

**MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF BRADBURY
HELD ON TUESDAY, MAY 15, 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
- ABSENT: None
- STAFF: City Manager Kearney, City Attorney Reisman, City Clerk Saldana and Management Analyst Santos Leon
- APPROVAL OF AGENDA:** Councilmember Barakat made a motion to approve the agenda to proceed with City business. Councilmember Lewis 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
- PRESENTATION TO MAYOR PRO-TEM PYCZ:** Councilmember Barakat presented a plaque to Mayor Pro-Tem Pycz, who did not seek re-election, for his dedicated service to the citizens of the City of Bradbury. Councilmember Barakat stated that Rick Pycz has served on the Planning Commission for 8 years (from April 1999 to May 2007) and 8 years (from April 2010 to June 2018) on the City Council.
- 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 April 17, 2018
 - B. Resolution No. 18-11: Demands & Warrants for May 2018
 - C. Monthly Investment Report for the month of April 2018
 - D. Updated Terms for VCA's Contract
 - E. Approval of a Second Amendment for the Proposed Subdivision and Development Project known the "Oak View Estates" in the City of Bradbury (this item was removed from the Consent Calendar)
 - F. Appointment of Applicant to Vacant Planning Commission Seat for District 4
 - G. Appointment of Applicant to Vacant Emergency Response Committee Seat for District 4

H. Resolution No. 18-12: Establishing a Fee Schedule for the City's Uninhabited Residential Property Registry

DISCUSSION:

Mayor Lathrop stated that he needs to clarify two statements that he did not think he made on page 8 of the Minutes by listening to the tape. Staff already listened to the tape.

**ITEM E PULLED FROM
CONSENT CALENDAR:**

City Manager Kearney stated that at the request of Michael Baker International Item #E needs to be pulled from the Consent Calendar.

**MOTION TO APPROVE
CONSENT CALENDAR:**

Councilmember Hale made a motion to approve the Consent Calendar (minus Item #E) as presented. Mayor Lathrop seconded the motion, which was carried by the following roll call vote:

APPROVED:

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

NOES: None

ABSENT: None

Motion passed 5:0

**ADOPTION OF ORDINANCE NO 355 –
AMENDING THE BMC REGARDING
PROPERTY MAINTENANCE STANDARDS:**

City Manager Kearney stated that during the development of the 2017/2018 Work Plan, the City Council expressed city beautification to be a priority, along with increasing the feeling of safety within the community. In response, the City Council introduced Ordinance No. 355, which amends the City's property maintenance standards. The ordinance also establishes policies dealing with water and landscaping services for unoccupied properties. The City Council held public hearings for Ordinance No. 355 at the March 20 and April 17 City Council meetings. At the last meeting, the City Council agreed to remove the word "unsightly" from the draft ordinance. As instructed by Council, staff also posted the agenda packet and staff reports on the City's website.

CODE ENFORCEMENT:

City Manager Kearney gave a power point Presentation at April City Council meeting regarding the City's Code Enforcement Program. Code Enforcement is established in communities to improve the quality of life for those that live and do business in the City. It also provides residents with a safe, healthy, and quality environment. Code Enforcement is important for a number of reasons, as it:

- Protects the safety and welfare of residents
- Maintains and increases property values
- Reduces vandalism
- Bolsters maintenance and encourages development in the City

Simply stated, Code Enforcement is for the common good.

RECOMMENDTION:

It is recommended that the City Council adopt Ordinance No. 355: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY AMENDING THE BRADBURY MUNICIPAL CODE REGARDING PROPERTY MAINTENANCE STANDARDS.

PUBLIC HEARING OPENED: Mayor Lathrop opened the public hearing for public comments:

PUBLIC TESTIMONY: There was no public testimony, but City Manager Kearney stated that staff received an email from a resident on Lemon Avenue in favor of the Ordinance.

PUBLIC HEARING CLOSED: Mayor Lathrop declared the public hearing closed.

DISCUSSION: Mayor Lathrop pointed out that the City did not put out the "City Council Meeting Tonight" signs and that residents might not have known that there was a meeting. City Manager Kearney stated staff forgot to put out the signs, but that the agenda is always posted on the website and residents can always contact staff during business hours if they have a question or concern.

Mayor Lathrop handed out his suggested amendments (hereto attached) to Sections 5, 7, 9 and 19, adding language stating "and causing or likely to cause depreciation of nearby property values."

Councilmember Lewis stated that last month Mayor Lathrop removed language from those sections, and now he wants to add language. It all seems very random.

Councilmember Hale stated that at the last HOA meeting residents of Districts 1 and 5 stated that they are in favor of the Ordinance and were disappointed that we had to wait another month for adoption. Councilmember Hale also stated that there are four properties in the Bradbury Estates that need to be addressed. Mayor Lathrop replied that the problems can be addressed with the current ordinance.

Mayor Lathrop stated that he believes in property rights and doesn't want Government in the way. How many sleepless nights will residents have if the City Council is looking for problems to cite people?

CITY ATTORNEY: City Attorney Reisman stated that he has prosecuted code enforcement cases for years and felt that the added language would not make prosecution more efficient. Therefore City Attorney Reisman recommended that the City Council adopt Ordinance No. 355 without Mayor Lathrop's changes.

MORE DISCUSSION: Mayor Lathrop stated that the CSO can just go out there and cite people.

Councilmember Lewis stated that's not how it works.

Councilmember Hale stated that the Bradbury Estates has 18 abandoned properties to deal with.

**DISCUSSION:
(CONTINUED)**

Richard Jones, 620 Spring Point Drive, stated that he recently moved to Bradbury and asked if residents can hide/screen “unsightly” things from view.

Councilmember Barakat stated that abandoned pools are a problem because of West Nile Virus, and the Vector Control District needs to have access to unoccupied properties.

Councilmember Lewis stated that the City cannot legislate “taste” or enforce “values” and gave the example of the property on the corner of Lemon and Winston Avenue.

MOTION:

Councilmember Barakat made a motion to adopt Ordinance No. 355: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY AMENDING THE BRADBURY MUNICIPAL CODE REGARDING PROPERTY MAINTENANCE STANDARDS. Councilmember Hale seconded the motion, which was carried by the following roll call vote:

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

NOES: Mayor Lathrop

ABSENT: None

APPROVED:

Motion passed 4:1

**PROPOSED BUDGET FORECAST
FOR FISCAL YEAR 2018-2019:**

City Manager Kearney presented the proposed budget forecast for fiscal year 2018-2019. City Manager Kearney stated that the draft budget is a snap shot of next year’s budget forecast and it allows the City Council to discuss any priorities in the coming year.

Linking objectives with necessary resources involves a process that identifies key goals prior to budget preparation, and these goals become priorities for the budget process. Programs and priorities from prior years that are not yet complete also remain in the budget for financial completion during this budget cycle.

The following five key goals (in no particular order) have been developed by the City Council:

- Disaster Preparedness
- Fiscal Responsibilities
- Capital Improvements
- Infrastructure Improvements
- City Beautification

**PROPOSED BUDGET FORECAST
FOR FISCAL YEAR 2018-2019:
(CONTINUED)**

The City Manager’s report included expenditures, significant projects completed in fiscal year 2017-18, project carry-overs from fiscal year 2017-18, new items for consideration utilizing restricted funds, recommended new items utilizing general funds, items for discussion utilizing general funds, and other notable items, such as 12 scheduled designated unpaid days and Community Support (homelessness).

2018-2019 WORK PLAN:

The City Manager proceeded to discuss the work plan for 2018-2109. The work plan included projects completed in the last fiscal year and proposed projects for fiscal year 2018-2019.

RECOMMENDATION:

It is recommended that the City Council review the proposed draft budget forecast and provide staff with input and direction to prepare the draft budget. Once direction is received, staff will present the final budget document for adoption at the June City Council meeting.

DISCUSSION:

Mayor Lathrop stated that he would like to continue the Community Support for homelessness in the amount of \$3,000 for this fiscal year and next fiscal year as recommended by the Civil Grand Jury.

Councilmember Lewis felt that the revenue forecast was slightly optimistic.

The Council discussed the need for a Community Wildfire Protection Plan (CWPP). Councilmember Lewis inquired if other cities have one. City Manager said yes, and cited Monrovia. Councilmember Lewis asked if City Manager Kearney can obtain a proposal and include it in an upcoming Weekly Memo.

The City Council discussed the replacement of the fence between City Hall and the neighbor on the south side and wanted to know if the neighbor going to split the cost with the City. City Manager Kearney stated that he has not asked the neighbor. The Council also discussed a block wall with a fence, but decided that a wood fence would be fine.

ACTION:

Staff will incorporate the items discussed by Council in the draft budget and will present the final budget document for adoption at the June City Council meeting. No motion was necessary.

DISCUSSION ON OBTAINING A SECOND OPINION OF THE CITY'S PROCUREMENT SYSTEM:

During the April meeting, the City Council decided to agendize discussion of obtaining a second legal opinion on the City's procurement system. In particular, the goal would be to obtain a second opinion on the City's past process for the City Manager to occasionally sign contracts on large project applications in progress and then have the contract ratified by the City Council at the next regular meeting.

At the May meeting, the City Council agreed to hold Special Meetings when such contracts needed immediate signature, essentially eliminating the practice of City Manager sign-off and ratification.

RECOMMENDATION:

It is recommended that the City Council review the report and direct staff on how to proceed. Should a second opinion be desired, it is recommended that the opinion be neutral to both sides of the discussion.

DISCUSSION:

Mayor Lathrop questioned why the City Manager can't get a second opinion. Why are his hands tied?

Councilmember Barakat stated that we don't need a second opinion.

Councilmember Lewis felt that the City Manager should be able to get a second opinion if he feels he needs one.

City Manager Kearney stated that he does not like circumventing individuals (Councilmembers and/or the City Attorney) and that no one has stated the desire for a second opinion except Mayor Lathrop.

NO ACTION:

The City Council took no further action on this discussion item.

MATTERS FROM THE CITY MANAGER:

City Manager Kearney reported that the City received no feedback from neighbors on tree replacement of trees recently removed in the City's right-of-way. Mayor Lathrop suggested that the Planning Commission look into a street tree restoration plan. Mayor Lathrop lamented that we are losing our street trees. City Manager Kearney stated that he will agendize a discussion on street trees at an upcoming meeting.

City Manager Kearney stated that the item for restricting second story additions on Elda, Freeborn and Gardi Street will be brought to the Planning Commission for discussion.

MATTERS FROM THE CITY ATTORNEY:

City Attorney Reisman stated that he attended the League of California Cities City Attorney conference. It was very informative and there were many good papers. The City Attorney will send the link to the City Council and City Manager.

MATTERS FROM THE CITY COUNCIL:

MAYOR LATHROP:

Nothing to report

MAYOR PRO-TEM PYCZ:

Mayor Pro-Tem Pycz thanked the City Council and staff for all their hard work and assistance over the years.

COUNCILMEMBER BARAKAT:

Nothing to report

COUNCILMEMBER HALE:

Councilmember Hale inquired about holding a Special Meeting to place a measure for the UUT renewal on the November ballot. City Manager Kearney stated that because November is not the City's regular election cycle and would constitute an emergency, the vote to place the measure on the November ballot must be unanimous of those in attendance. Mayor Lathrop stated that he has not changed his mind on the issue. No special meeting was scheduled. City Manager Kearney stated that the next regular election cycle is June 2020.

Councilmember Hale had a comment regarding the letter to the Post Office about the shared zip code. The letter refers to the Duarte Mesa, but it should just say Duarte to avoid confusion. City Manager Kearney replied that staff will make the revisions before sending the letter.

Councilmember Hale reported that he heard that the Royal Oaks Drive North/Winston project (3 new houses) is on hold.

COUNCILMEMBER LEWIS:

Councilmember Lewis asked staff to include an item regarding the succession of Mayor and Mayor Pro-Tem in the Weekly Memo.

ITEMS FOR FUTURE AGENDAS:

Discussion regarding Street Trees

Mayor Lathrop suggested Community Support for Emergency Response Committee (ERC) – State of the ERC. The ERC is not effective right now.

Mayor Lathrop asked again to schedule a Closed Session for another evaluation for the City Attorney (the last evaluation was in December 2017). There was no support from the Council.

CLOSED SESSION

CLOSED SESSION CONVENED:

The City Council convened to a Closed Session to discuss the following:

- A. Initiation of Litigation** Pending Litigation pursuant to Government Code Section 54956.9 (d)(4) (Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation (1 potential case)

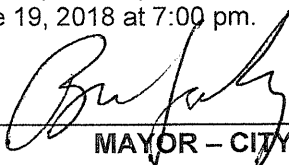
- B. Public Employee Performance Evaluation**
Government Code Section 54957(b)(4)
Title: City Manager

REGULAR MEETING RECONVENED:

The City Council reconvened to the regular open meeting. City Attorney Reisman reported that the discussion was open and informative. No formal actions were taken.

ADJOURNMENT:

At 9:25 p.m. Mayor Lathrop adjourned the meeting to Tuesday, June 19, 2018 at 7:00 pm.



MAYOR – CITY OF BRADBURY

ATTEST:



CITY CLERK – CITY OF BRADBURY

- (5) Unpainted buildings. Unpainted buildings or buildings with peeling or deteriorating paint allowing the effects of sun or water to penetrate so as to cause or permit dry rot, decay, cracking, warping or termite infestation and causing or likely to cause depreciation of nearby property values;
- (7) Fences or Walls. Fences or exterior walls which are unsafe, or in a state of disrepair and causing or likely to cause depreciation of nearby property values.
- (9) Hazardous vegetation. Dead, decayed, diseased or hazardous trees, weeds and other vegetation:
- a. Constituting unsightly appearance and causing or likely to cause depreciation of nearby property values; or
 - b. Dangerous to public safety and welfare; or
 - c. Detrimental to nearby property or property values;.
- (19) Public Right of Way. Conditions not comporting with safe, clean, orderly, or sanitary maintenance on or adjacent to any public right of way, such as:
- a. Any dirt, litter, debris, rubbish, weed or any other kind of waste or unsanitary material of any kind;
 - b. Any curb cut or driveway approach, or portion thereof, which is no longer needed or which no longer provides vehicular access to the adjacent premises;
 - c. Any curb, sidewalk, parkway, or driveway which is cracked, broken, or otherwise in need of repair, replacement, or maintenance,
where such conditions cause or are likely to cause depreciation of nearby property values.

Added language taken from subsection 11.