

**MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF BRADBURY
HELD ON TUESDAY, JUNE 21, 2022
AT THE BRADBURY CIVIC CENTER
600 WINSTON AVENUE, BRADBURY, CA 91008**

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 Pro-Tem Lathrop at 7:00 p.m. followed by the Pledge of Allegiance.

ROLL CALL:

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

ABSENT: Mayor Bruny

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

MAYOR BRUNY EXCUSED:

Councilmember Barakat made a motion to excuse Mayor Bruny from the meeting. Councilmember Hale seconded the motion which carried.

CITY COUNCIL REORGANIZATION:

According to Bradbury Municipal Code Section 2.01.060, every year in June the City Council shall reorganize and select one of its members as Mayor, and one as Mayor Pro-Tem. Candidates for Mayor Pro-Tem shall self-nominate by writing a statement of intent. City Manager Kearney stated that Councilmember Barakat has submitted a statement of intent.

APPOINTMENT OF MAYOR:

Councilmember Barakat made a motion to appoint Mayor Pro-Tem Lathrop to the position of Mayor. Councilmember Hale seconded the motion which carried unanimously.

APPOINTMENT OF MAYOR PRO-TEM:

Councilmember Hale made a motion to appoint Councilmember Barakat to the position of Mayor Pro-Tem. Councilmember Lewis seconded the motion which carried unanimously.

NEW ROLL CALL:

Mayor Lathrop, Mayor Pro-Tem Barakat,
Councilmembers Hale, Lewis and Bruny (not present)

APPROVAL OF AGENDA:

City Manager Kearney stated that the Southern California Edison Representative tested positive for Covid and has to reschedule the Presentation to the June meeting. Councilmember Lewis made a motion to approve the agenda, as amended, to proceed with City business. Mayor Pro-Tem 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.

City Attorney Reisman stated that he was not aware of any conflicts of interest.

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 May 17, 2022
- B. Resolution No. 22-12: Demands & Warrants for June 2022
- C. Resolution No. 22-13: Demands & Warrants for July 1, 2022
- D. Monthly Investment Report for the month of May 2022
- E. Resolution No. 22-14: FPPC 2022 Conflict of Interest Code
- F. Resolution No. 22-15: Approval of Gann Appropriation Limit for FY 2022-2023

**MOTION TO APPROVE
CONSENT CALENDAR:**

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

APPROVED:

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

NOES: None

ABSENT: Councilmember Bruny

Motion passed 4:0

**PUBLIC HEARING - INTRODUCTION
OF ORDINANCE NO. 383:**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY, CALIFORNIA, AMENDING VARIOUS PROVISIONS OF TITLE IX (DEVELOPMENT CODE) OF THE BRADBURY MUNICIPAL CODE RELATING TO SENATE BILL 9 AND SECONDARY LIVING QUARTERS

BACKGROUND:

On September 16, 2021 Governor Newsom signed Senate Bill 9 (SB 9) which took effect on January 1, 2022. SB 9 added two new sections to the State Government Code requiring cities to ministerially approve the development of up to two units on single-family-zoned lots and requiring cities to ministerially approve lot splits that meet the provisions of SB 9. The approval of such developments is subject to certain requirements, but without a local ordinance, those requirements are based only on SB 9, which does not account for local conditions. To have SB 9 developments comply with local standards, the City Council adopted Urgency Ordinance No. 380 at the December 21, 2021 regular meeting.

As an urgency ordinance, it was adopted without public hearings and needs to be replaced by a regular ordinance that is reviewed through public hearings by the Planning Commission and City Council.

In preparing the regular ordinance to replace Urgency Ordinance No. 380, staff asked the City Council to have a study session. The study session was not only for SB 9 but also to discuss planning matters related to the Housing Element. Since SB 9 is for housing development, its provisions are important to the preparation of the Housing Element. The City Council held a study session on February 7, 2022 and again on March 7, 2022. At the regular April 19, 2022 meeting the City Council directed staff to proceed with drafting a regular ordinance to replace Urgency Ordinance No. 380 and include other needed changes relating to the provisions for secondary living quarters.

PLANNING COMMISSION REVIEW:

The Planning Commission reviewed a draft of the replacement ordinance (Ordinance No. 383) and held a public hearing at a Special Meeting held on May 23, 2022. The Planning Commission adopted Resolution No. 22-304 to recommend approval of the proposed ordinance.

DRAFT HOUSING ELEMENT:

The City's Housing Element was circulated for public review at the beginning of May. Two changes have been made to Ordinance No. 383 based on input received on the City's draft Housing Element that were not reviewed by the Planning Commission. These changes are to delete the occupancy limits on SROs and guest houses.

RECOMMENDATION:

It is recommended that the City Council approve a motion to accept the Ordinance with the removal of the occupancy restrictions, determine that Ordinance No. 383 is exempt under the California Environmental Quality Act (CEQA), continue the public hearing to July 19, 2022, and direct that the changes be considered by the Planning Commission.

DISCUSSION:

Mayor Lathrop proposed some changes on pages 8, 22 and 27 of the draft ordinance. Staff reviewed the proposed changes and recommends that they be incorporated in the draft ordinance.

PUBLIC HEARING OPENED AND CLOSED:

Mayor Lathrop opened the public hearing and asked those speaking in favor or opposition to come forward and be heard. There being no public input, Mayor Lathrop continued the public open to the July 19, 2022 City Council meeting.

MOTION:

Councilmember Hale made a motion to accept the Ordinance with the removal of the occupancy restrictions, incorporate the changes proposed by Mayor Lathrop, determine that Ordinance No. 383 is exempt under the California Environmental Quality Act (CEQA), continue the public hearing open to July 19, 2022, and direct that the changes be considered by the Planning Commission. Councilmember Barakat seconded the motion, which was carried by the following roll call vote:

APPROVED:

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

NOES: None

ABSENT: Councilmember Bruny

Motion passed 4:0

**FISCAL YEAR 2022-2023 ANNUAL RATE
ADJUSTMENT FOR SOLID WASTE
COLLECTION AND RECYCLING:**

The City of Bradbury contracts with Burrtec Waste Services for solid waste collection and recycling. Burrtec has been providing franchised refuse collection and recycling services for the City of Bradbury since July 1997. Pursuant to Section 10.10 of the Franchise Agreement, each subsequent July 1 (after July 1, 1999) the rate for each category of service shall be subject to upward or downward adjustment. Customer rates are comprised of the following categories: contractor service cost, disposal cost, recycling processing, green waste processing cost and manure waste processing cost.

**POWER POINT PRESENTATION
BY BURRTEC:**

Richard Nino (Burrtec) walked the City Council through a Power Point presentation going over the proposed new rates for trash, recycling, manure and green waste collection in the City of Bradbury.

The consumer price index (CPI) based on the July 2021 All Urban Consumer Price Index for Los Angeles, Long Beach and Anaheim, CA is 3.83% and was incorporated into the calculations. Trash, green waste and recyclables continued to be delivered to the Waste Management Material Recovery Facility (MRF) in Azusa. Given the CalRecycle approved collection waiver for SB 1383 compliance, the City will not need to provide an expanded organics food waste recycling program.

Nevertheless, the regional solid waste infrastructure has changed significantly to address SB 1383 organics recycling requirements. This is evident in the green waste tip fee which is increasing from \$48/65/ton to \$93.20/ton. These changes have been occurring throughout the region as organics recycling processes have adapted to fit the new need. Trash disposal is also increasing from \$53.45/ton to \$61.43/ton while recyclables commodity markets improved during 2021 resulting in a recycling processing cost reductions for the 2022 rate year from \$46.94/ton to \$9.67/ton.

Mr. Nino stated that included in the rate review is a consideration for a street sweeping adjustment that has not been adjusted since 2017, as well as a revised monthly fee for the improved wildlife deterrent cart.

FINANCIAL ANALYSIS:

City Manager Kearney stated that Burrtec provides approximately \$39,000 in franchise waste management fees to the City annually.

RECOMMENDATION:

It is recommended that the City Council approve the proposed refuse collection and recycling rates for FY 2022-2023 to become effective July 1, 2022.

DISCUSSION:

Mayor Lathrop requested that Burrtec's power point presentation be included in the agenda packet next year because it is hard to read on the screen.

MOTION:

Councilmember Hale made a motion to approve the proposed refuse collection and recycling rates for FY 2022-2023 to become effective July 1, 2022. Mayor Lathrop seconded the motion, which was carried by the following roll call vote:

APPROVED:

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

NOES: None

ABSENT: Councilmember Bruny

Motion passed 4:0

DISCUSSION ON USE OF CAL RECYCLE FUNDS:

Management Analyst Musa stated that the City applied for the CalRecycle Beverage Container Recycling City/County Payment Program and was approved to receive \$5,000. In the past, there have been challenges expending these monies, as funds are restricted and may only be utilized to support activities related to container recycling and litter abatement. In previous years, the City expended CalRecycle funds through a grant program and partnered with surrounding cities. In 2020, water refill stations were added as an eligible activity and would allow the City to use funds to install water refill stations. At the April City Council meeting, Staff was directed to contact the City of Duarte about partnering and installing a water refill station on the Duarte portion of Royal Oaks Trail (near Buena Vista). The City of Duarte expressed interest in installing a water refill station.

FINANCIAL REVIEW:

Each year, the City of Bradbury receives \$5,000 from CalRecycle. These are restricted funds and cannot be used for General Fund purposes. The City has had difficulties in the past expending all monies received, which resulted in a surplus. As such, the total fund balance is \$11,292.02.

RECOMMENDATION:

It is recommended that the City Council approve the purchase of a water refill station for the City of Duarte at an amount not to exceed \$7,500.

MOTION:

Councilmember Barakat made a motion to approve the purchase of a water refill station for the City of Duarte at an amount not to exceed \$7,500. Councilmember Hale seconded the motion, which was carried by the following roll call vote:

APPROVED:

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

NOES: None

ABSENT: Councilmember Bruny

Motion passed 4:0

RESOLUTION NO. 22-16: ADOPTION OF BUDGET FOR FY 2022-2023 AND RESOLUTION NO. 22-17: ALLOCATING BRADBURY'S CITIZENS OPTION FOR SAFETY (COPS) FUNDS:

At the May 17, 2022 regular meeting the City Council reviewed the proposed Fiscal Year 2022-2023 draft budget and discussed priorities for the coming year.

City Manager Kearney stated that the Agenda Memo in the agenda packet was missing the proposed expenditures column for FY 2022-2023 (attachment #6). A corrected expenditures report was provided to the City Council per email and hard copy.

RECOMMENDATION:

It is recommended that the City Council adopt Resolution No. 22-16, approving the City of Bradbury's Annual Budget for Fiscal Year 2022-2023 and Resolution No. 22-17, approving the expenditure plan for grant funds pursuant to the Citizens' Option for Public Safety (COPS/Supplemental Law Enforcement Service Fund).

DISCUSSION:

City Manager Kearney stated that he added the sewer reimbursement schedules, as requested by Councilmember Lewis.

City Manager Kearney also stated that the City needs to update its Personnel/Employee Handbook and that he allocated \$15,000 in account #101-16-6210 as a placeholder. The City Council felt that staff could plagiarize a Handbook from another City and does not need to hire a consultant.

The City Council also instructed staff to utilize the option to prepay the PERS UAL (unfunded actuarial liability) for FY 2022-2023 in the month of July 2022. Prepaying the UAL will save the City 3.5% in interest.

MOTION:

Councilmember Barakat made a motion to adopt Resolution No. 22-16, approving the City of Bradbury's Annual Budget for Fiscal Year 2022-2023 and Resolution No. 22-17, approving the expenditure plan for grant funds pursuant to the Citizens' Option for Public Safety (COPS/Supplemental Law Enforcement Service Fund). Councilmember Hale seconded the motion, which was carried by the following roll call vote:

APPROVED:

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

NOES: None

ABSENT: Councilmember Bruny

Motion passed 4:0

CITY COUNCIL LIAISONS FOR FY 2022-2023 AND RESOLUTION NO. 22-18 PERTAINING TO THE APPOINTMENT(S) TO THE SAN GABRIEL VALLEY COG:

City Manager Kearney stated that when the City Council reorganizes, part of the annual reorganization is to review the organization and association assignments. The appointment to the San Gabriel Valley Council of Governments (COG) requires authorization by Resolution. It is recommended that the City Council designate City Councilmembers to organizations and associations and adopt Resolution No. 22-18.

**CITY COUNCIL LIAISONS
FOR FY 2022-2023:**

California Contract Cities Association (CCCA)

Representative: vacant

Alternate: vacant

League of California Cities

Representative: Mayor Lathrop

Alternate: vacant

LA County City Selection Committee (should be Mayor)

Representative: Mayor Lathrop

Alternate: vacant

LA County Sanitation Districts (must be Mayor)

Representative: Mayor Lathrop has conflict of interest-can't serve

Alternate: Mayor Pro-Tem Barakat

Southern California Joint Powers Insurance Authority

Representative: vacant (must be member of governing body)

Alternate: City Manager Kearney

Southern California Association of Governments

Representative: vacant

Alternate: vacant

Foothill Transit

Representative: Mayor Pro-Tem Barakat

Alternate: Councilmember Bruny

SGV Mosquito & Vector Control District

Representative: Mayor Pro-Tem Barakat (term expires 12/31/25)

Alternate: vacant

Duarte Community Education Council

Representative: Councilmember Bruny

Alternate: Mayor Lathrop

Duarte Education Foundation

Representative: Mayor Lathrop

Alternate: Councilmember Bruny

**Area D Emergency Services and Director of the Bradbury
Disaster Committee**

Representative: Mayor Lathrop

Alternate: Councilmember Bruny

LASD Temple Station Booster Club

Representative: vacant

Alternate: vacant

San Gabriel Valley Council of Governments

Representative: Mayor Pro-Tem Barakat

Alternate: vacant

**MOTION TO ADOPT
RESOLUTION NO. 22-18:**

Councilmember Hale made a motion to adopt Resolution No. 22-18: Appointing the Governing Board Member and Alternate Governing Board Member to the San Gabriel Valley Council of Governments. Mayor Pro-Tem Barakat seconded the motion, which was carried by the following roll call vote:

APPROVED:

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

Motion passed 4:0

MATTERS FROM THE CITY MANAGER:

City Manager Kearney stated that Bradbury Night Out is coming up on Thursday, July 28, 2022 and asked if any of the Councilmembers had any ideas about attendance. Everyone felt that attendance would be the same as before or maybe up to 10% more.

City Manager Kearney stated that the City Council, Planning Commission and Staff needs to complete their AB 1234 ethics training again soon. The training needs to be taken every two years.

MATTERS FROM THE CITY ATTORNEY:

City Attorney Reisman stated that he has a report for the Closed Session.

MATTERS FROM THE CITY COUNCIL:

MAYOR BRUNY:

Nothing to report

MAYOR LATHROP:

Nothing to report

COUNCILMEMBER BARAKAT:

Nothing to report

COUNCILMEMBER HALE:

Nothing to report

COUNCILMEMBER LEWIS:

Nothing to report

COUNCILMEMBER BRUNY:

Not present

ITEMS FOR FUTURE AGENDAS:

The City Council decided to hold an adjourned City Council Meeting for Ordinance No. 383 on Monday, June 27, 2022 at 7:00 p.m. (after the June 22, 2022 Planning Commission Meeting).

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:

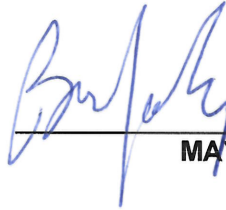
A. Public Employee Performance Evaluation
Government Code Section 54957(b)(4)
Title: City Manager

REPORT FROM CLOSED SESSION:

City Attorney Reisman reported that the City Council met in Closed Session to discuss a Performance Evaluation and instructed the City Attorney on how to proceed. No formal or informal votes were taken.

ADJOURNMENT:

At 8:36 p.m. Mayor Lathrop adjourned the meeting to an adjourned meeting to be held on Monday, June 27, 2022 at 7:00 p.m.



MAYOR – CITY OF BRADBURY

ATTEST:

Claudia Saldana
CITY CLERK – CITY OF BRADBURY