

**MINUTES OF A REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF BRADBURY  
HELD ON TUESDAY, DECEMBER 15, 2015**

**MEETING CALLED TO ORDER AND  
PLEDGE OF ALLEGIANCE:**

The Regular Meeting of the City Council of the City of Bradbury was called to order by Mayor Hale at 7:00 p.m. The Pledge of Allegiance was led by Mayor Hale.

**ROLL CALL:**

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

ABSENT: None

STAFF: City Manager Keith, City Attorney Reisman, Deputy City Engineer Gilbertson, City Clerk Saldana and Management Analyst Donayre

**APPROVAL OF AGENDA:**

Councilmember Barakat made a motion to approve the agenda to proceed with City business. Mayor Pro-Tem Lewis seconded the motion, which carried.

**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 staff is not aware of any conflicts.

**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 be "to waive further reading and adopt."

- A. Minutes - Regular City Council Meeting of November 17, 2015
- B. Resolution No. 15-31: Demands & Warrants for December 2015
- C. Preliminary Financial Statement for the month of November 2015
- D. Amendment No. 1 to Fire Reduction Grant Program Contract with Rock's Hillside Services to include additional work within the available funding
- E. Second Reading, by Title only, of Ordinance No. 342 Amending the Hillside Development Standards to allow a Modification to Setback Requirements as described

**ITEM #D PULLED FOR  
DISCUSSION:**

Councilmember Lathrop pulled Item #D from the Consent Calendar for discussion. Councilmember Lathrop had a question regarding the City In-Kind Match and why it cannot be counted towards total cash available for brush removal. City Manager Keith replied that the City's In-Kind match has already been spent on staff time.

The City has yet to receive the \$1,000 Woodlyn Lane Match. Mayor Pro-Tem Lewis stated that \$1,000 is 5% of the Woodlyn Lane Improvement Association (WLIA) budget.

**MOTION TO APPROVE  
CONSENT CALENDAR:**

Mayor Pro-Tem Lewis moved to approve the Consent Calendar, Items A through E, as presented. Councilmember Barakat seconded the motion, which was carried by the following roll call vote:

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

NOES: None

ABSENT: None

Motion passed 5:0

**PUBLIC HEARING – MEDICAL  
MARIJUANA REGULATION ACT:**

Under the Medical Marijuana Regulation and Safety Act, the City has until March 1, 2016 to insure that commercial cannabis cultivation is prohibited in the local jurisdiction. Therefore, since this restriction will be made through a zoning ordinance, and in order for it to be effective by the March 1, 2016 date to specifically prohibit such activity, this item was reviewed by the Planning Commission at their November meeting. The Commission reviewed a draft ordinance, made no changes, and is recommending the City explicitly ban all commercial cannabis activities, as well as ban cultivation of marijuana by qualified patients and primary caregivers.

**RECOMMENDATION:**

It is recommended that the City Council read for the first time, by title only, Ordinance Nor 343, amending various provisions of the Bradbury Municipal Code to prohibit the cultivation of marijuana.

**PUBLIC HEARING OPENED:**

Mayor Hale opened the public hearing and asked anyone wishing to speak in favor or opposition to come forward and be heard.

**PUBLIC HEARING CLOSED:**

There being no public testimony, Mayor Hale declared the public hearing closed.

**MOTION:**

Councilmember Barakat made a motion to read for the first time, by title only, Ordinance No. 343: An Ordinance of the City Council of the City of Bradbury, California, adding Chapter 9.05.110 to the Bradbury Municipal Code prohibiting all commercial medical marijuana uses in the City of prohibiting cultivation for medical use by a quality patient or primary caregiver. Mayor Pro-Tem Lewis seconded the motion, which was carried by the following roll call vote:

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

NOES: None

ABSENT: None

Motion passed 5:0

Ordinance No. 343 will be on the January 19, 2016 Agenda for Second Reading and Adoption.

**DISCUSSION – CONSIDERATION  
OF POLICY FOR SHORT-TERM  
RENTALS:**

City Manager Keith stated that short-term rentals are a very fast growing industry with advantages and disadvantages for communities and neighborhoods. Staff is requesting City Council direction on the options and recommendation regarding short-term rentals, and will return with appropriate code modifications. Alternatively, the Council can provide direction and refer the matter to the Planning Commission for a formal recommendation and final action by the City Council.

**BACKGROUND:**

City Manager Keith stated that during the fall staff received several calls from users of short-term rentals (such as Airbnb, HomeAway, FlipKey, Craigslist, Roomorama, TravelMob, WaytoStay, SenRentals, Interhome or Windu) within the community to voice concerns over conditions of accommodations. Based upon this and some limited research, staff discovered several platforms listing several different accommodations in Bradbury. Since these are businesses without business licenses, staff immediately sent letters to the operators/property owners. But this raises a number of concerns and questions about what the City's position regarding the practice would be.

City Manager Keith stated that Bradbury's Municipal Code does not address short-term rentals at all.

There are a number of discussion points that staff would like to address with the City Council to begin discussing and formulating a policy, and possibly zone code amendments regarding short-term rentals. This should be considered a broad conversation so that staff can receive appropriate direction from the City Council.

**BRADBURY POLICY:**

Bradbury has comparatively few known short-term rentals, and just a few complaints. The City Council should consider whether short-term rentals might be allowable, provided that there were protections in place through permitting and inspections, and adequate mechanisms for enforcement of the regulations.

**DISCUSSION:**

City Manager Keith stated that cities with hotels, motels B&B facilities and Inns can obtain revenue through a transient occupancy tax (TOT).

Councilmember Lathrop felt that regulating short-term rentals could make Bradbury property potentially commercial. Councilmember Lathrop stated that Bradbury is a community where people should know who their neighbors are.

City Manager Keith stated that many of the communities that permit short-term rentals have established performance standards, inspections and enforcement regulations.

City Attorney Reisman stated that enforcement is difficult to impossible. For example, the City can't control whether renters are related to the property owners.

Mayor Hale stated that we don't want short-term rentals in Bradbury and that we should make sure that renters don't sublet to third parties.

Councilmember Barakat questioned what good a gated community with short-term renters going in and out.

Councilmember Lathrop inquired if we should consider zone and lot size. City Attorney Reisman stated that would be a zoning issue that would have to go to the Planning Commission.

**DIRECTION TO STAFF:**

Mayor Hale directed the City Manager and staff to start drafting an ordinance in the next few months for the Council to look at regarding regulating short-term rentals including inspection by Planning and Building; that renters not be able to sublet, and to consider lot size.

Councilmember Lathrop stated his objections and concerns to this process once more.

**DISCUSSION – AUTHORIZATION TO REPLACE SOLAR SPEED FEEDBACK SIGNS ON MOUNT OLIVE DRIVE:**

Deputy City Engineer Gilbertson stated that in 2009, the City of Bradbury entered into a maintenance service agreement with Siemens Industry, Inc. (formerly Republic ITS) for the bi-annual maintenance of the two existing speed feedback signs located on Mount Olive Drive at a cost of \$300 per year. Both of the speed feedback signs stopped operating in January of this year (2015).

**BACKGROUND:**

A Siemens service technician investigated the problem with the signs soon after staff was notified of a problem and a request was sent. The determination was to replace the batteries but that did not fix the problem. After repeated phone calls to Siemens, it took approximately another 75 days for another service technician to further investigate the problem. The new determination from the service technician was that the controller boards needed to be replaced. Another 90 to 120 days lapsed before the new controller boards were ordered, delivered and installed. Unfortunately, the new controller boards did not fix the problem either. Another 45 days lapsed until the City was notified by Siemens that the signs were beyond repair and needed to be replaced.

**TIMELINE:**

The timeline shows that Siemens has been extremely unresponsive to the needs of the City of Bradbury in the repair of these signs. Based on this history, it is unclear how long it would take for Siemens to replace the signs after authorization by the City. Consequently, staff obtained another cost proposal from a local traffic signal company, Macadee Electrical Construction.

**COST PROPOSALS:**

The two cost proposals to install two (2) new speed feedback signs are as follows:

- |                                    |          |
|------------------------------------|----------|
| 1) Siemens Industry, Inc.          | \$18,331 |
| 2) Macadee Electrical Construction | \$21,008 |

Staff also obtained a cost proposal from Macadee to remove and dispose of the existing signs and foundations in the amount of \$2,500. Inquiries were made to Siemens requesting a cost proposal for the removal of the existing signs but no response was received.

**FINANCIAL REVIEW:**

The City has the necessary funds in restricted funds for transportation use such as Measure R, Prop A, C or TDA and staff will request reimbursement for these costs. If the reimbursement request is unsuccessful, there is sufficient funding available in the Undesignated Reserves to complete the project.

**RECOMMENDATION:**

Based on the failure from Siemens Industry, Inc. to provide a timely response to the repair of the existing speed feedback signs on Mount Olive Drive, it is recommended that the City Council authorize staff to issue a purchase order to Macadee Electrical Construction to replace the existing solar speed feedback signs.

**DISCUSSION:**

Councilmember Pycz asked if the solar speed feedback signs are a deterrent. Deputy City Engineer Gilbertson replied yes.

Councilmember Barakat inquired about the warranty. Deputy City Engineer Gilbertson replied that the warranty on the signs is 2 years.

Mr. Gilbertson stated that Macadee does not do maintenance on the signs, but that the City could get a quote from the County for maintenance. It was agreed that Siemens would be pulled from bidding on maintenance of the signs. Councilmember Barakat wants to pull Siemens from bidding on installation as well. Deputy City Engineer Gilbertson stated that the box just gets mounted on a pole. Mayor Pro-Tem Lewis proposed to get more bids for maintenance.

**ACTION:**

The City Council directed staff to get more bids for sign replacement and annual maintenance.

**AWARD OF BID - MOUNT OLIVE DRIVE SEWER EXTENSION PHASE II:**

Deputy City Engineer Gilbertson stated that bids for the Mount Olive Drive Sewer Extension Project, Phase II – Part One were opened on December 10, 2015 with GRFCO, Inc. being the lowest responsible bidder. The City Council awarded this item at the October 20, 2015 meeting but then rejected all bids at the November 17, 2015 meeting and directed staff to re-scope the project due to funding issues.

Staff completed plans and specifications for bidding purposes and on December 10, 2015 bids were received. A total of six (6) bids were received ranging between \$97,250 and \$156,250 with the lowest responsible bid submitted by GRFCO, Inc. The contractor's license and references were check and found to be satisfactory.

**FINANCIAL REVIEW:**

The total anticipated construction cost is \$242,167.

The properties located at 412 and 425 Mount Olive Drive will be required to pay their portion of the sewer reimbursement costs at the time of connection to the public sewer, which is \$38,714 each.

**RECOMMENDATION:**

It is recommended that the City Council award a contract to GRFCO, Inc. in the amount of \$27,250.

**DISCUSSION:**

Deputy City Engineer Gilbertson stated that GRFCO is ready to start the project right after New Year and we will have a full-time inspector from RKA onsite during construction.

**MOTION:**

Councilmember Barakat made a motion to award the bid for the Mount Olive Drive Sewer Extension, Phase II (reduced scope) to GRFCO, Inc. in the amount of \$97,250. Councilmember Pycz seconded the motion, which was carried by the following roll call vote:

**APPROVED:**

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

NOES: None

ABSENT: None

Motion passed 5:0

**MATTERS FROM THE CITY MANAGER:**

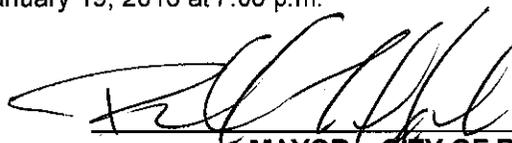
City Manager Keith stated that the Planning Commission will meet tomorrow night. On Thursday, the City Manager will attend an EWMP meeting in Monrovia to discuss stormwater issues.

Staff still needs agenda items for the breakfast meeting with Supervisor Antonovich on Wednesday, January 13, 2016.

City Hall will be closed for the holidays from December 24, 2015 to January 1, 2016. City Hall will re-open on Monday, January 4, 2016.

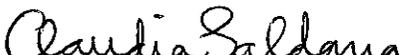
**MATTERS FROM THE CITY COUNCIL:**

- MAYOR HALE:** Mayor Hale stated that at last night's HOA/CSD meeting two more big projects were approved by the Association and two more are on the agenda for January. Mayor Hale also had some concerns regarding the Oak View Estates subdivision he wished to discuss. City Attorney Reisman stated that the City has received an application for this project and therefore it cannot be discussed until it is on the agenda.
- MAYOR PRO-TEM LEWIS:** Nothing to report
- COUNCILMEMBER BARAKAT:** Councilmember Barakat wished everyone a Merry Christmas and a Happy New Year.
- COUNCILMEMBER LATHROP:** Nothing to report.
- COUNCILMEMBER PYCZ:** Councilmember Pycz stated that he valued the feedback received at the joint City Council/Planning Commission study session last month.
- ITEMS FOR FUTURE AGENDAS:** None
- ADJOURNMENT:** At 7:55 p.m. the City Council adjourned to the next regular meeting on Tuesday, January 19, 2016 at 7:00 p.m.



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MAYOR CITY OF BRADBURY

ATTEST:



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CITY CLERK – CITY OF BRADBURY