did not know about the two-thirds requirement. City Attorney Reisman stated that it never came up before during his tenure as a City Attorney that a vote to place a measure on the ballot received a split vote. His experience has always been a 5:0 vote.

**DISCUSSION:**

Councilmember Barakat inquired if the City Council had time to have a special meeting to vote again. City Manager Kearney replied no.

The City Council discussed placing the measure on the November ballot. City Attorney Reisman interjected stating that we still need 4 votes to move forward. Do we have 4 votes?

Mayor Lathrop and Mayor Pro-Tem Pycz stated that their vote is still "no" at this time. Mayor Lathrop stated that the UUT measure without a sunset clause was a problem and he wants to wait and see what happens with the County measure in November.

**ANNE ABSEY:**

UUT Oversight Committee Member Anne Absey stated that the City Council should have kept the UUT going because once it's gone its dead.

**NO ACTION TAKEN:**

This was a discussion item only. No further action was taken by the City Council. Council directed City Manager Kearney to provide a report for the next meeting on stormwater updates.

**MATTERS FROM THE CITY MANAGER:**

City Manager Kearney stated that there will be a Scoping Meeting for the Oak View Estates Specific Plan on Wednesday, March 14, 2018 from 7 to 8:30 pm at City Hall.

City Manager Kearney inquired if the City Council was interested in getting Bradbury polo shirts for National Night Out in August. The answer was no.

The Emergency Response Committee (ERC) meet on Thursday, February 15, 2018. The ERC wants to know if the City Council and staff are interested in another First Aid training course to be held at City Hall. Staff was directed to find out what the cost per person would be and if the course would be open to residents as well.

City Manager Kearney stated one of the budget workplan goals was to do infrastructure projects. Mr. Kearney stated that the City needs to replace the fence between City Hall and our neighbor to the south (612 Winston Avenue) because it is falling apart. The City also needs to remove the remaining oleanders as they are a fire hazard.

The City Council was asked to review the City Hall contact sheet, make updates, and return the sheet to Scarlett.

City Manager Kearney stated that he is looking into getting Duarte removed from our zip code. When the City received its own zip code in July 2007 the Post Office included the Duarte Mesa in Bradbury's new zip code. Over the years, this has caused many problems and confusion.

**MATTERS FROM THE CITY ATTORNEY:**

Nothing to report



**MATTERS FROM THE CITY COUNCIL:**

**MAYOR LATHROP:** Mayor Lathrop reported that currently 15 students from Bradbury are enrolled at Royal Oaks Elementary School.

**MAYOR PRO-TEM PYCZ:** Nothing to report

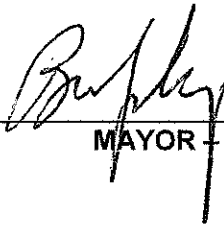
**COUNCILMEMBER BARAKAT:** Nothing to report

**COUNCILMEMBER HALE:** Nothing to report

**COUNCILMEMBER LEWIS:** Nothing to report

**ITEMS FOR FUTURE AGENDAS:** Code Enforcement - Registry for vacant properties

**ADJOURNMENT:** At 8:40 p.m. Mayor Lathrop adjourned the meeting to Tuesday, March 20, 2018 at 7:00 pm.

  
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MAYOR - CITY OF BRADBURY

ATTEST:

  
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CITY CLERK - CITY OF BRADBURY