

**MINUTES OF A REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF BRADBURY  
HELD ON TUESDAY, SEPTEMBER 18, 2018**

- MEETING CALLED TO ORDER:** The Regular Meeting of the City Council of the City of Bradbury was called to order by Mayor Barakat at 7:00 p.m. Councilmember Bruny led the Pledge of Allegiance.
- ROLL CALL:** PRESENT: Mayor Barakat, Mayor Pro-Tem Hale, Councilmembers Lewis, Bruny and Lathrop
- ABSENT: None
- STAFF: City Manager Kearney, Acting City Attorney Kress, City Planner Jim Kasama, City Engineer John Leveillee (RKA), City Clerk Saldana and Management Analyst Santos Leon
- APPROVAL OF AGENDA:** Councilmember Lewis made a motion to approve the agenda to proceed with City business. Mayor Pro-Tem 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.
- City Manager Kearney stated that staff 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 August 21, 2018
  - B. Resolution No. 18-23: Demands & Warrants for September 2018
  - C. Monthly Investment Report for the month of August 2018
  - D. Adoption of Ordinance No. 358: Amending the Bradbury Municipal Code regarding Property Maintenance Standards
  - E. Appointment of Planning Commissioners for Districts 2 and 4
- MINUTES:** Councilmember Lathrop stated that he had a correction to the Minutes on page 5 regarding the motion to approve the number of sign-ups for the Ring Program rebate. City Manager Kearney stated that staff already made the correction.
- MOTION TO APPROVE CONSENT CALENDAR:** Councilmember Lewis made a motion to approve the Consent Calendar as amended. Mayor Pro-Tem Hale seconded the motion, which was carried by the following roll call vote:

**APPROVED:**

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

NOES: None

ABSENT: None

Motion passed 5:0

**ORDINANCE NO 359 – AMENDING THE BMC TO PROHIBIT SHORT-TERM RENTALS AND ADVERTISEMENTS IN THE CITY:**

City Manager Kearney stated that earlier this year, it was brought to the City’s attention that a residence on Gardi Street was being rented on a short-term basis through an online rental service such as Airbnb. Neighbors complained about problems due to this activity, including loud parties, excessive parking on the street, illegal use of fireworks, and other inconveniences. The City Council discussed this matter and directed staff to develop a code amendment to address short-term rentals. After considering the options of either allowing short-term rentals with strict regulations, or prohibiting them completely, it was decided that due to the additional resources that would be required to regulate short-term rentals, it was proposed that they be prohibited completely to avoid the adverse effects on the City’s neighborhoods.

**PROPOSED AMENDMENT:**

After researching short-term rental ordinances of other cities, the City Attorney drafted Ordinance No. 359 to amend the City’s Municipal Code to add definitions of “Advertisement” and “Short-Term Rentals” and add “Short-Term Rentals” to the “Uses Expressly Prohibited” sections of each residential zone of the Development Code. The proposed Ordinance also prohibits the advertising of short-term rentals.

**PLANNING COMMISSION REVIEW:**

City Planner Kasama stated that the Planning Commission held a duly noticed public hearing for the proposed Development Code amendment to prohibit short-term rentals of residences at their August 22, 2018 meeting. Following the conclusion of the hearing and discussion, the Commission adopted Resolution No. PC 18-277 to recommend to the City Council the approval of a Development Code Amendment to prohibit short-term rentals of residences with an exception under the California Environmental Quality Act (CEQA).

**SECTION E:**

City Planner Kasama stated that the Planning Commission recommended in Section E of the Resolution that the City Council consider to allow short-term, house-sharing types of room rentals with limitations and regulations, such as requiring that the property owner be present during the short-term room rental, that the short-term renting of room be limited to a maximum number of days or occurrences in a year, and that the property may be subject to inspections.

**RECOMMENDATION:**

It is recommended that the City Council close the public hearing and introduce Ordinance No. 359 as drafted with a determination that the ordinance is exempt under the California Environmental Quality Act (CEQA).

**PUBLIC HEARING OPENED:**

Mayor Barakat opened the public hearing for public comment.

**PUBLIC TESTIMONY:**

Gayle Jenkins, 2115 Gardi Street, stated that she does not agree with the Planning Commission's recommendation and said that she supports a full ban on short-term rentals.

Stella Tsai, 623 Fairlee Avenue, also supports a full ban.

Ann Rule, 2215 Gardi Street, stated that she was the recent victim of a burglary and supports a full ban.

Peter Javryd, 2107 Gardi Street, was also in favor of a full ban.

Roberta Schwartz, 2204 Gardi Street, spoke in favor of a full ban.

Robert Jones, 620 Spring Point Drive, stated that he was not in support of a full ban, but agreed that loud parties should be avoided.

Anne Absey, 44 Woodlyn Lane, inquired about the definition of short-term rental.

City Planner Kasama replied that short-term rental means the rental of a dwelling unit or a room in a dwelling unit, for compensation or consideration for less than thirty (30) consecutive days.

**PUBLIC COMMENT CLOSED:**

Mayor Barakat closed the public hearing.

**DISCUSSION:**

Councilmember Lewis agreed with Robert Jones to be careful about restricting property rights and stated that he is against a full ban.

Councilmember Lathrop stated that residents are affected now and supported an outright ban which should not be delayed.

Mayor Pro-Tem Hale and Councilmember Bruny also supported a complete ban.

**MOTION:**

Councilmember Lathrop made a motion to introduce Ordinance No. 359 as drafted with a determination that the ordinance is exempt under the California Environmental Quality Act (CEQA). Mayor Pro-Tem Hale seconded the motion, which was carried by the following roll call vote:

**APPROVED:**

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

NOES: Councilmember Lewis

ABSENT: None

Motion passed 4:1

**AWARD OF BID – LEMON TRAIL REHABILITATION PROJECT:**

City Engineer John Leveille (RKA) stated that the Lemon Trail Rehabilitation Project was advertised on August 3, 2018 and bids were opened on August 28, 2018 with NoHo Construction being the lowest responsible bidder.

**RECOMMENDATION:**

It is recommended that the City Council award a contract to NoHo Constructors in the amount of \$57,475.00.

**PROJECT DESCRIPTION:**

John Leveillee stated the project consist of re-grading the Lemon Trail between Royal Oaks Drive North and Lemon Street. Water-bar steps will be installed to decrease the grade of the trail at the steepest portions and repairs will be made to the existing drainage system. The trail will then receive a finished coating of crushed rock infused with polymers which will resist erosion better than the old decomposed granite material.

**MOTION:**

Councilmember Lewis made a motion to award the bid for the Lemon Trail Rehabilitation Project to NoHo Constructors in the amount of \$57,475.00. Mayor Pro-Tem Hale seconded the motion, which was carried by the following roll call vote:

**APPROVED:**

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

Motion passed 5:0

**ORDINANCE NO. 360 AND RESOLUTION NO. 18-25:**

City Planner Kasama stated that a required update of the City's Housing Element of the General Plan was due October 15, 2017. However, before an update can be submitted to the State Department of Housing and Community Development, the City must adopt Development Code amendments and a General Plan amendment that the State required for the previous update in 2014.

**CONSULTANT KAREN WARNER:**

The City has retained a consultant, Karen Warner (present) who prepared the 2014 Housing Element Update to prepare the current Housing Element Update. In preparing for the update, the consultant found that the policies of the 2014 Housing Element that called for various amendments had not been implemented.

**NECESSARY AMENDMENTS:**

The necessary amendments are as follows:

- New definitions and regulations for allowing residential care facilities, and supportive and transitional housing
- A definition of multi-family dwelling, and amendment of the accessory living quarters regulations to include multi-family dwellings as a permitted use
- Addition of reasonable accommodation procedures for disable persons
- Amendment of the General Plan to appl the affordable housing overlay to the civic center site to enable the site to be developed with an emergency shelter by right

**PROPOSED AMENDMENTS:**

The proposed development code amendments are presented for review by the City Council in Planning Commission Resolution No. 18-275:

- Exhibit A: New definitions and regulations for residential care facilities and supportive & transitional housing

- Exhibit B: New definition of multi-family dwelling, and amendment of the accessory living quarters definition
- Exhibit C: Delete accessory living quarters regulations from the residential zones to avoid inconsistencies
- Exhibit D: Amend accessory living quarters regulations
- Exhibit E: Add reasonable accommodation procedures for disabled persons

City Planner Kasama stated that the Development Code amendments are to be adopted by ordinance, and have been transferred into draft Ordinance No. 360. The General Plan amendment is to be adopted by Resolution No. 18-25.

**PLANNING COMMISSION REVIEW:**

In adopting Resolution No. PC 18-27, the Planning Commission expanded the permitting of supportive and transitional housing to all zones. Staff had drafted the amendment to include these uses only in the R-7,500 and R-20,000 zones as these zones are more typical residential areas, and staff's opinion is that communal residential care facilities would not be compatible in the A-1, A-2, and A-5 zones where agricultural and equestrian uses are prevalent.

**RECOMMENDATION:**

It is recommended that the City Council introduce Ordinance No. 360 and adopt Resolution No. 18-25 as drafted with a determination that the ordinance and resolution are exempt under the California Environmental Quality Act (CEQA).

**PUBLIC HEARING OPENED:**

Mayor Barakat opened the public hearing for public comment.

**PUBLIC HEARING CLOSED:**

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

**DISCUSSION:**

Councilmember Lewis wanted to know what the City Council is absolutely required to do.

Consultant Karen Warner stated that the City has to allow supportive and transitional housing in all zones that allow residential uses.

Councilmember Lathrop inquired about second story SROs.

Councilmember Lewis stated that the Council does not understand the Resolution. The required update is already overdue. How long does the Council have to adopt the Resolution?

Mayor Pro-Tem Hale proposed to put off the discussion for 30 days.

Mayor Barakat stated that the City Council needs to have a study session on just this item.

**ACTING CITY ATTORNEY KRESS:**

Acting City Attorney Kress suggested that the Council adopt Resolution No 18-25 and continue the public hearing for Ordinance No. 360.

**MOTION TO CONTINUE THE PUBLIC HEARING OPEN AND TO ADOPT RESOLUTION NO. 18-25:**

Councilmember Lathrop made a motion to continue open the public hearing for Ordinance No. 360 and to adopt Resolution No. 18-25: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADBURY AMENDING THE BRADBURY GENERAL PLAN TO ADD THE AFFORDABLE HOUSING OVERLAY TO THE CIVIC CENTER SITE AT 600 WINSTON AVENUE. Mayor Pro-Tem Hale seconded the motion, which was carried by the following roll call vote:

**APPROVED:**

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

Motion passed 5:0

**STUDY SESSION SCHEDULED:**

The City Council scheduled a study session for Tuesday, October 9, 2018 at 6:00 p.m.

**2018 CONFLICT OF INTEREST CODE UPDATE:**

City Manager Kearney stated that the Political Reform Act requires every local agency to review its conflict of interest code biennially, in even-numbered years. It is time to update the City's conflict-of-interest code by updating the positions and titles of individuals required to file FPPC Form 700. Since the last update, there have been no substantial changes to the organizational structure, other than the addition of the recently appointed Community Services Officer as a designated position for filing.

**RECOMMENDATION:**

It is recommended that the City Council accept the 2018 Local Agency Biennial Notice and adopt Resolution No. 18-24.

**MOTION TO ADOPT RESOLUTION NO. 18-24:**

Councilmember Lewis made a motion to accept the 2018 Local Agency Biennial Notice and adopt Resolution No. 18-24, adding the Community Services Officer as a designated position for filing. Mayor Pro-Tem Hale seconded the motion, which carried unanimously.

**DISCUSSION REGARDING BRADBURY'S COMMUNITY SERVICES OFFICER:**

City Manager Kearney stated that pursuant to the Council's request during the August meeting, this is a discussion regarding the City's Community Services Officer (CSO).

**BACKGROUND:**

In 2016, the City Council decided to utilize a portion of the City's COPS fund in developing a Community Services Officer program. The thought was that a CSO position in Bradbury could be helpful in the focusing of crime prevention, as well as taking on some of the non-law enforcement duties to assist the community. The idea was also that the CSO would be able to take fingerprints, write reports, and handle evidence. Ultimately, the City decided to move forward with sharing a Community Services Officer with the City of Monrovia.

In 2017, the CSO program launched, and the City has had very positive feedback from the community. The current CSO provides residents with a sense of comfort with the increased visibility, he is able to spend time with residents consulting them on video camera best practices, and he is able to educate residents on a wide variety of animal control measures.

There have been some challenges in integrating a CSO from Monrovia into the current County Sheriff's Department system. For example, the CSO is not able to be issued a Sheriff's radio to monitor any traffic occurring in the City. The CSO, to date, has not yet written a report for the Sheriff's Department or taken any fingerprints.

**FINANCIAL ANALYSIS:**

The City receives approximately \$100,000 a year in COPS funding from the State of California. Of this amount, the City contracts with the City of Monrovia for \$37,000 for a part-time Community Services Officer that is shared with Monrovia.

**RECOMMENDATION:**

It is recommended that the City Council discuss the Community Services Officer Program and direct staff on how to proceed.

**DISCUSSION:**

Lt. Jess Carrasco, Temple Station, stated that a Sheriff's radio would cost \$5,000. City Manager Kearney stated that the City Council would have to adopt a Resolution to buy radio equipment with COPS funds. Currently the CSO can listen in on a scanner, and use his cell phone to call the Sheriff's Department to report a problem.

**NO ACTION TAKEN:**

The City Council took no action on this discussion item.

**MATTERS FROM THE CITY MANAGER:**

City Manager Kearney inquired if the City Council wished to revisit tree replacement of trees in the public right-of-way. The City Council replied no.

City Manager Kearney inquired if the City Council would like to discuss expanding the responsibilities of the Emergency Response Committee to include Neighborhood Watch and public safety. The Council instructed staff to place the item on the next agenda.

City Manager Kearney asked the Council if they wished to discuss policing services with the City of Monrovia. Mayor Barakat stated that the City Council's plate is full right now and to revisit this discussion at a later time.

**MATTERS FROM THE CITY ATTORNEY:**

Acting City Attorney Kress thanked the Council for having him back. Robert Kress was Bradbury's City Attorney 30 years ago.

**MATTERS FROM THE CITY COUNCIL:**

**MAYOR BARAKAT:**

Mayor Barakat stated that the San Gabriel Valley Mosquito & Vector Control District has identified the Manor as a huge offender of standing water, which breeds mosquitoes.

**MAYOR PRO-TEM HALE:**

Nothing to report

**COUNCILMEMBER LEWIS:**

Nothing to report

**COUNCILMEMBER BRUNY:**

Nothing to report

**COUNCILMEMBER LATHROP:**

Nothing to report

**ITEMS FOR FUTURE AGENDAS:**

Councilmember Lathrop would like to discuss the dial-a-ride program with the City of Monrovia to include the Goldline Station in Duarte.

Councilmember Lathrop also would like the Council to consider a ban on construction fencing at non-construction sites.

Discussion of Measure W (Stormwater Management) on the November 6, 2018 ballot.

Discussion on the Restructuring of the Emergency Response Committee.

**CLOSED SESSION**

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION:**

The City Council convened to a Closed Session to discuss Public Employee Performance Evaluation pursuant to Government Code Section 54957(b)(4)  
Title: VCA Code Group (City Planning Services)

**RECONVENE INTO OPEN SESSION:**

The City Council reconvened into Open Session to announce any action taken. Acting City Attorney Kress reported that the City Council discussed the matter. No formal votes were taken.

**ADJOURNMENT:**

At 9:00 p.m. Mayor Barakat adjourned the meeting to a Special Meeting on Tuesday, October 9, 2018 at 6:00 pm.

  
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MAYOR – CITY OF BRADBURY

**ATTEST:**

  
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CITY CLERK – CITY OF BRADBURY