

**MINUTES OF A REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF BRADBURY  
HELD ON TUESDAY, JUNE 18, 2019**

**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. The Pledge of Allegiance was led by Councilmember Lewis.

**ROLL CALL:** PRESENT: Mayor Barakat, Mayor Pro-Tem Hale, Councilmembers Lewis, Bruny and Lathrop  
ABSENT: None  
STAFF: City Manager Kearney, City Attorney Reisman, City Planner Kasama, City Clerk Saldana and Management Analyst Santos Leon

**CITY COUNCIL REORGANIZATION - APPOINTMENT OF MAYOR AND MAYOR PRO-TEM:** Councilmember Lewis made a motion to nominate Mayor Pro-Tem Hale for the position of Mayor. Councilmember Lathrop seconded the motion which carried. There were no further nominations  
Councilmember Barakat made a motion to nominate Councilmember Lewis for the position of Mayor Pro-Tem. Mayor Hale seconded the motion which carried. There were no further nominations.

**NEW ROLL CALL:** Mayor Hale, Mayor Pro-Tem Lewis, Councilmembers Bruny, Lathrop and Barakat

**APPROVAL OF AGENDA:** Mayor Pro-Tem Lewis 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 aware of none.

**PUBLIC COMMENT:** Ann Armstrong, 1775 Royal Oaks Drive North, addressed the City Council regarding the replacement of telephone poles by Southern California Edison (SCE). Henkels & McCoy, the contractor doing the work for SCE, has not been very good at giving advanced notice to the residents of Woodlyn Lane regarding pole replacements and/or street closures.

**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 Meeting of May 21, 2019
- B. Resolution No. 19-12: Demands & Warrants for June 2019
- C. Monthly Investment Report for the month of May 2019
- D. Resolution No. 19-13: Approval of Gann Appropriation Limit for FY 2019-2020
- E. Adoption of the Municipal Law Enforcement Services Agreement by and between the County of Los Angeles and the City of Bradbury
- F. Adoption of Resolution No. 19-14 in Support of Balanced Energy Solutions and Local Choice

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

Councilmember Lathrop pulled item F (Resolution No. 19-14 in support of Balanced Energy Solutions and Local Choice) from the Consent Calendar for discussion.

**MOTION TO APPROVE  
CONSENT CALENDAR  
MINUS ITEM F:**

Councilmember Barakat made a motion to approve the Consent Calendar (minus Item F - Resolution No. 19-14). Mayor Pro-Tem Lewis seconded the motion, which was carried by the following roll call vote:

**APPROVE**

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

Motion passed 5:0

**DISCUSSION REGARDING  
RESOLUTION NO. 19-14:**

Councilmember Lathrop suggested to amend the Resolution to read as follows: "That the City of Bradbury supports balanced energy solutions that provide it with the decision-making authority and resources needed to achieve the state's climate goals and opposed proposed state legislation and policy that eliminate local control by mandating technologies that can be used to power **residences** ~~power buildings and fuel vehicles~~, and also meet or exceed emissions reductions regulations." The City Council agreed with the change.

**MOTION TO APPROVE  
CONSENT CALENDAR  
ITEM F ONLY:**

Councilmember Lathrop made a motion to approve Consent Calendar Item F as amended. Mayor Pro-Tem Lewis seconded the motion, which was carried by the following roll call vote:

**APPROVED:**

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

Motion passed 5:0

**RESOLUTION NO. 19-15 –  
TENTATIVE PARCEL MAP NO. 73889  
FOR A TWO LOTS FROM ONE LOT,  
FLAG-LOT SUBDIVISION AT  
637 FAIRLEE AVENUE:**

City Planner Kasama stated that the Planning Commission held a public hearing for the proposed subdivision at 637 Fairlee Avenue at its March 27, 2019 meeting, and adopted Resolution No. PC 19-281 to recommend denial of the proposed subdivision. The Commission found that the two new lots will not accommodate the allowed uses in a manner that is consistent with the development pattern of the neighborhood.

**PROJECT DESCRIPTION:**

City Planner Kasama stated that the subject property is a 43,487 square foot lot in the R-20,000 zone. Mr. Manoj Patel, the owner of 637 Fairlee Avenue, submitted the proposed Tentative Tract Map No. 73889 to subdivide the property into two lots of 20,012 Feet (Lot 1) and 23,475 square feet (Lot 2). The proposed subdivision would create a flag lot (Lot 2) at the rear portion of the property. The proposed subdivision has been reviewed by the Fire Department and the relevant utility companies and has been issued preliminary approvals.

**FLAG LOTS:**

The proposed Lot 2 will be a flag lot, for which access is to be provided by a 20-foot wide driveway/fire lane along the southerly side of the property. Flag lots are allowed by the Bradbury Development Code, but due to concerns of potential adverse impacts resulting from flag lots, the Development Code includes provisions for the disapproval of flag lots. Section 9.145.290 of the Development Code provides the following:

*The City Council may disapprove the platting of flag lots where this design is not justified by topographic conditions or the size and shape of the division of land, or where this design is in conflict with the pattern of neighborhood development. If flag lots are approved, the access strip for each lot shall be at least ten feet in width where the fire access strip is situated contiguous to other such access strips, so as to form a common driveway, and at least 20 feet in width or minimum fire access if greater, where the strip is not situated contiguous to other such access strips, unless the Subdivision Committee recommends the approval of lesser widths because of topographic conditions or the size and shape of a division of land. Each access strip shall be located so that, when improved as a driveway, the finished grade will not exceed 20 percent. The advisory agency may require that easements for ingress and egress be provided over common driveways for the benefit of the lots served.*

**DEVELOPMENT ALTERNATIVES:**

As proposed per the R-20,000 zoning, Lot 1 could accommodate a building footprint of approximately 10,000 square feet, and Lot 2 is shown with a buildable area of 9,960 square feet. Both lots could be developed with one-story houses of at least 5,000 square feet, and each lot could also have a second unit of 1,200 square feet.

Alternatively, the existing 43,487 square-foot lot would allow for a buildable area of approximately 25,000 square feet, which could accommodate a one-story house 20,000 square feet or more, and a 1,200 square-foot second unit.

In either case, how the property is eventually developed will be subject to Architectural Review, Neighborhood Compatibility Review, and as applicable, Ridgeline Preservation Review.

**RECOMMENDATION:**

It is recommended that the City Council adopt Resolution No. 19-15 to disapprove Tentative Parcel Map No. 73889, in accordance with the recommendation of the Planning Commission.

**LETTERS AND EMAILS  
IN OPPOSITION:**

City Manager Kearney stated that staff received letters and emails in opposition to the proposed project from the following residents:

- 1) Gayle Jenkins, 2115 Gardi Street
- 2) Stella Tsai, 623 Fairlee Avenue
- 3) Roland Rader, 610 Fairlee Avenue
- 4) Peter Javryd and Sharon Palmer, 2107 Gardi Street
- 5) Andrew Arden, 2205 Gardi Street
- 6) Eunkyung (E.K.) Ban, 2133 Gardi Street

**PUBLIC HEARING OPENED:**

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

**SPEAKING IN FAVOR:**

Al Saito (Architect), Saito Design Group, 20803 Valley Blvd. #105, Walnut, stated that he had a chance to review the letters from the neighbors and responded to some of the concerns.

Manoj Patel (Applicant) stated that he bought this property in 2015 for the opportunity of creating a permanent home base. He chose the property because it is big enough to build two homes, one for his aging parents, and the other for this growing family. Mr. Patel stated that his goal is to build his parents' home first. Unfortunately Mr. Patel recently lost his father to cancer. Mr. Patel stated that he would like to build a second home behind his parents' home for his family. This home will accommodate the needs of his wife and children. This also gives his family the convenience of being close to his mother and being able to be there for her. Mr. Patel stated that since purchasing the property, he has been patiently working with the staff, past and current, to bring this dream to fruition.

**SPEAKING IN OPPOSITION:**

Stella Tsai, 623 Fairlee Avenue  
Eunkyung (E.K.) Ban, 2133 Gardi Street  
Roberta Schwartz, 2204 Gardi Street

**REBUTTAL:**

Mr. Patel was given the opportunity for a brief rebuttal. In regards to the suggestion he build a main residence and a 1,200 square foot guest house on one lot Mr. Patel stated 1,200 square feet are not big enough and he can't apply for Variance to build a bigger guest house. The driveway is already existing, whether he builds one home or two.

**PUBLIC HEARING CLOSED:**

There being no further comments, Mayor Hale declared the public hearing closed.

**DISCUSSION:**

Councilmember Lathrop stated that he walked the property and understands the privacy issue the neighbors have.

Mayor Pro-Tem Lewis stated that open space is nice but the property owner has rights too. And flag lots do exist in Bradbury, such as the three houses along Lemon Trail.

Mayor Hale stated that the lot is so narrow that he doesn't like the idea of a flag lot.

Councilmember Barakat point out that once the lot is split, each property is entitled to a 1,200 square foot guest house.

Councilmember Lathrop stated that the only way to approve the lot split would be with a specific plan.

**MOTION TO APPROVE  
RESOLUTION NO. 19-15:**

Following discussion, Councilmember Barakat made a motion to adopt Resolution No. 19-15: A Resolution of the City Council of the City of Bradbury, California, setting forth its findings of fact and decision to **disapprove** Tentative Parcel Map No. 73889 for a two lots from one lot, flag lot subdivision at 637 Fairlee Avenue. Mayor Hale seconded the motion, which was carried by the following roll call vote:

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

NOES: None

ABSENT: None

Motion passed 5:0

**DISCUSSION ABOUT CAL-AM'S  
REPAIRS ON WOODLYN LANE:**

City Manager Kearney stated that during the April meeting, the City Council directed staff to initiate a meeting with California American Water regarding resident concerns about recurring water leaks in the Woodlyn Lane area. As part of this discussion, the Woodlyn Lane Improvement Association (WLIA) has submitted a Memorandum outlining frequent repairs, minor and major leaks and photo evidence of water damage to the road.

**RECOMMENDATION:**

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

**DISCUSSION:**

Representatives from Cal-Am included Brian Barreto, Louie Romero and Mark Ryker.

Dan Lien, 33 Woodlyn Lane, representing the WLIA, began the discussion by going over the points in the Memorandum from the Association for Cal-Am to respond. Mr. Lien stated that the frequent leaks and repairs have destroyed the road (Woodlyn Lane) and instead of replacing the water pipes Cal-Am is using "band aids" by patching the road after every leak that occurs.

Brian Barreto responded that Cal-Am is aware of the issue and authorized the replacement of infrastructure. Mayor Hale asked about the timeline. Mr. Barreto stated that the work is scheduled for the end of the year and should take about one week to complete.

Dan Lien added that the City of Bradbury has the worst quality water, and when work is done, it damages even expensive faucets. Despite all this, the water rates keep going up, and residents are fed up.

**DIRECTION TO STAFF:**

The City Council directed staff to continue working with Cal-Am regarding the replacement of water pipes in the Woodlyn Lane area.

**ANNUAL RATE ADJUSTMENT  
FOR SOLID WASTE COLLECTION  
FOR FISCAL YEAR 2019-2020:**

City Manager Kearney stated that the City of Bradbury contracts with Burrtec Waste Services for solid waste collection and recycling. Pursuant to Section 10.10 of the Franchise Agreement "each subsequent July 1 (after July 1, 1999) the rate for each category of service shall be subject to upward or downward adjustment. Customer rates are comprised of the following categories: contractor service cost, disposal cost, recycling processing, green waste processing cost and manure waste processing cost."

**BURRTEC POWER POINT  
PRESENTATION:**

Richard Nino, Burrtec Waste Industries, presented the 2019 Rate Review for the City of Bradbury. The presentation included the following topics:

- Annual Rate Review
- Rate Review Impacts
- Disposal and Processing
- Green Waste Disposal and Processing
- Recyclables: China Impact
- Recyclables: China's Policy Impacts
- Recyclables: Global Impacts
- Rate Adjustment
- Residential Rate Detail 2019
- Residential Rate Detail – 90 Gallon Containers
- Future and Outgoing Impacts

Mr. Nino stated that the July 2018 CPI was 3.9% as reported for the All Urban Consumer Price Index for the Los Angeles area. In addition, this year's adjustment includes moderate adjustments for trash and green waste disposal and processing and more pronounced impacts to the recyclables processing rates.

As discussed in recent years, the recyclables commodity markets have been significantly impacted by decreases in global recycling commodity market values to the extent that commodity revenues no longer offset the costs of processing, transportation, and residue disposal. Given the industry's heavy reliance on foreign markets, particularly China, to accept recyclable materials such as paper, cardboard and plastics, the cost impacts have proven to be industry changing.

The primary cause is China's January 2018 "National Sword" policy establishing strict new contamination thresholds that included importation bans on mixed paper and various other items. This is best illustrated by the Paper Pulp Index (a national recyclables commodity market value index) where the mixed paper per ton market rates were recorded as \$181 per ton in 2011 and \$32 per ton through October 2018, as unprecedented 82% decrease.

**RECOMMENDATION:**

It is recommended that the City Council approve the refuse collection and recycling rates as proposed by Burrtec to become effective July 1, 2019.

**MOTION:**

Following brief discussion, Councilmember Barakat made a motion to approve the refuse collection and recycling rates as proposed by Burrtec to become effective July 1, 2019. Mayor Pro-Tem Lewis seconded the motion, which was carried by the following roll call vote:

**APPROVED:**

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

Motion passed 5:0

**RESOLUTION NO. 19-16: -  
PROPOSED BUDGET FOR  
FISCAL YEAR 2019-2020 AND  
RESOLUTION NO. 19-17 –  
ALLOCATING THE CITY OF BRADBURY’S  
COPS FUNDS:**

City Manager Kearney stated that at the May meeting, the City Council reviewed the draft budget for Fiscal Year 2019-2010, made some changes to be incorporated into the final budget document, and requested staff to explore alternative ways to spend COPS funding, which includes the hiring of a full-time Community Services Officer (CSO). In discussing the matter with the City of Monrovia, they appear open to a full-time CSO position with Bradbury, but further details and costs are still being assembled. As such, staff recommends moving forward with Resolution No. 19-17, so that the City can continue to pay for the part-time CSO with restricted COPS funding. In the meantime, staff will hold back on allocating any funds to the City of Duarte and additional LASD patrol services until a time when the City Council provides further direction to staff.

**RECOMMENDATION:**

It is recommended that the City Council adopt Resolution No. 19-16 approving the City of Bradbury’s Annual Budget for Fiscal Year 2019-2020 and Resolution No. 19-17 approving the expenditure plan for grant funds pursuant to Citizens’ Option for Public Safety (COPS/Supplemental Law Enforcement Services Fund).

**MOTION TO ADOPT  
RESOLUTION NO. 19-16:**

Mayor Pro-Tem Lewis made a motion to approved Resolution No. 19-16: A Resolution of the City Council of the City of Bradbury, California, Adopting the Annual Budget for Fiscal Year 2019-2010 and Appropriating the Amounts Budgeted. Councilmember Barakat seconded the motion, which was carried by the following roll call vote:

**APPROVED:**

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

Motion passed 5:0

**MOTION TO ADOPT  
RESOLUTION NO. 19-17:**

Mayor Pro-Tem Lewis made a motion to approved Resolution No. 19-17: A Resolution of the City Council of the City of Bradbury, California, Allocating Funds from the Citizens’ Option for Public Safety (COPS) Program, and Documenting the Determinations required by the Supplemental Law Oversight Committee. Councilmember Barakat seconded the motion, which was carried by the following roll call vote:

**APPROVED:**

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

Motion passed 5:0

**MATTERS FROM THE CITY MANAGER:**

City Manager Kearney reminded the City Council of Bradbury Night Out on Thursday, July 25th from 6 to 8 pm. The Public Safety Committee recommended to update the Disaster Data Forms.

The June 26<sup>th</sup> Planning Commission Meeting has been cancelled due to a lack of agenda items.

Lt. Jess Carrasco has been promoted and the City will get a new Sheriff's Department liaison assigned soon.

**MATTERS FROM THE CITY ATTORNEY:**

Nothing to report

**MATTERS FROM THE CITY COUNCIL:**

**MAYOR HALE:**

Mayor Hale stated that he would like to discuss flag lots at a future meeting. City Manager Kearney stated that he will start the discussion with the Planning Commission.

**MAYOR PRO-TEM LEWIS:**

Mayor Pro-Tem Lewis thanked staff for bringing in Cal-Am Water Company tonight.

**COUNCILMEMBER BRUNY:**

Nothing to report

**COUNCILMEMBER LATHROP:**

Councilmember Lathrop stated that the Duarte Unified School District is holding its Annual Fundraiser Dinner on October 18, 2019 at a private home in the Duarte Mesa.

**COUNCILMEMBER BARAKAT:**

Councilmember Barakat stated that the proposal between the LA County Sanitation Districts and the Unions did not pan out. They will try again.

Councilmember Barakat further stated that Foothill Transit has liability issues. A person got run over by a bus the day before.

**ITEMS FOR FUTURE AGENDAS:**

- Discussion regarding Flag Lots
- Discussion regarding EV charging station at City Hall
- Scheduling of a City Council-Planning Commission Retreat on a Saturday morning (now that we have two new Commissioners)



**CLOSED SESSION**

**INITIATION OF LITIGATION AND  
PUBLIC EMPLOYEE  
PERFORMANCE EVALUATION:**

At 9:00 p.m. the City Council convened to a Closed Session to discuss

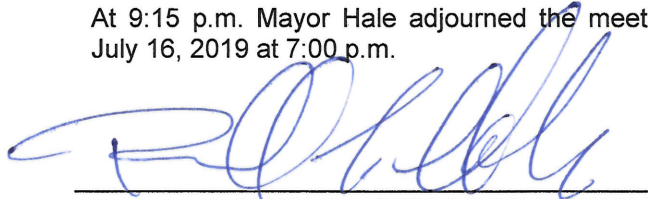
- A) Initiation of Litigation Pending Litigation pursuant to Government Code Section 54956.9 (d)(4) (Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding to initiate litigation (2 potential cases)
- B) Public Employee Performance Evaluation pursuant to Government Code Section 54957(b)(4)  
Title: City Manager

**RECONVENE INTO OPEN SESSION:**

The City Council reconvened into Open Session to announce any action taken. City Attorney Reisman reported that the City Council discussed 2 litigation cases and authorized staff to take action on one case and directed the City Attorney to file a petition for the other. The City Council also did a performance evaluation of the City Manager and directed the City Attorney to draft the evaluation form for Council's review.

**ADJOURNMENT:**

At 9:15 p.m. Mayor Hale adjourned the meeting to Tuesday, July 16, 2019 at 7:00 p.m.



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**MAYOR – CITY OF BRADBURY**

**ATTEST:**



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**CITY CLERK – CITY OF BRADBURY**