

**MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF BRADBURY
HELD ON TUESDAY, JANUARY 19, 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, Cody Howing (RKA), City Clerk Saldana, Management Analyst Musa

APPROVAL OF AGENDA:

Councilmember Hale made a motion to approve the agenda to proceed with City business. Councilmember Barakat 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.

Councilmember Barakat stated that he needs to recuse himself from the decision-making process concerning Agenda Item #2 (Appeal of the Planning Commission Decision for 734 Braewood Drive) because he resides within 500 feet of 734 Braewood Drive.

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: Special Meeting of December 9, 2020
- B. Minutes: Regular Meeting of December 15, 2020
- C. Resolution No. 21-01: Demands & Warrants for January 2021
- D. Monthly Investment Report for the month of December 2020
- E. Conflict of Interest Code

F. Resolution No. 21-02: A Resolution of the City Council of the City of Bradbury Authorizing Application for, and Receipt of, Local Government Planning Support Grant Program Funds

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

NOES: None

ABSENT: None

Motion passed 5:0

COUNCILMEMBER BARAKAT RECUSED:

Councilmember Barakat recused himself from the decision-making process regarding the appeal for 734 Braewood Drive because he lives within 500 feet of the subject property.

**APPEAL OF THE PLANNING COMMISSION
DECISION FOR 734 BRAWOOD DRIVE:**

City Manager Planner Kasama stated that Minor Architectural Review Nos. 18-009 and 20-007 were referred to the Planning Commission for the exterior finish of the residence, the re-landscaping of the front yard, and the expansion of the driveway at 734 Braewood Drive. The Planning Commission considered the project at its July 22 and August 26, 2020 meetings, and continued the hearing for the homeowner to provide complete plans and material samples. These were presented at the December 2, 2020 meeting. The Planning Commission adopted Resolution No. PC 20-290 to conditionally approve the project with additional stone veneer to be added to the garage, additional landscaping to be planted along the north property line to screen the recreational vehicle parking area, and repaint the house with a color that is more compatible with the neighborhood. The homeowner appealed the Planning Commission Decision on December 11, 2020. All aspects of the proposal comply with the Development Code and the project is Categorically Exempt under the California Environmental Quality Act (CEQA).

RECOMMENDATION:

It is recommended that the City Council adopt Resolution No. 21-003 to approve the appeal and amend the Planning Commission decision to allow the house to be finished with the color Larkspur.

DISCUSSION:

Mayor Lewis stated that the City Council is puzzled about the controversy as all four Councilmembers stated that they have no issue with the color of the house.

Nicholas D'Amico, Attorney at law, representing the homeowners of 734 Braewood Drive, stated that his clients also object to planting additional landscaping along the north property line to screen the recreational vehicle.

PUBLIC COMMENT:

Mayor Lewis opened the discussion for public comment.

Kevin Stiver, 722 Braewood Drive, property owner to the north, stated his objection to the 35-foot long, 9-foot high recreational vehicle being parked right along the shared property line. Mr. Stiver stated that the RV would stick above the fence by at least 4 feet. Mr. Stiver also said that if someone was to live in the RV they could look right into his bedroom and bathroom windows.

Mr. D'Amico stated that no one is going to live in the RV and the parking location meets all code requirements. City Planner Kasama added that the Bradbury Municipal Code does not allow people to live in RVs, so there would be no privacy issue.

Melani Jayasinghe, 734 Braewood Drive, stated there are no City guidelines regarding RV parking and that the only issue was the screening with additional landscaping.

Mayor Lewis asked Melani what her concern was about planting trees. Is it about cost? Melani replied that it would be unfair, because no one else in the City had to it.

Councilmember Lathrop stated that painting the window frames a contrasting color would enhance the appearance of the house. Melani replied that 9 out of 10 neighbors are fine with the way the house is painted right now and that the additional stone veneer the Planning Commission asked for has been added.

Councilmember Hale stated that he no issue with the color, but thought that screening the RV was an issue. City Planner Kasama stated that there are no setback requirements for RV parking.

Councilmember Lathrop stated that he is fine with the color, highlights would be nice, and that the RV screening is an issue for a future ordinance. The City does not have regulations right now.

PUBLIC COMMENT CLOSED:

Mayor Lewis closed the discussion for public comment.

FIRST MOTION:

Councilmember Lathrop made a motion to approve the appeal and amend the Planning Commission's conditional approval to a) allow the current color (Larkspur) of the house and b) to not require any additional landscaping to screen the RV.

SECOND MOTION:

Councilmember Hale made a substitute motion to approve the appeal in regards to the color, but to require the additional landscaping to screen the RV. Councilmember Hale asked the if the City Council could require the property owner to pave the driveway all the way to the back of the property. City Planner Kasama stated that there is already an accessory structure in the back of the property. Melani added that the property is not level and that trees would have to be removed. Councilmember Hale's motion died due to a lack of second.

Mayor Lewis seconded Councilmember Lathrop's motion.

RESTATE MOTION:

Councilmember Lathrop made a motion to approve Resolution No. 21-003:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADBURY, CALIFORNIA, SETTING FORTH THE FINDINGS OF FACT AND DECISION WITH A CATEGORICAL EXCEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) TO APPROVE AN APPEAL AND AMEND THE PLANNING COMMISSION DECISION ADPTING RESOLUTION NO. PC 20-290 TO CONDITIONALLY APPROVE THE EXTERIOR FINISHING OF THE RESIDENCE UNDER MINOR ARCHITECTURAL REVIEW NO. MAR 18-009 AND TO AFFIRM THE PLANNING COMMISSION'S CONDITIONAL APPROVAL OF THE RE-LANDSCAPING OF THE FRONT YARD AND EXPANSION OF THE DRIVEWAY UNDER MINOR ARCHITECTURAL REVIEW NO. MAR-20-007 AT 734 BRAEWOOD DRIVE.

Mayor Lewis seconded the motion, which was carried by the following roll vote:

APPROVED:

AYES: Mayor Lewis, Mayor Pro-Tem Bruny, Councilmember Lathrop

NOES: Councilmember Hale

ABSENT: None

ABSTAIN: Councilmember Barakat

Motion passed 3:1

COUNCILMEMBER BARAKAT:

Councilmember Barakat re-joined the Zoom meeting.

**UPDATING ADMINISTRATIVE
POLICY NO. 12-01:
(FILM POLICY)**

Management Analyst Musa stated that in accordance with Bradbury Municipal Code Section 13.01.340, the City of Bradbury issues film permits to businesses and individuals who wish to film on public or private property within the City limits. Filming activities include, but are not limited to, all onsite preparation (prep), filming and all breakdown (strike) activities. It is important to include, in writing, the desired role of the Community Services Officer (CSO) to formalize the filming process in the City of Bradbury.

RECOMMENDATION:

It is recommended that the City Council approve the updated Film Policy to include the role of the CSO.

MOTION:

Mayor Lewis made a motion to approve the updated Film Policy to include the role of the Community Services Officer (CSO). Mayor Pro-Tem Bruny 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

MEMORANDUM OF AGREEMENT WITH THE CITIES OF ARCADIA, BRADBURY, DUARTE, MONROVIA, SIERRA MADRE, THE COUNTY OF LOS ANGELES, AND LOS ANGELES COUNTY FLOOD CONTROL DISTRICT REGARDING THE ADMINISTRATION AND COST SHARING OF THE AGREEMENT WITH CWE INC. FOR IMPLEMENTATION OF THE COORDINATED INTEGRATED MONITORING PROGRAM ("CIMP") FOR THE RIO HONDO/SAN GABRIEL RIVER WATER QUALITY GROUP:

City Manager Kearney stated that the City of Arcadia solicited bids to implement the continuation of the Coordinated Integrated Monitoring Plan (CIMP) for the Rio Hondo/San Gabriel River Water Quality Group's Watershed Management Program (WMP) Plan. The Group, consisting of the cities of Arcadia, Bradbury, Duarte, Monrovia and Sierra Madre, the County of Los Angeles as well as the Los Angeles County Flood Control District, has agreed to prepare a Memorandum of Agreement (MOA) to aid in the administration, implementation and cost sharing of the CIMP.

RECOMMENDATION:

It is recommended that the City Council approve the Memorandum of Agreement with the cities of Arcadia, Bradbury, Duarte, Monrovia and Sierra Madre, the County of Los Angeles and the Los Angeles County Flood Control District regarding the administration and cost sharing of the Agreement, with Bradbury's cost share totaling \$211,148.52 over the next five (5) years.

It is also recommended that the City Council approve an amendment to the 2020-2021 budget to increase account number 102-15-7075 (Utility Users Tax Fund) by \$42,229.70 to cover the costs for this calendar year.

BACKGROUND:

In 2013, the Bradbury City Council approved a Memorandum of Understanding (MOU) with the cities of Arcadia, Azusa, Duarte, Monrovia and Sierra Madre, the County of Los Angeles and the Los Angeles County Flood Control District for cost sharing and development of both the Enhanced Watershed Management Program (EWMP) and the CIMP plans for the Rio Hondo/San Gabriel River watershed. These plans were submitted to the Regional Board on July 28, 2014. On June 29, 2014, the CIMP was approved.

In 2014, the Bradbury City Council worked with the group to approve a three-year contract with two one-year optional extensions to CWE, which was set to expire in December 2020. The City of Azusa was a party to the original CIMP contract in 2014; however, the City of Azusa declined to participate in this new contract.

FISCAL IMPACT:

Annual costs would be divided among participating agencies based on the MOU's cost sharing formula. The City of Bradbury's total cost for the monitoring program is approx. \$211,148.52 over five calendar years, which translates into \$42,229.70 each year, starting this year. Yearly costs will come from the City's Utility Users Tax Fund, which has sufficient funds to cover these costs.

DISCUSSION:

Mayor Lewis asked if these costs will be ongoing beyond the next five years. Cody Howing, RKA Consulting Group, replied yes. Councilmember Lathrop inquired if there were any non-recurring costs. Mr. Howing stated that the monitoring costs will remain at the same level.

Mayor Lewis stated that the MOA cost sharing is a bad deal for Bradbury, but we are in a position to pay for it. Councilmember Barakat stated that the City of Duarte is bigger in size, has a much larger population and commercial property, and Duarte pays the same as Bradbury. Cody Howing stated that the shared costs are for the monitoring and that is why every city pays the same amount.

Councilmember Lathrop stated that according to Section 9 of the MOA the City of Arcadia can add another city without consent from the other parties. City Attorney Reisman stated that adding another city would reduce the cost for the other parties, so why would they object? Mayor Lewis agreed with Councilmember Lathrop and suggested that the City Council should approve the MOA with a modification that all cities have to consent to adding another participant.

MOTION:

Councilmember Lathrop made a motion to approve the Memorandum of Agreement as modified (SECTION 9.F – Additional Participants). Councilmember Hale seconded the motion, which was carried by the following roll call vote:

APPROVED:

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

Motion passed 4:1

MATTERS FROM THE CITY MANAGER:

City Manager Kearney stated that the City Council needs to pick a date for a Special Meeting during the first week of February to approve the contract with a consultant for the City's Housing Element Update. The Special Meeting was scheduled for Monday, February 1, 2021 at 6:00 p.m.

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:

Nothing to report

COUNCILMEMBER BARAKAT:

Councilmember Barakat stated that he was selected to sit on a committee to review new County Sanitation rates.

COUNCILMEMBER HALE:

Nothing to report

ITEMS FOR FUTURE AGENDAS:

Councilmember Barakat would like to discuss regulations for motor home parking in the side yard setback areas.

CLOSED SESSION

**PUBLIC COMMENT REGARDING
CLOSED SESSION ONLY:**

None

**RECESS TO CLOSED SESSION
AT 7:25 PM:**

A. Pending Litigation

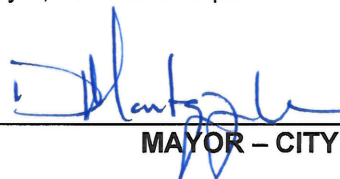
Pending Litigation pursuant to Government Code Section 45956.9(d)(4)
(Based on existing facts and circumstances, the legislative body of the
local agency has decided to initiate or is deciding whether to initiate
litigation. One potential case).

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 a Special Meeting on
Monday, February 1, 2021 at 6:00 p.m.



MAYOR – CITY OF BRADBURY

ATTEST:



CITY CLERK – CITY OF BRADBURY