

**MINUTES OF A REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF BRADBURY  
HELD ON TUESDAY, MAY 18, 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 Pro-Tem Bruny at 7:00 p.m. followed by the Pledge of Allegiance.

**ROLL CALL:**

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

ABSENT: Mayor Lewis

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

**MAYOR LEWIS EXCUSED:**

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

**APPROVAL OF AGENDA:**

City Manager Kearney stated that Richard Nino with Burrtec is still in another meeting and proposed to move agenda item #3 (Annual Rate Adjustment for Solid Waste Collection and Recycling) after agenda item #6 (Proposed Budget Forecast for FY 2021-2022). With that change Councilmember Barakat made a motion to approve the agenda to proceed with City business. Councilmember 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 April 20, 2021
- B. Resolution No. 21-07: Demands & Warrants for May 2021
- C. Financial Statement for the month of April 2021
- D. Second Reading and Adoption of Ordinance No. 374: Development Standards for Yard Areas
- E. Second Reading and Adoption of Ordinance No. 375: Repealing Chapters of the Development Code and Adding a New Chapter relating to Architectural Review and Neighborhood Compatibility
- F. Second Reading and Adoption of Ordinance No. 376: Prohibiting the Parking of Mobile Billboard Advertising Displays and Prohibiting Rolling Billboards
- G. Second Reading and Adoption of Ordinance No. 377: Administrative Fines and Penalties
- H. Assignment Agreement between the City of Bradbury and the City of Beverly Hills for the Exchange of Proposition A Local Return Funds

**CORRECTION TO APRIL 20, 2021 MINUTES:**

Councilmember Lathrop stated that there is a typo on page 9 of the minutes. It should say "Councilmember Lathrop received an email from *Livable* California regarding SB 9 and SB 10."

**MOTION TO APPROVE CONSENT CALENDAR:**

With the correction to the minutes Councilmember Hale made a motion to approve the Consent Calendar. Councilmember Lathrop seconded the motion, which was carried by the following roll call vote:

**APPROVED:**

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

Motion passed 4:0

**FINAL ACCEPTANCE – MOUNT OLIVE LANE SEWER IMPROVEMENT PROJECT:**

City Engineer Gilbertson stated that on May 19, 2020, the City Council awarded a contract to GRBCON, Inc. for the Mount Olive Lane Sewer Improvement Project in the amount of \$551,862.00. Work on the project began on June 18, 2020 and was completed on September 1, 2020.

The project consisted of the installation of 1,415 feet of 8-inch HDPE pipe, 186 feet of 6-inch DHPE pipe and five sewer manholes. The City Engineer has determined that the work has been completed in accordance to City specifications.

Upon the completion of the sewer mainline, the sewer as-built and video test were submitted to LA County Maintenance Division in December 2020 for their review and approval for maintenance by the Consolidated Sewer Maintenance District. The approval was provided to the City on April 15, 2021.

**FINANCIAL REVIEW:**

The anticipated cost for the project was \$778,048. The final construction cost has been updated to \$714,131, which is \$64K below the estimate. The reimbursement cost for the eleven (11) parcels has also been updated to \$64,920.99.

**RECOMMENDATION:**

It is recommended that the City Council accept the work performed by GRBCON, Inc. for the Mount Olive Lane Sewer Improvement Project, accept the Grant of Easement with the Duarte Unified School District of Los Angeles County, and record and accept and Easement Deed for APN 8527-017-013, 8527-017-027 and APN 8527-017-028.

**MOTION**

Councilmember Barakat made a motion to accept the work performed by GRBCON, Inc. for the Mount Olive Lane Sewer Improvement Project, accept the Grant of Easement with the Duarte Unified School District of Los Angeles County, and record and accept and Easement Deed for APN 8527-017-013, 8527-017-027 and APN 8527-017-028. Councilmember Hale seconded the motion, which was carried by the following roll call vote:

**APPROVED:**

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

NOES: None

ABSENT: Mayor Lewis

Motion passed 4:0

**DISCUSSION ON THE PROCESS FOR PLANNING COMMISSION APPEALS TO THE CITY COUNCIL POSTPONED TO NEXT REGULAR MEETING:**

City Manager Kearney stated that Mayor Lewis requested this agenda item to discuss the process of Planning Commission Appeals to the City Council. Since Mayor Lewis was not present, the City Council postponed the discussion to the June meeting.

**DISCUSSION ON PLANNING & HOUSING BILLS CURRENTLY GOING THROUGH THE STATE HOUSE AND SENATE:**

Management Analyst Musa stated that at the April meeting the City Council directed staff to research and present pending housing bills. This discussion is for review of ten (10) planning and housing bills currently going through the State House and Senate. Staff recommends that the City Council review the League of California Cities position on the housing bills and provide direction to staff on how to move forward. If the Council desires, staff can draft letters in Support or Opposition of the following bills:

**SB 6** Local Planning: Housing: Commercial Zones  
League of California Cities Position: **Watch**

**SB 8** Housing Crises Act of 2019  
League of California Cities Position: **Watch**

**SB 9** Housing Development Approvals  
League of California Cities Position: **Oppose**

**SB 10** Planning and Zoning: Housing Development: Density  
League of California Cities Position: **Oppose**

**SB 15** Housing Development: Incentives: Rezoning of Idle Sites  
League of California Cities Position: **Support**

**SB 55** Very High Fire Hazard Severity (VHFHS) Zone: State Responsibility Area: Development Prohibition: Supplemental Height and Density Bonuses  
League of California Cities Position: **Support**  
Bradbury Staff Recommendation: **Watch**  
Given that the City has a pending application for a development in a VHFHS area, it is recommended to watch until further analysis is completed to fully understand the bill.

**SB 478** Planning and Zoning Law: Housing Development Projects  
League of California Cities Position: **Watch**

**SB 765** Accessory Dwelling Units: Setbacks  
League of California Cities Position: **Support**

**AB 1322** Land Use: Local Measures: Conflicts  
League of California Cities Position: **Watch**

**AB 1401** Residential and Commercial Development: Parking Requirements  
League of California Cities Position: **Oppose**

**DISCUSSION AND  
DIRECTION TO STAFF:**

Councilmember Lathrop stated that the City of Hidden Hills has hired a lobbyist (cost unknown). Maybe Bradbury could join Hidden Hills and split the bill for the lobbyist.

Councilmember Barakat stated that the state doesn't care, no matter if we write letters or not.

Mayor Pro-Tem Bruny wanted to know which bill(s) could do the most harm to the City of Bradbury.

Councilmember Lathrop suggested that staff work with the League of California Cities and see where it goes.

City Manager Kearney stated that he agrees with the League support and oppositions and stated that he could use the League template for letters.

Mayor Pro-Tem Bruny suggested to leave the **Watch** bills alone for now.

Councilmember Lathrop directed staff beyond writing support or opposition letters to keep the Council informed about the bills.

**PROPOSED BUDGET FORECAST  
FOR FISCAL YEAR 2021-2022:**

City Manager Kearney presented a PowerPoint of the Fiscal Year 2021-2022 budget and stated that this forecast represents the opportunity for the City Council to review the financial picture. Staff is seeking direction from the City Council on what measures to take in Fiscal Year 2021-2022. Following tonight's meeting, staff will complete any necessary changes and present the final budget document for adoption by the City Council at the June meeting

City Manager Kearney talked about significant projects completed in FY 2020-2021 and recommended new items for consideration in FY 2021-2022 such as:

- Los Angeles County Sheriff's Department Contract Increase
- 2.2% COLA increase for staff
- City Street Tree Trimming
- Contract Election Services
- Bradbury Night Out (maybe in October)
- Replacement of Aging Street Signs

**DISCUSSION:**

Councilmember Hale suggested to do an inventory of City Street Signs. City Manager Kearney stated that if the City Council wants all new street signs, we need to budget more than \$6,000. The Council wants to revisit this item for further discussion.

Councilmember Barakat inquired about why the projected fund balance for FY 2021-2021 was so low. City Manager Kearney stated that the City saw a decline in revenues from the current COVID-19 situation in Fiscal Year 2020-2021. Revenues from permits and licenses continue to slowly increase as the State continues to lift COVID-19 restrictions. Staff anticipates a gradual increase in revenues for Fiscal Year 2021-2022.

Councilmember Lathrop asked about the actuals for FY 2020-2021. City Manager Kearney stated that usually our Finance Director Lisa Bailey is present for the budget discussion, but she is currently out of state.

Councilmember Lathrop stated that he would like to add Redistricting to the budget. City Manager Kearney stated that in FY 2011-2012 the City budgeted \$50,000 for Redistricting, but the actual expenditure was \$15,000. The City Council directed the City Manager to add a line item for Redistricting in the amount of \$15,000 to the budget.

**COPS FUNDS:**

City Manager Kearney stated that the City has a surplus of \$233,751 in COPS funds from previous years and will receive another \$100,000 in FY 2021-2022. Given the surplus the City Council may elect to increase patrol services in the upcoming fiscal year utilizing surplus funds. Councilmember Lathrop would like extra patrol at night to discourage mail box theft. Councilmember Hale stated that extra patrol is so expensive and the City gets so little time and that he would rather spend more money for the CSO. Councilmember Lathrop countered that the CSO does not work at night. Councilmember Hale would like the CSO to work full time. City Manager Kearney stated that we share the CSO with the City of Monrovia and that Monrovia may not agree to have the CSO spend more time in Bradbury, but he will check.

**BUDGET ADOPTION  
IN JUNE:**

City Manager Kearney stated that staff will incorporate Council's input and direction and bring the finalized budget document back for adoption at the June 15 meeting. No motion was required.

**BURRTEC REPRESENTATIVE  
PRESENT:**

City Manger Kearney stated that Richard Nino with Burrtec has joined the meeting and was ready for his presentation.

**FY 2021-2022 ANNUAL RATE  
ADJUSTMENT FOR SOLID WASTE  
COLLECTION AND RECYCLING:**

Burrtec Waste Services 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:**

Richard Nino (Burrtec) presented a PowerPoint going over the proposed new rates for trash, recycling, manure and green waste collection in the City of Bradbury.

Mr. Nino stated that this year's rate review is impacted by the following standard of cost factors: service adjustment & trash, green waste, recyclables & manure processing/disposal tip fees. The July 2020 CPI was 1.90% as reported for the All Urban Consumer Price Index for the Los Angeles area. The barrel services costs impact includes an increase in refuse disposal and recyclables processing and a decrease in green waste processing.

**RECYCLABLES  
COMMODITY MARKET:**

The recyclables commodity market improved slightly which helped contain the net costs of processing, transportation, and residual trash disposal in spite of increase volumes which are attributed to the COVID-19 Stay at Home Orders. Residential barrel trash volumes were also higher while overall green waste volumes were lower. Conversely, trash bin tonnages were lower resulting in a modest rate reduction for the 2021-22 year.

**SB 1383:**

Mr. Nino stated that later this year Burrtec will present a new diversion program for the bin serviced customers to include a recycling and organics solution in accordance with Senate Bill 13383, Short Lived Climate Pollutants, which was recently reviewed at the March 16, 2020 City Council meeting.

**RECOMMENDATION:**

It is recommended that the City Council approve the refuse collection and recycling rates for FY 2021-2022 to become effective July 1, 2021.

**MOTION:**

Councilmember Hale made a motion to approve the refuse collection and recycling rates for FY 2021-2022 to become effective July 1, 2021. Councilmember Barakat seconded the motion, which was carried by the following roll call vote:

**APPROVED:**

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

Motion passed 4:0

**MATTERS FROM THE CITY MANAGER:** City Manager Kearney reported that 1550 Lemon Avenue has changed ownership. The new owners are from the Duarte Mesa. All code enforcement fines against the property have been paid.

**MATTERS FROM THE CITY ATTORNEY:** City Attorney Reisman stated that the City Council needs to appoint an Agency Negotiator regarding City Manager, City Clerk and Management Analyst salary negotiations.

Councilmember Barakat proceeded to make a motion to appoint City Attorney Cary S. Reisman as Agency Negotiator. Councilmember Hale seconded the motion which carried unanimously.

**MATTERS FROM THE CITY COUNCIL:**

**MAYOR LEWIS:** Not present

**MAYOR PRO-TEM BRUNY:** Nothing to report

**COUNCILMEMBER LATHROP:** Nothing to report

**COUNCILMEMBER BARAKAT:** Councilmember Barakat reported that Los Angeles Metro is proposing a pilot program that would allow a majority of the public transit agency's riders to use the system free of charge. The two-phase pilot would offer free trips for low-income bus and rail riders starting January 2022. In August 2022, fareless travel would extent to all K-12 students in L.A. County. Metro is proposing that Foothill Transit adopt a similar program. Councilmember Barakat stated that Foothill Transit is concerned about an uptick of homeless riders.

**COUNCILMEMBER HALE:** Nothing to report

**ITEMS FOR FUTURE AGENDAS:** None

**CLOSED SESSION**

**PUBLIC COMMENT REGARDING CLOSED SESSION ONLY:** None

**RECESS TO CLOSED SESSION:**

**A. Pending Litigation**

Pending Litigation pursuant to Government Code Section 54956.9(d)(1) City of Bradbury, A Municipal Corporation v. Margarita Morales, Los Angeles Superior Court Case No. 21PDSC00747

**B. Pending Litigation**

Pending Litigation pursuant to Government Code Section 54956.9(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. (1 potential case)

**C. Public Employee Performance Evaluation**

Government Code Section 54957(b)(4)

Title: City Manager

**D. Conference with Labor Negotiator**


Agency Negotiator: Cary S. Reisman, City Attorney  
Unrepresented Employees: City Manager, City Clerk, and  
Management Analyst  
Authority: Government Code Section 54957

**REPORT FROM CLOSED SESSION:**

- A. Staff updated the Council regarding Bradbury v. Morales. No formal votes were requested or taken.
- B. The Council unanimously decided not to initiate litigation regarding this matter.
- C. The Council evaluated the City Manager and instructed the City Attorney to complete the evaluation form and issue it to Mr. Kearney. Vote was 4-0-1 (absent).
- D. The Council discussed the three positions and instructed the City Attorney as to its position regarding salaries. Vote was 4-0-1 (absent).

**ADJOURNMENT:**

Mayor Pro-Tem Bruny adjourned the meeting to a Regular Meeting on Tuesday, June 15, 2021 at 7:00 p.m.

  
MAYOR – CITY OF BRADBURY

**ATTEST:**

  
CITY CLERK – CITY OF BRADBURY