

DRAFT MINUTES – NOT OFFICIALLY APPROVED

**MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF BRADBURY
HELD ON TUESDAY, SEPTEMBER 21, 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 Bruny at 7:00 p.m. followed by the Pledge of Allegiance.

ROLL CALL:

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

ABSENT: None

STAFF: City Manager Kearney, City Attorney Reisman, City Clerk Saldana and Management Analyst Musa

APPROVAL OF AGENDA:

Councilmember Hale made a motion to approve the agenda to proceed with City business. Mayor Pro-Tem Lathrop 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 August 17, 2021
- B. Resolution No. 21-17: Demands & Warrants for September 2021
- C. Financial Statement for the month of July 2021
- D. Financial Statement for the month of August 2021
- E. Appointment of Planning Commissioners for Districts 1, 3 and 5
- F. Fiscal Year 2019-2020 Annual Financial Audit Report

**MOTION TO APPROVE
CONSENT CALENDAR:**

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

APPROVED:

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

NOES: None

ABSENT: None

Motion passed 5:0

**PUBLIC HEARING TO START
AT 7:10 PM:**

City Manager Kearney stated that the following agenda item was advertised to start at 7:10 pm. so the City Council had to wait for a few minutes before proceeding.

**SUMMARY OF REDISTRICTING LAWS,
CRITERIA, PROCESS AND THE
2020 CENSUS, AND PRE-DRAFT MAP:
PUBLIC HEARING:**

City Manager Kearney stated that there are several federal, state and local laws that govern the redistricting process, which include: the Bradbury Municipal Code, the U.S. Constitution, the Federal Voting Rights Act of 1965, the State of California Elections Code, the State of California Constitution, as well as case law.

RECOMMENDATION:

It is recommended that the City Council field a presentation of by Andrew Westall, Bear Demographics & Research, regarding Bradbury's redistricting, open the public hearing and solicit public input on a pre-draft map, and finalize the future dates for the City's redistricting meetings.

**PRESENTATION BY ANDREW WESTALL,
BEAR DEMOGRAPHICS & RESEARCH:**

Mr. Westall stated that he has reviewed the current Councilmanic map. He observed that District Three seems to be in two pieces and not contiguous. All parts of a district should connect.

Mr. Westall gave an example of a City with 1000 residents and five Districts. Ideally, each District would have 200 people. The total allowable deviation is 10.0%.

**SUMMARY OF REDISTRICTING
AND TIMELINE AND PROCESS:**

Every ten years, local Governments use the new Census data to redraw their district lines to reflect how local populations have changed. Assembly Bill 849 (2019), also known as the California Fair Maps Act, requires cities and counties to engage communities in the redistricting process by holding public hearings and/or workshops and doing public outreach. Based on this law, the City of Bradbury must finish the 2021 redistricting process by December 15, 2021. Below is the recommended timeline:

**Summary of Redistricting Law, Criteria, and Process
2020 Census Report
Pre-Draft Map Public Hearing
Tuesday, September 21, 2021 at 7:10 pm
(Regular City Council Meeting)**

**Public Workshop
Monday, October 4, 2021 at 6:00 pm**

Presentation and Adoption of Draft City Council Member District Boundaries Map

Pre-Final Map Public Hearing

Tuesday, October 19, 2021 at 7:10 pm

(Regular City Council Meeting)

Presentation and Adoption of Final City Council Member District Boundaries Map (First Reading)

Pre-Final Map Public Hearing

Tuesday, November 19, 2021 at 7:10 pm

(Regular City Council Meeting)

Presentation and Adoption of Final City Council Member District Boundaries Map (Second Reading)

Pre-Final Map Public Hearing

Tuesday, December 7, 2021 at 7:00 pm (tentative date)

(Special City Council Meeting)

SUMMARY OF 2020 CENSUS DATA:

Mr. Westall provided a summary of the 2020 Census Data (included in the City Council Agenda Packet). The final redistricting dataset for use by the City of Bradbury was released on September 20, 2021. The Census Data shows a 2020 Census Population of 921 for the City of Bradbury. The data is broken down by 2020 Census Voting Age Population (VAP) and Citizens Voting Age Population (CVAP). Due to the small geographic size and population of the City of Bradbury, there will be a need to split at least one Census block in the southeast of the City which contains a population of 227, larger than the ideal size of a Council District and outside of any legal deviation. The current Council District lines established in 2012 utilized parcel data for Council district boundaries, and not Census block geography.

City Manager Kearney stated that the Agenda Report does not include the final numbers from the Census Bureau. The Council wanted to know if the final numbers would be available for the October 4th Public Workshop. Mr. Westall replied probably not. The numbers should be available for publication on the City's website on October 12th.

**PUBLIC HEARING OPENED
AND CLOSED:**

Following the conclusion of the presentation Mayor Bruny opened the discussion for public comment and asked if anyone had a comment on the current map. There being no public input, Mayor Bruny declared the public hearing closed.

DISCUSSION:

Mayor Pro-Tem Lathrop stated that currently Mount Olive Drive and Mount Olive Lane are split into two Districts (2 and 4) and stated that those two streets should be compacted.

CITY COUNCIL ACTION NEEDED:

City Manager Kearney stated that tonight the City Council needs to finalize and approve the dates for the City's redistricting meetings future dates.

MOTION:

Councilmember Barakat made a motion to approve the dates for the City's redistricting meetings on October 4th and 19th, November 16th and December 7th, 2021. Mayor Pro-Tem Lathrop seconded the motion, which was carried by the following roll call vote:

APPROVED:

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

NOES: None

ABSENT: None

Motion passed 5:0

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

Management Analyst Musa stated that filming has recently increased in the Bradbury Estates. There have been lots of lessons learned on both the City side and the HOA side, which is why the Agenda Report was written to recommend amending the City's Filming Policy. After the HOA meeting last night, the HOA Board of Directors has decided to take the next few months to rethink their own film policy. Therefore, City Staff would like to amend its recommendation to a general discussion item to review the Film Policy in preparation for any upcoming HOA changes to their own policy and what that might mean for the City's Film Policy.

City Manager Kearney stated that this is a discussion item only, no action will be taken tonight.

DISCUSSION:

Councilmember Lewis inquired why the HOA policy is driving the City policy. The City policy should apply to the entire City. The HOA can have more rules but not fewer.

Mayor Bruny stated that the film policy was last updated in 2012 and needs to be updated.

Mayor Pro-Tem Lathrop felt that the Woodlyn Lane Association needs to be part of this discussion too.

**DISCUSSION OPENED FOR
PUBLIC COMMENT:**

City Manager Kearney stated that there were members of the public present who might like to speak on this issue.

Danny Bakewell, 123 Sawpit Lane, complained about a two-month film shoot. Cars were parked on the street. There was no enforcement. Mr. Bakewell stated that he called the City. He wanted to know about the City film ordinance.

Maria Mak, 215 Barranca Road, stated that the first project filmed all night and that she and her husband couldn't sleep. The second film project will shoot for seven months. Mrs. Mak would like a copy of the current City Ordinance. City Manager Kearney stated that Staff does not have any copies to hand out but that the ordinance is available online. Mrs. Mak also asked for a copy of the approved application. City Manager Kearney stated that he will email her a copy in the morning.

Cathy Wondries, 380 Oak Mountain Road, stated that her husband is critically ill and that she is up all night. The film people are parking on her street and she had to hire armed guards because she does not feel safe.

PUBLIC COMMENT CLOSED:

Councilmember Barakat inquired if this issue has come up because film companies are not complying with the City's film policy. Does the City have a Film Ordinance? City Manager Kearney replied that staff always worked off the film policy, but discovered that filming hours are also included in the Bradbury Municipal Code (BMC). The BMC states that filming hours are 7:00 am to sunset. The Film Policy states that filming hours are 7:00 am to 10:00 pm. City Attorney Reisman stated that the Ordinance and the Policy need to be consistent and that the Ordinance supersedes the Film Policy.

City Attorney Reisman stated that the City Council has the option of striking the Film Policy tonight. Councilmember Hale suggested to postpone this discussion to the October City Council meeting, as there are ongoing film projects underway right now.

Councilmember Barakat questioned the 7-month shooting schedule, City Manager Kearney explained that it is for an on-and-off series. No permit has been issued yet other than for episode one.

Councilmember Lewis stated that the HOA is acting as the Governing Body. How did the previous project get approved? Who approved it? City Manager Kearney stated that he approved the film permit. The duration of the other filming project was extended because one of the lead actors had to be replaced and re-shoots were required.

City Attorney Reisman advised Staff to stop using the film policy and to enforce the Ordinance instead.

MOTION:

Councilmember Barakat made a motion to enforce the City Ordinance and stop using the film policy until it has been updated. Councilmember Lewis amended the motion to enforce the Ordinance, with the Policy still being in effect where it doesn't conflict with the Ordinance. Councilmember Hale seconded the amended motion, which was carried by the following roll call vote:

APPROVED:

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

NOES: None

ABSENT: None

Motion passed 5:0

MATTERS FROM THE CITY MANAGER:

City Manager Kearney reported that the City has \$178K in California State Park Grants funds (Prop 86) for a new park. The City Council needs to decide on a project (maybe the *new* Lemon trail) at the October meeting.

City Manager Kearney stated that there is a chance for a potential Special Meeting to sign the contract(s) for 1901 Royal Oaks Drive North.

City Staff has made multiple attempts to schedule a photo op with the entire City Council in front of the donated water fountain in Monrovia Canyon Park. The photo can be taken Monday-Thursday between 7:30 am and noon. The Council picked Tuesday, October 19th at 7:30 am.

MATTERS FROM THE CITY ATTORNEY:

City Attorney Reisman reported that in regards to the case *City of Bradbury v. Zhongying USA Capitals* (243 Barranca Road) the Judge has signed the order for reimbursement of \$12,000 in Attorney's fees. Two appeals from the property owner have been rejected by the court, a third appeal will be filed in the next couple of days. City Attorney Reisman stated that he will file a motion to dismiss the appeal.

MATTERS FROM THE CITY COUNCIL:

MAYOR:

Nothing to report

MAYOR PRO-TEM LATHROP:

Nothing to report

COUNCILMEMBER BARAKAT:

Nothing to report

COUNCILMEMBER HALE:

Nothing to report

COUNCILMEMBER LEWIS:

Nothing to report

ITEMS FOR FUTURE AGENDAS:

Mayor Pro-Tem Lathrop stated that he would like an analysis of AB 9 and what it means to the City of Bradbury.

CLOSED SESSION

**PUBLIC COMMENT REGARDING
CLOSED SESSION ONLY:**

None

RECESS TO CLOSED SESSION:

The City Council adjourned to a Closed Session to discuss the following:

A. Public Employee Performance Evaluation
Government Code Section 54957(b)(4)
Title: City Engineer (RKA Consulting Group)

REPORT FROM CLOSED SESSION:

DRAFT

ADJOURNMENT:

At 8:27 p.m. Mayor Bruny adjourned the meeting to a Regular Meeting on Tuesday, October 19, 2021 at 7:00 p.m.

MAYOR – CITY OF BRADBURY

ATTEST:

CITY CLERK – CITY OF BRADBURY