

**MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF BRADBURY
HELD ON TUESDAY, NOVEMBER 17, 2020**

**EXECUTIVE ORDER
N-25-20:**

Pursuant to Governor Newsom’s Executive Order N-25-20, the City is allowing Council Members, Staff and the public to participate in this City Council meeting by means of a Zoom video or telephone call. Participants will be able to hear the entire proceedings (other than the Closed Session) and be able to speak during Public Comment, Public Hearing, and other authorized times. Members of the public must maintain silence and mute their microphones and telephones except during those times.

MEETING CALLED TO ORDER:

The Regular Meeting of the City Council of the City of Bradbury was called to order by Mayor Pro-Tem Bruny at 7:00 p.m. followed by the Pledge of Allegiance.

ROLL CALL:

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

ABSENT: Mayor Lewis

STAFF: City Manager Kearney, City Attorney Reisman, City Engineer Gilbertson and City Clerk Saldana

MOTION TO EXCUSE MAYOR LEWIS:

Councilmember Barakat made a motion to excuse Mayor Lewis from the meeting. Councilmember Lathrop seconded the motion which carried.

APPROVAL OF AGENDA:

Councilmember Barakat made a motion to approve the agenda to proceed with City business. Councilmember Hale seconded the motion which carried unanimously.

**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 there were none.

PUBLIC COMMENT:

None

PUBLIC SAFETY COMMITTEE UPDATE:

None this month

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 October 20, 2020
- B. Resolution No. 20-21: Demands & Warrants for November 2020
- C. Monthly Investment Report for the month of October 2020

- D. Approval of Settlement Agreement and Release with Ramona, Inc. for the Lemon/Winston Sewer Extension Project
- E. Approval of Designation for Applicant's Agent Resolution for Non-State Agencies
- F. Budget Amendments for FY 2019-20 and FY 2020-21

**MOTION TO APPROVE
CONSENT CALENDAR:**

Councilmember Barakat made a motion to approve the Consent Calendar as presented. Councilmember Hale seconded the motion, which was carried by the following roll call vote:

APPROVED:

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

Motion passed 4:0

**ADMINISTRATIVE POLICY NO. 20-01 –
IDENTIFICATION CARD POLICY:**

City Manager Kearney stated that during the October meeting, the City Council directed staff to draft a policy regarding the usage of identification cards. The purpose of the Administrative Policy is to establish guidelines for the issuance of a photo identification (ID) card. Pursuant to the draft policy, cards would be available, upon request, to City Councilmembers, Public Safety Committee members (after six months of continuous service) and City employees. Currently, employees do not have photo identification cards. The policy also details procedures, recipient responsibilities, and includes an ID Badge Request Form.

BACKGROUND:

During the October meeting, the City Council discussed the issuance of Bradbury identification cards for the Public Safety Committee (PSC) members. The argument for such cards is that PSC members would benefit from having identification cards. For example: identification would be beneficial if PSC members were going door-to-door to ask neighbors to sign up for the City's emergency notification system. Additionally, many PSC member have CERT and/or have first aid training, and having identification might give them better access to assist first responders during emergencies.

RECOMMENDATION:

It is recommended that the City Council review, provide any necessary feedback, and approve the draft policy.

DISCUSSION:

The City Council reviewed and discussed the draft policy. Councilmember Barakat suggested to add a sentence to require ID card holders to return their cards when service ends. City Manager Kearney stated that this is already in the policy.

MOTION:

Councilmember Hale made a motion to approve Administrative Policy No. 20-01 (Identification Card Policy) as presented. Councilmember Lathrop seconded the motion, which was carried by the following roll call vote:

APPROVED:

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

Motion passed 4:0

FINAL ACCEPTANCE FOR WINSTON SEWER IMPROVEMENT PROJECT:

City Engineer Gilbertson (RKA) stated that on February 20, 2018 the City Council awarded a contract to Ramona, Inc. for the Winston Avenue Sewer Improvement Project in the amount of \$518,444.00. Work on the project began on September 4, 2018 and was completed on December 18, 2018.

The project consisted of the installation of 1,021 feet of 8-inch sewer main line and seven sewer manholes. The proposed sewer line extension provides sewer services to four parcels on Lemon Avenue and seven parcels on Winston Avenue north of City Hall.

UNILATERAL CHANGE ORDER AND SETTLEMENT:

The City Engineer has determined that the work has been completed in accordance to City specifications. There was a unilateral change order issued to the contractor for the quantity adjustment required to complete the project, the extra work from the horizontal and vertical alignment revision to the proposed sewer mainline and laterals to avoid conflict with existing utilities. The Contractor continued to disagree with the final Contract cost and submitted a formal claim. Additional construction management and inspection costs were incurred as a result of the Contractor's claim. The City and Contractor agreed to a settlement set by a mediator in the amount of \$40,000.

FINANCIAL ANALYSIS:

The original construction cost was anticipated to be \$570,288.40, including a 10% contingency. The final completed construction cost is \$620,229.69, which includes the \$40,000.00 settlement agreement. The cost represents a 17% (491,785.69) increase over the initial bid amount.

RECOMMENDATION:

It is recommended that the City Council accept the work performed by Ramona, Inc. for the Winston Avenue Sewer Improvement Project.

MOTION:

Councilmember Hale made a motion to accept the work performed by Ramona, Inc. for the Winston Avenue Sewer Improvement Project. Councilmember Barakat seconded the motion, which was carried by the following roll call vote:

APPROVED:

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

Motion passed 4:0

DISCUSSION ON WINSTON/LEMON TRAIL:

City Manager Kearney stated that the City has recently fielded concerns from residents regarding pedestrians walking on Winston and Lemon Avenues. Since there are no sidewalks or trails on these streets, pedestrians are forced to walk on the road.

BACKGROUND:

Back in 2013, the City Council adopted an overlay zone on these two roads to start clearing street frontage. While the overlay zone provides for a safer traveling environment for pedestrians and cyclists, staff has not found a plan for a

potential walking trail. The City Engineer has offered to develop a robust plan, including construction cost estimates, for \$2,500. With a better understanding of trail placement and costs, staff would be able to monitor grants over the next few years to assist with potential trail construction.

RECOMMENDATION:

It is recommended that the City Council discuss long-term plans for a trail system on Winston and Lemon Avenues that would connect with Royal Oaks Drive North (at Winston) and Monrovia's sidewalk systems (on Lemon) at the western boundaries of the City. It is also recommended that the City Council direct staff to move forward with developing a robust plan for approximately \$2,500.

DISCUSSION:

Councilmember Hale stated that it is hard for drivers to see pedestrians walking in the dark. He asked the City Engineer if we could have "incomplete" trails. City Engineer Gilbertson stated that incomplete trails would pose a liability problem.

Councilmember Barakat stated that he hopes that the City would not have to remove too many trees to construct trails.

MOTION:

Councilmember Barakat made a motion to direct staff to move forward with developing a robust plan for approximately \$2,500. Councilmember Hale seconded the motion, which was carried by the following roll call vote:

APPROVED:

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

NOES: None

ABSENT: Mayor Lewis

Motion passed 4:0

DISCUSSION ON A GIFT POLICY:

City Manager Kearney stated that a request by Councilmember Lathrop at the October 2020 meeting prompted a discussion of a gift policy.

ANALYSIS:

The California Political Reform Act ("Act") defines gifts, imposes regulations and provides guidance for valuing gifts for designated employees and local officials of municipal government agencies. Overall, the Act restricts the acceptance of gifts from any single source totaling more than \$500 in a calendar year (increasing to \$520 as of January 1, 2021). Local officials and employees must report gifts from a single source aggregating to \$50 or more during the preceding calendar year on their Form 700 Statement of Economic Interests as required by the California Fair Political Practices Commission (FPPC).

Aside from State regulations, some local agencies have adopted their own regulations whereas others have defaulted to State guidelines. Bradbury defaults to the FPPC limits and guidelines, and a blurb in our conflict of interest guidelines states that any food received is to be displayed in a place to be shared with other employees. Others have taken different approaches. For example, the City of Los Angeles restricts gifts larger than \$100 from businesses that have or seek contracts with a City agency, while still allowing the \$500 limit for others who do not do business with the City.

RECOMMENDATION:

It is recommended that the City Council direct staff on how to proceed.

DISCUSSION:

Councilmember Lathrop stated that the City should have its own policy that would prohibit contractors (i.e. VCA and RKA) from bringing coffee and donuts. Councilmember Barakat agreed. City Manager Kearney pointed out the shared aspect of food, which would apply to donuts at City Hall. Mayor Pro-Tem Bruny stated that she did not see a problem with employees bringing in cookies or donuts to share. Mayor Pro-Tem Bruny also stated that she likes Monrovia's policy.

Councilmember Lathrop stated that Monrovia's policy does not mention Form 700. Councilmember Lathrop stated that the value of donuts add up to \$50 over the course of a year and should be reported to the FPPC on Form 700.

DIRECTION TO STAFF:

The City Council directed the City Manager to draft a policy for the City of Bradbury resembling the gift policy of the City Monrovia for review at the December meeting.

DISCUSSION ON USE OF CALRECYCLE FUNDS:

City Manager Kearney stated that during the October meeting, the City Council discussed the use of the City's surplus of \$11,356 in CalRecycle funds. In past years, the City utilized a grant program that facilitated the expenditures of the City's surplus funding. At last month's meeting, the City Council directed staff to contact the City of Monrovia to see if the restricted funds could benefit Monrovia's fire impacted areas in Canyon Park and/or Camp Trask area.

In response to Bradbury's outreach, Monrovia is requesting \$7,200 for the purchase of two water bottle-fill drinking fountains at Canyon Park. Bradbury's restricted funds would cover the cost of the two water stations and Monrovia would pay for the installation.

RECOMMENDATION:

It is recommended that the City Council review Monrovia's request. Should the City Council decide to move forward with the proposal, it is recommended that the City Council direct staff to work with Monrovia for the purchase of two Water stations

DISCUSSION:

Councilmember Hale stated that he would like Monrovia to put plaques on the water stations stating that they were donated by the City of Bradbury.

Councilmember Barakat inquired if we could put water stations on our trails in the future.

MOTION:

Councilmember Barakat made a motion to direct staff to work with the City of Monrovia regarding the purchase of two water stations for Canyon Park with Monrovia affixing plaques stating that the water stations were donated by the City of Bradbury. Councilmember Hale seconded the motion, which was carried by the following roll call vote:

APPROVED:

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

Motion passed 4:0

MATTERS FROM THE CITY MANAGER:

City Manager Kearney stated that DUDEK has completed the AB 68 ADU Study and staff is ready to move forward with scheduling a special meeting with the City Council. The City Council chose Wednesday, December 9, 2020 at 7 pm. City Attorney Reisman stated that he has another meeting and won't be available, but Assistant City Attorney Lisa Kranitz will attend.

MATTERS FROM THE CITY ATTORNEY:

Nothing to report

MATTERS FROM THE CITY COUNCIL:

MAYOR LEWIS:

Nothing to report

MAYOR PRO-TEM BRUNY:

Nothing to report

COUNCILMEMBER LATHROP:

Councilmember Lathrop stated that the Duarte Education Foundation held its first meeting since COVID and donated \$2,500 to DUSD for their virtual library.

COUNCILMEMBER BARAKAT:

Nothing to report

COUNCILMEMBER HALE:

Nothing to report

ITEMS FOR FUTURE AGENDAS:

None

ADJOURNMENT:

At 7:48 p.m. p.m. Mayor Pro-Tem Bruny adjourned the meeting to an Adjourned Meeting on Wednesday, December 9, 2020 at 7:00 p.m.



MAYOR PRO-TEM – CITY OF BRADBURY

ATTEST:



CITY CLERK – CITY OF BRADBURY