

**MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF BRADBURY
HELD ON TUESDAY, FEBRUARY 18, 2020**

MEETING CALLED TO ORDER: The Regular Meeting of the City Council of the City of Bradbury was called to order by Mayor Hale at 7:00 p.m. followed by the Pledge of Allegiance.

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

ABSENT: None

STAFF: City Manager Kearney, City Attorney Reisman, City Engineer Gilbertson, Deputy City Engineer Leveille, 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. Mayor Pro-Tem 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 Councilmember Lathrop should abstain from agenda items #4 (Mount Olive Sewer Project) and #5 (Ordinance No. 371).

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 – Adjourned Regular Meeting of January 14, 2020
B. Resolution No. 20-02: Demands & Warrants for February 2020
C. Monthly Investment Report for the month of January 2020
D. Ordinance No. 269: Amending the Bradbury Municipal Code Adding Ground Covering Requirements to Property Maintenance Standards
E. Amendments to the 2019-2020 Budget

MOTION TO APPROVE CONSENT CALENDAR: Mayor Pro-Tem Lewis made a motion to approve the Consent Calendar as presented. Councilmember Lathrop 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

**PUBLIC HEARING FOR
ORDINANCE NO. 370:**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY
AMENDING THE DEVELOPMENT CODE REGULATIONS REGARDING
THE R-7,500 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT IN THE
CITY OF BRADBURY AND BY ADDING NEW DEFINITIONS

**PROPOSED SECOND STORY
REGULATIONS:**

City Planner Kasama stated that at the August 28, 2019 meeting staff informed the Planning Commission that the City Council had asked staff to initiate an updating of the Development Code. The Planning Commission directed staff to reinstate the community discussion regarding second stories in the R-7,500 zone.

Staff is proposing the following regulations for second stories in the R-7,500 zone:

- A second floor or a two-story design would have an additional five-foot front setback to encourage articulation between the first and second floors, which can mitigate bulky appearance of a two-story structure.
- A second floor or a two-story design would have additional ten-foot side setbacks to reduce impacts to privacy and building mass, and provide more distance between buildings for light and air circulation.
- A second floor or a two-story design would have an additional 20-foot rear setback to reduce impacts to privacy.
- Only the main dwelling could have two stories and a two-story design would be limited to a floor-area-ratio of 50% and could cover a maximum of 35% of the lot. This limits the mass of a two-story dwelling and prohibits any other structure from having two stories.
- A two-story design must have hipped roofs of a 4:12 slope or lower to limit the mass and bulky appearance of a two-story structure.

**PLANNING COMMISSION
RECOMMENDATION:**

The Planning Commission concluded the community discussion at their December 11, 2019 meeting and directed staff to prepare an ordinance that addresses two stories and the related concerns. The City Attorney prepared Ordinance No. 370 based on the proposed regulations. The Planning Commission considered the draft ordinance at the January 22, 2020 meeting and adopted Resolution No. PC 20-288 to recommend that the City Council approve and adopt Ordinance No. 370.

FINDINGS:

City Planner Kasama stated that Ordinance No. 370 is consistent with the City's General Plan. The proposed regulations for the R-7,500 zone further the goals, policies, and programs of the Land Use Element of the General Plan.

RECOMMENDATION:

It is recommended that the City Council open a public hearing and solicit testimony on Ordinance No. 370, close the public hearing and determine that the findings can be made approve Ordinance No 370 with an exemption under the California Environmental Quality Act (CEQA) and approve a motion to introduce Ordinance No. 370 and schedule the second reading and adoption for the next regular meeting on March 17, 2020.

**PUBLIC HEARING OPENED
AND CLOSED:**

Mayor Hale opened the public hearing and asked those wishing to speak in favor or opposition to come forward and be heard. There being no public testimony, Mayor Hale declared the public hearing closed.

MOTION:

Councilmember Lathrop made a motion to determine that the findings can be made to approve Ordinance No. 370 with an exemption under the California Environmental Quality Act (CEQA) and approve a motion to introduce Ordinance No. 370 and schedule the second reading and adoption for the next regular meeting on March 17, 2020. 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

**PUBLIC HEARING FOR
1533 ROYAL OAKS DRIVE NORTH –
RESOLUTION NO. 20-03:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADBURY, CALIFORNIA, SETTING FORTH ITS FINDINGS OF FACT AND DECISION TO GRANT A THIRD EXTENSION FOR THE CONDITIONAL APPROVAL OF TENTATIVE PARCEL MAP NO. 73673 FOR A THREE-LOT SUBDIVISION AT 1533 ROYAL OAKS DRIVE NORTH

CITY PLANNER'S REPORT:

City Planner Kasama stated that Tentative Parcel Map No. 73673 was conditionally approved on July 19, 2016, with the adoption of Resolution No. 16-20. The Tentative Parcel Map is to subdivide the 3.8-acre parcel at 1533 Royal Oaks Drive North into three parcels, each for the future development of a new residence.

**CITY'S SUBDIVISION REGULATIONS AND
STATE SUBDIVISION MAP ACT:**

In accordance with the City's Subdivision Regulations and the State Subdivision Map Act, the approval of a tentative map is effective for two years, by which time the map is to be recorded with the County Recorder, unless the approval is extended. Tentative maps may be granted multiple extensions, but each extension shall be for no more than one year and the sum of such extensions shall not exceed three years.

Resolution No. 18-22 was adopted to grant a one-year extension on Tentative Parcel Map No. 76373 at the August 21, 2018 City Council meeting. Resolution No. 19-22 was adopted to grant a second extension of 6 months at the August 20, 2019 City Council meeting.

THIRD EXTENSION REQUEST:

City Planner Kasama stated that the owner is requesting a third extension for one year due to the extensive time it has been taking to acquire clearances from the various utility companies to begin the improvements to the public right-of-way adjacent to the subject property, which as a condition of approval are required to be completed prior to approval of the final map.

FINDINGS:

The proposed subdivision complies with the standards and requirements of the Bradbury Development Code, including the Subdivision Regulation, and the State Subdivision Map Act. The owner has requested this third extension in a timely manner and has been proceeding in good faith with due diligence in seeking to comply with the applicable conditions of approval required for the approval and recording of the final map.

RECOMMENDATION:

It is recommended that the City Council open a public hearing and solicit testimony on the extension request for the proposed project, then close the public hearing and determine that the findings can be made to grant a third extension for one year of the conditional approval of Tentative Parcel Map No. 73673 and that the project is Categorically Exempt under the California Environmental Quality Act (CEQA) and approve a motion to adopt Resolution No. 20-03 as presented or modified by the City Council.

**PUBLIC HEARING OPENED
AND CLOSED:**

Mayor Hale opened the public hearing and asked those wishing to speak in favor or opposition to come forward and be heard. There being no public testimony, Mayor Hale declared the public hearing closed.

DISCUSSION:

Mayor Pro-Tem Lewis had a question for the owner's representative. Is the reason for the extension economical or is it the utility issue with Edison? The representative stated that it is both. Three Edison power poles have to be relocated for the pathway improvements. The owner of the property wants to get the map approved to sell off the individual parcels.

Councilmember Lathrop stated that the current chain link fence is unsightly and asked if the owner would consider replacing it with a horse fence.

Mayor Hale suggested to revisit the fence proposal 60 days after the power poles have been relocated by Edison.

Councilmember Barakat proposed a 6-month extension and stated that he wants to see some progress.

MOTION:

Councilmember Barakat made a motion to adopt Resolution No. 20-03 granting a 6-month extension of the conditional approval of Tentative Parcel Map No 73673. 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

**COUNCILMEMBER LATHROP
RECUSED:**

Councilmember Lathrop, who resides within 500 feet of the Mount Olive Sewer Project, recused himself from the decision-making process regarding the Mount Olive Lane Sewer Project and left the room.

**MOUNT OLIVE LANE SEWER
REIMBURSEMENT PROJECT
UPDATE:**

City Manager Kearney stated that this item provides an update to the Mount Olive Lane Sewer Reimbursement Project. Initial estimates for the project were anticipated at \$595,177, which would have resulted in a reimbursement cost of \$54,016 per resident. Due to changes in the project, the anticipated cost is now \$1,027,114, with a reimbursement cost of \$93,374 per resident. To date, the City has spent approximately \$75,000 in preparation, legal fees and construction plans.

RECOMMENDATION:

It is recommended that the City Council hear the City Engineer's report and review the anticipated construction schedule and updated anticipated construction costs, and direct staff on how to proceed with the project.

PROJECT ANALYSIS:

Deputy City Engineer John Leveillee (RKA) stated that on November 15, 2016 the City Council authorized the development of the construction plans and documents for extending the public sewer on Mount Olive Lane and creating a sewer reimbursement district for said sewer. The proposed project was to serve eleven (11) properties along Mount Olive Lane. Due to the topography in the area, the residences along the south side of Mount Olive Lane will have to be served by a sewer line located at the rear of their property. Since this sewer line will be maintained by the County's Maintenance Division, the new sewer line will have to be located within a sewer easement and also be accessible to the County's maintenance crews.

**COORDINATION WITH ROYAL OAKS
ELEMENTARY SCHOOL AND
COUNTY MAINTENANCE DIVISION:**

A review of the existing conditions at the rear of the properties on the south side of Mount Olive Lane revealed steep slopes and existing improvements (such as pools and small structures) which would preclude access by the County's maintenance personnel. The only available alignment for the new sewer line was through the grounds of the Royal Oaks Elementary School. In order to secure such easement through the school's property, RKA staff met with representative of the school district and with representatives from the County's Maintenance Division to establish an alignment acceptable to both parties. During this process, there was a change in the Duarte Unified School District's Superintendent's office resulting insignificant delays. RKA staff continued to coordinate with both parties, and after dozens of meetings with various personnel from both parties, an alignment was selected which was agreeable to both the School District and the County.

COUNTY PLAN CHECK:

The construction plans have been through the first plan check with the County and the second submittal will occur within the next week. Should the majority of the property owners desire to continue with the project pending notification of the updated project costs, it is anticipated that the project can be constructed in June/July of 2020. This schedule is meant to coincide with summer break for the school, thus reducing the impact on the school's operations.

FINANCIAL REVIEW:

Deputy City Engineer Leveillee stated that when this item was originally brought before the City Council, the anticipated total cost for the project as \$594,177. Dividing the cost between the eleven (11) property owners resulted in a reimbursement cost of \$54,016 per residence. During the negotiations for the sewer easement, the County's Maintenance Division has several conditions upon which they would accept the maintenance of this line.

Chief amongst these is the construction of an all-weather paved access road across school property from which they can access all manholes along the sewer line. Specialized pipe materials, seals and "smart" manhole covers, and other unique construction processes are also being required by the County to ensure there is no possibility of sewer overflows on school property. The requirements have substantially increased the anticipated cost of the project.

**OPTION TO SUBSIDIZE COSTS
TO LOWER CONNECTION RATES
TO RESIDENTS:**

Given the changes to the project, the current anticipated cost has increased to \$1,027,114, which would result in a reimbursement cost of \$93,374 per residence. This rate is significantly higher than other sewer reimbursement costs throughout the City, which typically range somewhere in the \$50,000 to \$60,000 range. Given the cost differentials, an option available to the City Council would be to subsidize costs to offer lower connection rates to residents.

SEPTIC TANK REPLACEMENT:

Over the years, state requirements for septic tank replacement have changed and continue to change. In a quick review of the Mount Olive Lane properties, it is possible that a failed septic tank could lead to difficulties in replacing the tank given the properties' slope and need for additional undeveloped area for tank replacement. Since a septic tank replacement cannot be located in the same location, it may be possible that some of the properties on the street could encounter significant obstacles in replacing failed septic tanks in the future.

PROPERTY OWNER NOTIFICATION:

Deputy City Engineer Leveillee stated that all eleven property owners will be contacted by certified mail and provided an updated project cost estimate along with their estimated reimbursement cost. The property owners will be asked to respond by completing the response letter in order to determine the exact number of property owners who are still in favor of the project.

It is important to remember that the property owners will still be responsible for the cost to abandon their existing septic system and for extending their onsite sewer lateral to the new sewer line.

DISCUSSION:

Councilmember Barakat inquired about the trigger for a homeowner to have to connect to the public sewer. Deputy City Engineer Leveillee stated that the trigger is new construction, remodel or a major addition that is located within 200 feet from the property line to the existing sewer line.

Councilmember Barakat asked about the lifespan of a septic tank. Mr. Leveillee replied that the lifespan of a septic system is approximately 20 years.

Councilmember Barakat stated that at this point in time he did not favor the City to subsidize costs.

DIRECTION TO STAFF:

Mayor Pro-Tem Lewis made a motion for RKA to go ahead and send letters to the eleven property owners on Mount Olive Lane. The motion carried unanimously.

**COUNCILMEMBER LATROP
RECUSED:**

Councilmember Lathrop recused himself from the discussion and decision-making process regarding Ordinance No. 371.

ORDINANCE NO. 371:

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

City Manager Kearney stated that at the December 2019 meeting, the City Council directed staff to draft an ordinance regulating overnight parking on Lemon Avenue, Braewood Drive, Gardi Street (West) and Fairlee Avenue. Staff was also directed to send out another mailer to the residents of Spring Point Drive and Oak Shade Road to solicit additional feedback since their response rate was low.

**SURVEY RESULTS FOR
SPRING POINT DRIVE
AND OAK SHADE ROAD**

City Manager Kearney stated that the survey results for Spring Point Drive and Oaks Shade Road were as follows:

Spring Point Drive:

In Favor of Restricting – 5
Not in Favor of Restricting – 1
Total Households Surveyed – 6

Oak Shade Road:

In Favor of Restricting – 5
Not in Favor of Restricting – 1
Total Households Surveyed – 9

FINANCIAL ANALYSIS:

Ordinance No. 371 regulates parking on certain streets, and signage will be needed to advise motorists of the new restrictions. Materials and installation for the signage is estimated to be \$4,500.

RECOMMENDATION:

It is recommended that the City Council introduce for first reading, by title only, Ordinance No. 371:

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

DISCUSSION:

City Attorney Reisman suggested to draft a new ordinance to include Spring Point Drive and Oak Shade Road to restrict overnight parking and bring back the new ordinance at the March meeting.

MOTION:

Mayor Pro-Tem Lewis made a motion to direct the City Attorney to draft a new ordinance to be presented at the March City Council meeting. Councilmember Bruny seconded the motion, which carried by the following roll call vote:

APPROVED:

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

NOES: None

ABSENT: None

ABSTAIN: Councilmember Lathrop

Motion passed 4:0

**COUNCILMEMBER LATHROP
REJOINS MEETING:**

Following the conclusion of agenda items #4 and #5, Councilmember Lathrop rejoined the meeting.

**DISCUSSION ON COMMUNITY
SUPPORT FUNDS:**

Management Analyst Santos Leon stated that as a result of the Los Angeles Civil Grand Jury findings for the City of Bradbury, the City donated \$3,000 in Fiscal Year 2016-2017 to support organizations that provide housing and shelter to those in need. Although this was a mandatory one-time donation during the 2016 El Nino period, the City Council decided to budget and allocate \$3,000 to Union Station Homes Services, Foothill Unity Center, and Friends in Deed every year since then.

RECOMMENDATION:

The City Council budgeted \$4,000 this fiscal year to support community homelessness. It is recommended that the City Council direct staff on how to expend the budgeted \$4,000 which has been set aside for a charitable donation.

**ADDITIONAL DONATION
SUGGESTION:**

Councilmember Lathrop suggested a fourth donation to Rebuilding Together, an organization that assists residents in need with code enforcement clean-up.

DIRECTION TO STAFF:

The City Council decided to hold off on the additional donation to Rebuilding Together for now and put \$1,000 aside and directed staff to issue checks in the amount of \$1,000 each to Union Station Homes Services, Foothill Unity Center, and Friends in Deed.

**DISCUSSION ON ANNUAL
APPRECIATION EVENT:**

Management Analyst Santos Leon stated that in May 2019 the City Council hosted an Appreciation Event for Staff and Volunteers at 38 Degrees in Monrovia. The City Council budgeted \$1,200 this fiscal year for the annual Appreciation Event.

RECOMMENDATION:	It is recommended that the City Council provide direction to Staff on how to move forward with the coordination of this year's event, including date, time and location.
DISCUSSION:	Councilmember Barakat stated that he liked last year's location (38 Degrees). Councilmember Lathrop agreed. Mayor Hale suggested staff talk to a couple of places in Monrovia.
DIRECTION TO STAFF:	The City Council directed staff to set a date for the event preferable on a Wednesday) at 38 Degrees and report back to the City Council.
DISCUSSION ON GENERAL LAW ENFORCEMENT SERVICES:	City Manager Kearney reported that Mayor Hale requested this agenda item to discuss recent occurrences of crime within the City and current law enforcement services.
FINANCIAL ANALYSIS:	<p>The City annually receives \$100,000 in COPS funds from the state for additional local law enforcement purposes. The City currently has a surplus of approximately \$150,000 from previous years.</p> <p>Last year, the City utilized funding for a contracted Monrovia Community Services Officer (CSO), administrative supplies (such as parking citations) and Duarte daytime patrol. The City Council this year elected to forgo the Duarte daytime patrol and allocate funding for additional Bradbury patrol instead.</p>
DISCUSSION:	<p>Mayor Hale stated that he was concerned about recent burglaries inside the Bradbury Estates. Mayor Hale also stated that the HOA is monitoring Sheriff patrols in the area. In January the Sheriff's Department patrolled the Bradbury Estates on only 6 days out of 31.</p> <p>Councilmember Barakat suggested the HOA hire a private security patrol service as the recent burglaries appear to be "inside jobs."</p> <p>Lt. Frank Ruiz, LASD, stated that there has not been an increase in burglaries Bradbury. Lt. Ruiz also stated that Bradbury gets 15 minutes a shift per car. City Manager Kearney stated that the City can increase patrol services, and we can use COPS funds for this purpose.</p>
DIRECTION TO STAFF:	Mayor Hale directed staff to prepare a matrix of what is in our current contract for the City Council to review. Mayor Pro-Tem Lewis asked to see the current law enforcement contract with the Sheriff's Department at the March meeting.
MATTERS FROM THE CITY MANAGER:	Nothing to report
MATTERS FROM THE CITY ATTORNEY:	Nothing to report
MATTERS FROM THE CITY COUNCIL:	
MAYOR HALE:	Nothing to report
MAYOR PRO-TEM LEWIS:	Nothing to report

COUNCILMEMBER BRUNY:

Nothing to report

COUNCILMEMBER LATHROP:

Nothing to report

COUNCILMEMBER BARAKAT:

Nothing to report

ITEMS FOR FUTURE AGENDAS:

Councilmember Lathrop stated that the City of Pasadena is considering suing the state regarding the new accessory dwelling unit laws and asked staff to follow the developments. City Manager Kearney stated that so far no one has seen any information on this potential lawsuit.

Councilmember Lathrop also stated that the City Council should discuss contamination at the Cal-Am water well.

CLOSED SESSION

ROLL CALL:

Mayor Hale, Mayor Pro-Tem Lewis, Councilmembers Bruny, Lathrop, Barakat, City Manager Kearney, and City Attorney Reisman

**PUBLIC COMMENT REGARDING
CLOSED SESSION ONLY:**

None

RECESS TO CLOSED SESSION:

- A. **Pending Litigation** Pending Litigation pursuant to Government Code Section 54956.9 (d)(3) (Based on existing facts and circumstances, the legislative body of the local agency is meeting only to decide whether a closed session is authorized pursuant to paragraph (d) (2). (1 potential case)
- B. **Pending Litigation** Pending Litigation pursuant to Government Code Section 54956.9 (d)(2) (A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency. (1 potential case)

**RECONVENE TO OPEN SESSION
AND ANNOUNCE ANY ACTION TAKEN:**

City Attorney Reisman reported that the City Council met in Closed Session to discuss pending litigation. The discussion was informational only and no formal votes were taken.

ADJOURNMENT:

At 8:18 p.m. Mayor Hale adjourned the meeting to Tuesday, March 17, 2020 at 7:00 p.m.


MAYOR – CITY OF BRADBURY

ATTEST:



CITY CLERK – CITY OF BRADBURY