

# DRAFT

## MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF BRADBURY HELD ON TUESDAY, OCTOBER 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 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

ABSENT: None

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

### APPROVAL OF AGENDA:

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

Ann Armstrong, 1775 Royal Oaks Drive North, had two safety issues to report. The first issue was speeding cars at night on Royal Oaks Drive North and South. The second issue are two blinding lights at the main entrance to the Royal Oaks Manor.

### 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 September 21, 2021
- B. Minutes: Public Workshop held on October 4, 2021
- C. Resolution No. 21-18: Demands & Warrants for October 2021
- D. Financial Statement for the month of September 2021
- E. Resolution No. 21-19: Bank Signatures (add Suresh Malkani)

- F. Approval to Continue Government Relations Advocacy Services with Best Best & Krieger
- G. Appointment of City Council Representative to San Gabriel Valley Mosquito & Vector Control District Board of Trustees

**CORRECTIONS TO SEP 21, 2021  
MINUTES:**

Mayor Pro-Tem Lathrop stated that page 5 of the September minutes needs to reflect that he, not Councilmember Lewis, made the amended motion regarding the City's Film Ordinance/Policy.

City Attorney Reisman amended his report in the September minutes in regards to the case *Bradbury v. Zhongying USA Capitals* (243 Barranca Road) to state that the Judge has signed the order for reimbursement of \$12,300 in Attorney's fees. Two motions for relief from default have been rejected by the trial court, and the property owner filed a notice of appeal. City Attorney Reisman stated that he may file a motion to dismiss the appeal as untimely.

**MOTION TO APPROVE  
CONSENT CALENDAR:**

Councilmember Lathrop made a motion to approve Consent Calendar, with the minutes as amended. Councilmember Hale 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 Public Hearing for the City Council District Boundaries Draft Maps was advertised to start at 7:10 pm.

**CITY COUNCIL DISTRICT BOUDARIES  
DRAFT MAPS:**

City Manager Kearney stated the City of Bradbury has held two public hearings prior to the publication of Draft Map Option #1 and Draft Map Option #2 on the City's website on October 12, 2021. The first public hearing was held by the City Council on September 21, 2021, and a public workshop was held by the Consultants and City Staff on October 4, 2021, prior to the publication of the Draft Map Options.

**RECOMMENDTION:**

It is recommended that the City Council field a presentation by Andrew Westall, Bear Demographics & Research, on the Draft Map Options, open the public hearing and solicit public input on the Draft Map Options, and provide direction to the consultant on a final map for City Council consideration and adoption on November 16, 2021.

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

Due to the small population of the City of Bradbury, utilizing Census Blocks in the formation of Council District is not practical due to the size of Census Blocks being much larger than the ideal Bradbury City Council District population of 185 residents.

Bear Demographics developed a GIS map based on the parcel map of the City provided by the County of Los Angeles, and used a statistical methodology to allocate the population across the City's parcels.

Mr. Westall stated that the public was welcomed to provide input on a draft map through the City's website and/or by emailing the City Manager. Below is a summary of the comments received:

- Currently, Mount Olive Drive and Mount Olive Lane are split into two districts (2 & 4) and those two streets should be compacted into one district.
- In the past, there have been proposals to divide parts of Woodlyn Lane and Bradbury Hills Road/Lane into separate districts. The neighborhood should be kept intact.

#### **DRAFT MAPT OPTION #1:**

Mr. Westall stated that Draft Map Option #1 provides the best opportunity to adopt a Council District Map that is the least disruptive to the current configuration and representation in the City, while respecting as much as possible the boundaries of the Bradbury Estates HOA and the Woodlyn Lane HOA. The overall deviation of Draft Map Option #1 is 6.34%, which is within the legally required ten percent. One parcel from the Bradbury Estates HOA is moved to District 3, while maintaining the split of the HOA between Districts 1 and 5, with the bulk of the community in District 1. Four parcels from the Woodlyn Lane HOA are moved to District 3 as well, with the rest of the HOA remaining in District 2. The boundaries between Districts 2 and 4 also respect the official zoning map of the City in the southeast portion of the City of Bradbury.

City Manager Kearney added that the fire road, which connects Deodar Lane and Woodlyn Lane, creates a corridor to ensure the contiguity in District Three. As such, the properties on Woodlyn Lane could remain in District 2.

#### **DRAFT MAP OPTION #2:**

Draft Map Option #2 provides the City Council and the public with an alternative configuration of the Council District boundaries which is more disruptive to the current configuration of representation and splits the HOAs farther than under Draft Map Option #1. The overall deviation of Draft Map Option #2 is 9.28 %, which is within the legally required ten percent. By moving all of District 3 to the southwestern area of the City, the Bradbury Estates HOA is split three ways between Districts 1, 5 and 3, with thirteen parcels in the HOA located in District 3. This also requires splitting the Woodlyn Lane HOA between Districts 2 and 5 along Woodlyn Lane. This option also uses many boundaries of the official zoning map in the southeast and southwest portions of the City of Bradbury.

## **CITY COUNCIL DISCUSSION:**

Councilmember Lewis stated that it is clear that the consultant has not driven the area and is using Google Maps data that is incorrect. Councilmember Lewis stated that the road that is supposed to act as a corridor in Draft Map Option #1 is not there and therefore is just an arbitrary line.

Councilmember Hale was not happy about moving one parcel located in the HOA out of District 1 and stated that it makes no sense. Councilmember Hale also wants to keep Woodlyn Lane together into one piece.

Mayor Bruny reaffirmed that she also would like to keep everyone in the HOA.

The consultant stated that they are following the law drawing the Draft Maps. Councilmember Lewis replied that if they tried to fix the problem of non-contiguous, they haven't done that.

City Manager Kearney stated that if we can't fix the non-contiguousness in District 3, then we end up with Draft Option #2.

Councilmember Barakat stated that 10 years ago the attorney said that the road (Royal Oaks Drive North) connects the two parts of District 3. City Manager Kevin replied that that the road (Royal Oaks Drive North) in front of the Manor belongs to the County of Los Angeles. Our City Engineer double- and triple-checked this information.

Councilmember Barakat inquired about who owns the trail. City Manager Kearney stated that the trail is technically in the County. Councilmember Barakat suggested that the City annex the part of Royal Oaks Drive North that belongs to the County. Mayor Pro-Tem Lathrop inquired about how long it would take to annex that portion of the road. City Manager Kearney replied that it would not be done before the deadline to submit the new boundary map, which means the City would not have a valid City Council District map, but that he would call Supervisor Barger's Office to move forward with the annexation expeditiously.

Councilmember Hale inquired if we can move the one parcel on Deodar and the four parcels on Woodlyn Lane back, file it with the State, and see what they say.

City Attorney Reisman stated that according to the consultant, the current map does not meet legal the requirements of redistricting and opens the City up for a lawsuit. If the City loses the case, a judge will redraw the map without City input. City Attorney Reisman asked the consultant what happens next.

Mr. Andrew Westall stated that the City has to submit a map to the Registrar-Recorder, Dean Logan, by December 15, 2021. There is no State review.

**PUBLIC HEARING:**

Mayor Bruny opened the discussion for public comment.

Robert Jones, 620 Spring Point Drive, stated that he likes that in Draft Map Option #2 all of Gardi Street is in one district.

Ann Armstrong, 1775 Royal Oaks Drive, asked if the current map has 185 residents in every district. The consultant replied "not even close."

**PUBLIC HEARING CLOSED:**

There being no further public input, Mayor Bruny declared the public hearing closed.

**ACTION TAKEN:**

City Manager Kearney inquired if the Council was ready to adopt a map next month. The City Council replied yes – move forward with adoption by revering the one parcel on Deodar in District 1 and the four parcels on Woodlyn Lane in District 2.

Mayor Pro-Tem Lewis apologized for jumping on the consultant. The consultant, Andrew Westall, stated that he would drive the city with City Manager Kearney before the November meeting.

**CONSIDERATION OF ORDINANCE NO. 378  
AMENDING THE BMC RELATING TO  
FILMING PERMITS:**

Management Analyst Musa stated that at the September City Council meeting, Staff was made aware that language in the City's Municipal Code conflicts with the City's Film Policy. Section 13.02.610 of the BMC reads: *The activities of moviemaking or television production shall be conducted between the hours of 7:00 am and sunset, Monday through Friday only, but excluding legal holidays.* The current Film Policy allows *Hours of Operation from 7:00 am to 10:00 pm Monday through Friday only, excluding legal holidays. Extended hours may be considered depending on impact to the community.*

The ordinance in the Municipal Code was adopted in 1979 and the City's Film Policy is dated 1990. It appears that since 1990 the City has been operating and processing film permits based on the regulations outlined in the Film Policy. In order for the Municipal Code and the Film Policy to correspond, it is recommended that the City's Municipal Code be amended to correspond to the City's Film Policy. The allowable hours of operation will be removed from the Ordinance, but will remain in the Film Policy, which will also be reviewed by the City Council during this process.

**CALIFORNIA FILM COMMISSION:**

Ordinance No. 378 reflects portions of the California Film Commission's (CFC) Model Film Ordinance. The CFC is a State department that provides resources for cities, counties and special districts to ensure uniform film ordinances and permit processes throughout the State. Per Government Code 14999.21, it is required that all cities, 30 days prior to adoption of a film ordinance, submit a draft ordinance to the CFC. The CFC will then review the draft ordinance and provide comments within five working days. The Government Code also states that each local government shall provide the CFC with a copy of its adopted film ordinance.

**RECOMMENDATION:**

It is recommended that the City Council introduce and read, by title only, Ordinance No. 378: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY AMENDING THE BRADBURY MUNICIPAL CODE RELATING TO FILMING PERMITS

**DISCUSSION:**

City Attorney Reisman made some corrections to the proposed Ordinance, which he handed out to the City Council and Staff. City Attorney Reisman advised the HOA to check their Film Ordinance and/or Policy as well.

Mayor Pro-Tem Lathrop suggested to "capitalize" Definitions in Section 13.02.600, i.e. Motion Picture, Television, Still Photography, Charitable Films, etc.

Councilmember Barakat had a comment regarding notifications of neighbors. Mayor Bruny stated that the Council should discuss the policy next month and concentrate on the ordinance this evening.

**PUBLIC COMMENT:**

Robert Jones, 620 Spring Point Drive, inquired if the new Ordinance would affect his son's CalArts school film project. The City Attorney replied that pre-secondary school projects are not covered under the Ordinance.

Maria Mak, 215 Barranca Road, suggested that not only residents within 500 feet of the film location, but also residents within 500 feet of off-site staging areas, should be notified.

Mrs. Mak felt that the Film Policy's requirement to submit a completed application five (5) days before filming begins is not enough time. She also inquired if film applications are subject to public inspection. City Attorney Reisman replied yes, upon filing of a public records request form with the City.

**PUBLIC COMMENT CLOSED:**

There being no further comments, Mayor Bruny closed the discussion for public input.

**MOTION:**

Councilmember Lewis made a motion to introduce for first reading, by title only, Ordinance No. 378: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY AMENDING THE BRADBURY MUNICIPAL CODE RELATING TO FILMING PERMITS. Councilmember Barakat 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

**ORDINANCE ADOPTION IN NOVEMBER:**

Second Reading and Adoption of Ordinance No. 378 will be on the November City Council Agenda.

**STATE PARKS GENERAL PER CAPITA  
PROGRAM: ADOPTION OF RESOLUTION  
NO. 21-20 APPROVRING A PROJECT  
APPLICATION FOR THE LEMON AVENUE  
TRAIL PROJECT:**

City Manager Kearney reported that the State has allocated \$178,655 to the City of Bradbury through their General Per Capita Program. City Staff has identified the creation of the Lemon Avenue Trail as a project for funding. Should the City Council desire to fund the project, City Staff would work toward submitting the application. Once the application is approved, City Staff would move forward with preparing the plans and specifications for the trail improvements. City Manager Kearney also noted that the "Lemon Avenue Trail Project" is not the same as the Lemon Trail, but refers to the South side of Lemon Avenue between Winston Avenue and the Lemon Trail.

**RECOMMENDATION:**

It is recommended that the City Council approve moving forward with designating the Lemon Avenue Trail Project as the recipient of the General Per Capita Program and adopt Resolution No. 21-20, which is a required document needed to apply for the grant.

**MOTION:**

Councilmember Barakat made a motion to adopt Resolution No. 21-20 and to move forward with designating the Lemon Avenue Trail Project as the recipient of the General Per Capita Program. Councilmember Lewis 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

**GENERAL DISCUSSION ON THE  
STATE'S HOUSING MANDATES:**

Mayor Pro-Tem Lathrop reported that he met with Assemblywoman Blanca Rubio to discuss exceptions from SB 9 for properties in the High Severity Fire Zone. Assemblywoman Rubio has asked for a letter from the City Council for review. The City Council agreed to move forward with a letter.

Mayor Pro-Tem Lathrop reported another option which are Conservation Easements by creating non-profits.

**MATTERS FROM THE CITY MANAGER:**

City Manager Kearney stated that the picture taken this morning at the fountain in Monrovia Canyon Park will be in the next Newsletter.

**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 motion to dismiss the appeal is not going to work. The City Attorney will respond to 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:**

Councilmember Hale stated that during the photo-op this morning at Monrovia Canyon Park he was shocked to see the number of trees that were scorched by the fire. Councilmember Hale stated that it would be nice if Bradbury City Council would consider donating some money to Monrovia to plant new trees.

**COUNCILMEMBER LEWIS:**

Nothing to report

**ITEMS FOR FUTURE AGENDAS:**

None

**ADJOURNMENT:**

At 8:35 p.m. Mayor Bruny adjourned the meeting to a Regular Meeting on Tuesday, November 16, 2021 at 7:00 p.m.

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**MAYOR – CITY OF BRADBURY**

ATTEST:

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**CITY CLERK – CITY OF BRADBURY**