

**MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF BRADBURY
HELD ON TUESDAY, FEBRUARY 16, 2021**

EXECUTIVE ORDER NO. 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 Lewis at 7:00 p.m. followed by the Pledge of Allegiance.

ROLL CALL:

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

ABSENT: None

STAFF: City Manager Kearney, City Attorney Reisman, City Engineer Gilbertson (RKA), City Planner Kasama, City Clerk Saldana and Management Analyst Musa

APPROVAL OF AGENDA:

Councilmember Barakat made a motion to approve the agenda to proceed with City business. Mayor Pro-Tem Bruny 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 he was aware of none.

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 Meeting of January 19, 2021
- B. Minutes: Adjourned Meeting of February 1, 2021
- C. Resolution No. 21-04: Demands & Warrants for February 2021
- D. Monthly Investment Report for the month of January 2021

CORRECTIONS TO JANUARY 19, 2021 MINUTES:

Councilmember Lathrop stated that on page 4 of the minutes the motion to approve the appeal for 734 Braewood Drive needs to state that no additional landscaping is required. City Manager Kearney added that on page 6 of the minutes the motion to approve the MOA needs to be corrected to state that it passed by a 4:1 vote (not 4:0).

MOTION TO APPROVE CONSENT CALENDAR:

Councilmember Hale made a motion to approve the Consent Calendar with the minutes as amended. Mayor Pro-Tem Bruny seconded the motion, which was carried by the following roll call vote:

APPROVED:

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

Motion passed 5:0

WINSTON/LEMON TRAIL:

At its November 17, 2020 meeting, the City Council directed the City Engineer to analyze Winston Avenue and Lemon Avenue for the installation of a walking trail.

CITY ENGINEER'S ANALYSIS:

City Engineer Gilbertson stated that staff has developed five (5) options for the Winston Avenue walking trail.

OPTION 1:
(west side improvements)

The limits of the Option 1 walking trail are from the northerly terminus of Tentative Parcel Map No 73673 (expired) to Lemon Avenue. Option 1 is proposed to be a 6' wide decomposed granite (DG) trail on the west side of the street with trail fencing on the street side of the trail. There is insufficient parkway width available in order to construct the walking trail, therefore, a 3' street dedication is required. This option would also require the removal and reconstruction of the existing private decorative front yard walls and mailboxes on the west side of Winston Avenue. The existing private driveways would also require reconstruction in order to provide an ADA compliant path of travel.

The estimate cost for the Option 1 walking trail is \$375,000 (\$166,000 for construction and \$207,950 for right-of-way acquisition).

OPTION 2:
(west side improvements)

The limits of the Option 2 walking trail are from the northerly terminus of Tentative Parcel Map No 73673 to Lemon Avenue. Option 2 is proposed to be a 4' wide DG trail on the west side of the street without trail fencing. The walking trail for this option would not be ADA compliant due to insufficient width, existing driveways, and the restrictions at the existing power poles. This option would also require the removal and reconstruction of the existing private mailboxes but the existing front yard walls and driveways would remain.

The estimated cost for the Option 2 walking trail is \$65,000.

OPTION 3:
(west side improvements)

The limits of the Option 3 walking trail are from the northerly terminus of Tentative Parcel Map No. 73673 to Lemon Avenue. Option 3 is proposed to be a 6' wide DG trail on the west side of the street with trail fencing. This option would shift the existing westerly curb 2.5 feet closer to the street centerline in order to avoid the costly right-of-way acquisition. In addition, the existing easterly curb north of City Hall would also shift 2.5 feet away from the street centerline in order to maintain sufficient lane widths. This option would require the removal and reconstruction of the existing private mailboxes on the west side of the street but the existing front yard walls would remain. The existing private driveways would also require reconstruction in order to provide an ADA compliant path of travel. This option also requires the removal of seven (7) significant oak trees on the east side of Winston Avenue due to the shifting of the easterly curb.

The estimated cost of the Option 3 walking trail is \$250,000.

OPTION 4:
(east side improvements)

The limits of the Option 4 walking trail are from Royal Oaks Drive North to Lemon Avenue. Option 4 is proposed to be a 6' wide DG trail on the east side of the street with trail fencing. This option would require the relocation of two (2) existing fire hydrants and the City's monument sign. The existing private driveways would also require reconstruction in order to provide an ADA compliant path of travel. This option also requires the removal seven (7) oak trees on the east side of Winston Avenue in order to construct the walking trail within the existing right-of-way.

The estimated cost of the Option 4 walking trail is \$220,000.

OPTION 5:
(east side improvements)

The limits of the Option 5 walking trail are from Royal Oaks Drive North to Lemon Avenue. Option 5 is proposed to be a 6' wide DG trail on the east side of the street with trail fencing. South of City Hall, the walking trail would be adjacent to the existing curb. North of City Hall, the walking trail would meander in order to avoid the existing oak trees. This option would require the relocation of two (2) existing fire hydrants and the City's monument sign. The existing private driveways would also require reconstruction in order to provide an ADA compliant path of travel. This option would require the acquisition of a pedestrian easement for the meandering portion of the walking trail north of City Hall.

The estimated cost for the Option 4 walking trail is \$250,000 (\$202,500 for construction and \$47,500 for right-of-way acquisition).

LEMON AVENUE WALKING TRAIL:

City Engineer Gilbertson stated that staff has developed one option for the Lemon Avenue walking trail. The limits of the Lemon Avenue walking trail are from the westerly city limits to Winston Avenue. The walking trail is proposed to be a 6' wide DG trail on the south side of the street with trail fencing on the street side of the trail. There is sufficient parkway width available in order to construct the walking trail.

The existing private driveways would require reconstruction in order to provide an ADA compliant path of travel.

The estimated cost for the Lemon Avenue walking trail is \$145,000.

RECOMMENDATION:

It is recommended that the City Council provide direction to staff.

PUBLIC COMMENT:

Mayor Lewis opened the discussion for public comment. There being no public comment, Mayor Lewis closed the discussion for public comment.

DISCUSSION:

City Engineer Gilbertson stated that of the five Options for Winston Avenue, none of them are easy. It's a complicated issue.

Councilmember Barakat asked if we could just level part of the west side with DG and not make it an official trail. City Engineer Gilbertson replied that it would not be ADA compliant and the City would not be able to get any funding.

Mayor Lewis stated that residents are not going to be happy to give up 6 feet of their property. It's too much money and everybody is going to be unhappy. Councilmember Barakat agreed.

Councilmember Barakat suggested to start on the corner of Winston and Royal Oaks Drive North and work your way up as properties will sell and/or getting developed.

Councilmember Hale stated that we need to recognize the danger of people walking on Winston Avenue.

Councilmember Barakat stated that this project is in his district.

DIRECTION TO STAFF:

The City is not going forward with any of the options discussed. No further direction to staff was needed.

DISCUSSION OF DEVELOPMENT STANDARDS AND DESIGN GUIDELINES FOR FRONT AND STREET SIDE YARDS:

City Planner Kasama stated that the Planning Commission started a discussion at the October 28, 2020 meeting on issues related to front yards. This was in response to a project that had been referred to the Planning Commission for guidance due to the lack of regulations for driveways, circular driveways, the maximum amount of hardscape or impervious surfaces, and the types of materials to be allowed (artificial turf, gravel, and other decorative materials). The Commission directed staff to check the regulations of 12 cities: Arcadia, Azusa, Duarte, Glendora, Hidden Hills, La Verne, Malibu, Monrovia, Rolling Hills Estates, San Dimas, San Marino and Sierra Madre. The applicable regulations were discussed at the December 2, 2020 meeting along with draft regulations for the City of Bradbury. The Commission held a public hearing and determined that the proposed regulations are acceptable and adopted Resolution No. PC 21-295 to recommend to the City Council the preparation and approval of an Ordinance to amend the Development Code to add the proposed regulations.

CITY COUNCIL ACTION:

The discussion is not expected to be concluded at this meeting and should be continued with direction to staff to provide additional material, such as diagrams, plot plans, and qualitative standards we well as how the proposed regulations could be refined for further consideration by the City Council. When the Council determines the proposed regulations are acceptable, an ordinance will be drafted for the Council's consideration at a public hearing.

DISCUSSION:

Councilmember Lathrop stated that we have to be careful that the regulations won't be in conflict with Ordinance No. 369 which amended the BMC adding ground covering requirements to Property Maintenance Standards.

There was no further discussion.

**INTRODUCTION OF
ORDINANCE NO. 373:**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY, CALIFORNIA, AMENDING THE ZONING PROVISIONS OF THE BRADBURY MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS (ADUs) AND JUNIOR ACCESSORY DWELLING UNITS (JADUs) IN ACCORDANCE WITH STATE LAW AND PROVISIONS RELATED TO ACCESSORY LIVING QUARTERS (ALQs)

SUMMARY:

City Planner Kasama stated that during 2019, the State adopted legislation mandating that cities allow Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) with minimized setbacks and significant cost-saving provisions, such as not being required to be equipped with fire sprinklers. The State-mandated provisions were to take effect January 1, 2020; however, the City Council adopted Urgency Ordinance No. 368U on December 17, 2019 putting local regulations in place. A draft replacement ordinance was considered by the City Council on June 16, 2020. However, the City Council scheduled a study session to discuss safety concerns, and the draft replacement ordinance has been significantly revised. The revised draft replacement ordinance was re-evaluated by the Planning Commission on January 27, 2021 and the Planning Commission adopted Resolution No. PC 21-294 to recommend approval of the revised draft replacement ordinance – Ordinance No. 373.

DUDEK:

The City contracted with Dudek consulting firm to address the City Council concerns. Two issues that were raised were how minimal setbacks (four-foot side and rear yards) for ADUs could facilitate the spreading of wildfire and how very narrow streets (less than 20 feet of roadway) in certain areas of the City would impinge on evacuations and access by the Fire Department, Dudek's report was presented to the City Council on December 9, 2020 along with the draft revised replacement ordinance.

RECOMMENDATION:

It is recommended that the City Council conduct a public hearing for Ordinance No 373, introduce the ordinance, and schedule the second hearing and adoption for the next regular meeting on March 16, 2021.

PUBLIC HEARING OPENED: Mayor Lewis opened the public hearing and ask those wishing to speak in favor or opposition to come forward and be heard.

PUBLIC HEARING CLOSED: There being no pubic testimony, Mayor Lewis declared the public hearing closed.

DISCUSSION: Councilmember Lathrop asked if Neighborhood Compatibility Review for Accessory Living Quarters (on page 17) is new. City Planner Kasama replied no.

MOTION TO INTRODUCE ORDINANCE NO. 373: Councilmember Barakat made a motion to introduce and read, by Title only, Ordinance No. 373 and schedule the second hearing and adoption for the next regular meeting on March 16, 2021. Councilmember Lathrop seconded the motion, which was carried by the following roll call vote:

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

Motion passed 5:0

AGREEMENT FOR CONTINUED GOVERNMENT RELATIONS ADVOCACY SERVICES WITH BEST BEST & KRIEGER: City Manager Kearney stated that during the December 2019 meeting, the City Council approved an agreement with Best Best & Krieger, LLP (BB&K) for Professional Lobbying and Consulting Services for water and stormwater related projects for the year 2020. This was done in conjunction with the other member agencies of the Rio Hondo/San Gabriel River Water Quality Group. Bradbury's share of the yearly amount approved was \$11,323.08.

RECOMMENDATION: Given the recent success by BB&K, it is recommended that the City Council authorize the City Manager to enter into an Agreement with Best Best & Krieger for lobbying services for the 2021 calendar year and appropriate \$11,323.08 to account number 102-42-7630 to cover such costs.

DISCUSSION: Councilmember Barakat inquired about how this agreement with BB&K benefits the City. City Manager Kearney replied that it saves the City hundreds of thousands of dollars.

MOTION: Councilmember Barakat made a motion to authorize the City Manager to enter into an Agreement with Best Best & Krieger for lobbying services for the 2021 calendar year and appropriate \$11,323.08 to account number 102-42-7630. Councilmember Hale seconded the motion, which was carried by the following roll vote:

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

Motion passed 5:0

**APPOINTMENT OF APPLICANT TO
PUBLIC SAFETY COMMITTEE
PRIMARY SEAT FOR DISTRICT 3
AND REMOVAL OF INACTIVE PUBLIC
SAFETY COMMITTEE MEMBERS:**

Management Analyst Musa stated that the purpose of this item is to review current Public Safety Committee membership and to remove inactive members. Mrs. Janet Barakat (District 3) expressed interest in joining the Public Safety Committee. Currently, the primary seat for District 3 is vacant. Additionally, Public Safety Committee members Priscilla Hervey (District 2), Karen Flaherty (District 4) and Aaron Dunst (District 5) have been absent from committee meetings for more than six (6) months.

RECOMMENDATION:

It is recommended that the City Council confirm the appointment of Janet Barakat as the primary member for District 3 for the term ending in June 2023. The District 3 Councilmember has approved the appointment of the applicant. It is also recommended that the City Council approve the removal of the following inactive Public Safety Committee members: Priscilla Hervey, Karen Flaherty and Aaron Dunst.

DISCUSSION:

Councilmember Bruce Lathrop stated that he would like to add Natalie Gilmore (District 4) to be appointed to the PSC tonight. City Attorney Reisman stated that this appointment has to wait until the March meeting because there is no mention of Ms. Gilmore in the Agenda Memo. Councilmember Lathrop agreed that it can wait until next month.

MOTION:

Mayor Pro-Tem Bruny made a motion to confirm the appointment of Janet Barakat as the primary Public Safety Committee member for District Three and to approve the removal of the inactive Public Safety Committee members Priscilla Hervey, Karen Flaherty and Aaron Dunst. Councilmember Hale seconded the motion, which was carried by the following roll call vote:

APPROVED:

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

Motion passed 5:0

MATTERS FROM THE CITY MANAGER:

City Manager Kearney stated that the saga for the completion of the City's Housing Element Update continues. The City Council held a Special Meeting on February 1st to approve the proposal from JHD Planning, LLC in the amount of \$63,000. The consultant recently informed staff that he no longer wishes to work with the City of Bradbury. City Manager Kearney stated that he secured another proposal and that the Council needs to pick a date for a Special Meeting during the first week of March to approve the contract with a consultant for the City's Housing Element Update. The Special Meeting was scheduled for Monday, March 1, 2021 at 6:00 p.m.

MATTERS FROM THE CITY ATTORNEY:

Nothing to report until the Closed Session

MATTERS FROM THE CITY COUNCIL:

MAYOR LEWIS: Nothing to report

MAYOR PRO-TEM BRUNY: Nothing to report

COUNCILMEMBER LATHROP: Nothing to report

COUNCILMEMBER BARAKAT: Councilmember Barakat stated that the LA County Sanitation Districts are trying to reverse a 2 ½ billion unfunded liability for retirement. It would take 400 million to pay it down. Currently the interest is \$50,000 per day. Three members of the Board of Supervisors are against paying down the unfunded liability.

COUNCILMEMBER HALE: Nothing to report

ITEMS FOR FUTURE AGENDAS: None

CLOSED SESSION

PUBLIC COMMENT REGARDING CLOSED SESSION ONLY: None

RECESS TO CLOSED SESSION AT 7:54 PM:

A. Pending Litigation

Pending Litigation pursuant to Government Code Section 45956.9(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. Three (3) potential cases).

REPORT FROM CLOSED SESSION:

The City Council instructed the City Attorney and City Manager as to how to proceed. No formal votes were requested or taken.

ADJOURNMENT:

Mayor Lewis adjourned the meeting to an Adjourned Meeting on Monday, March 1, 2021 at 6:00 p.m.



MAYOR – CITY OF BRADBURY

ATTEST:



CITY CLERK – CITY OF BRADBURY