

**MINUTES OF A REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF BRADBURY  
HELD ON TUESDAY, JUNE 16, 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 Lathrop, Pycz and Barakat

ABSENT: None

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

**APPROVAL OF AGENDA:**

Mayor Pro-Tem Lewis made a motion to approve the agenda and proceed with City business. Councilmember Barakat 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 May 19, 2015
- B. Resolution No. 15-12: Demands & Warrants for June 2015
- C. Preliminary Financial Statement for the month of May 2015
- D. Resolution No. 15-17: Annual Review and Approval of the City's Investment Policy
- E. Second Reading of Ordinance No. 340: Adding Chapter 12 to Article VIII to the Bradbury Municipal Code relating to Expedited Permitting Procedures for Small Residential Rooftop Solar Installations
- F. Fiscal Year 2013-2014 Annual Financial Audit Report
- G. Resolution No. 15-14: Approval of the Gann Appropriation Limit

**MOTION TO APPROVE  
CONSENT CALENDAR:**

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

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

NOES: None

ABSENT: None

Motion passed 5:0

**PUBLIC HEARING –  
RESOLUTION NO. 15-13:  
CONFORMANCE WITH CONGESTION  
MANAGEMENT PROGRAM (CMP)  
AND ADOPTION OF THE CMP LOCAL  
DEVELOPMENT REPORT (LDR):**

The state-mandated Congestion Management Program (CMP) was enacted by the legislature to implement Proposition 111 in June 1990, which requires using gas tax funds to reduce congestion and improve air quality. The Metropolitan Transportation Authority (MTA) is the agency responsible for the administration of the CMP.

City Manager Keith stated that the City is required to annually certify that it is in compliance with the CMP requirements. The self-certification component of the CMP requires the City to track and report the number of new housing units and any other development activities in the City between June 1, 2014 and May 31, 2015 and report them to the MTA. This information is presented in the 2015 Local Development Report (LDR). A public hearing on the self-certification is required prior to Council action.

**RECOMMENDATION:**

It is recommended that the City Council open a public hearing and adopt Resolution No. 15-13 adopting the Local Development Report and certify that the City is in conformance with the 2010 Congestion Management Program.

**PUBLIC HEARING OPENED:**

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

**PUBLIC HEARING CLOSED:**

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

**MOTION:**

Mayor Pro-Tem Lewis made a motion to adopt Resolution No. 15-13 adopting the Local Development Report and certify that the City is in conformance with the 2010 Congestion Management Program. Councilmember Lathrop seconded the motion, which was carried by the following roll call vote:

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

NOES: None

ABSENT: None

Motion passed 5:0

**DISCUSSION – AUTHORIZE THE CITY  
MANAGER TO SUBMIT THE LETTER  
OF AUTHORIZATION FOR THE SUB-  
MITTAL OF THE ENHANCED  
WATERSHED MANAGEMENT  
PROGRAM (EWMP) PAN:**

City Manager Keith stated that the Municipal Separate Storm Sewer National Pollutant Discharge Elimination System Permit (MS4 NDPDES Permit) for the County of Los Angeles (CAS004001, Order No. R4-2012-0175) adopted on November 8, 2012 and effective on December 8, 2012, incorporates several existing and new provisions with which the City of Bradbury is required to comply. The City of Bradbury drains to both the Los Angeles River and the San Gabriel River and is required to meet the standards, programs and monitor requirements of both watersheds. Under the newly adopted MS4 Permit, municipalities are required to submit the Enhanced Watershed Management Program (EWMP) plan to the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) by June 28, 2015. The EWMP is a pathway to compliance with the new storm-water regulations and Total Daily Loads (TMDLs).

**FISCAL IMPACT:**

City Manager Keith stated that this report is to request authority to submit the Enhanced Watershed Management Program to the Regional Water Quality Control Board. It is estimated that the cost of implementation of the EWMP is approximately \$1.4 billion over the next two decades.

The cost estimate is based on information collected by the Group's consultant and assessed through Reasonable Assurance Analysis (modeling software) in lieu of actual planning, construction and development costs. Primary factors in the Reasonable Assurance Analysis (RAA) include land use, geography, water quality and other parameters used to simulate runoff and corresponding water quality generated within the EWMP area.

The proposed costs identified in the EWMP needed to comply with State and Federal water quality regulations, and to improve water quality, do not currently have a funding source. The City will continue to pursue funding alternatives in partnership with other municipalities and agencies within the watershed as well as to seek potential State and Federal grants to supplement the cost of implementing the EWMPs. In addition, the estimated costs to implement potential EWMP projects will be further refined as the EWMP is updated every two years taking into consideration water quality monitoring data and program effectiveness.

**POWER POINT PRESENTATION:**

Following the report City Manager Keith led the City Council through a power point presentation entitled: Rio Hondo/San Gabriel Water Quality Group Enhanced Watershed Management Program.

**RECOMMENDATION:**

It is recommended that the City Council authorize the City Manager to submit a Letter of Authorization to the City of Arcadia for the submittal of the Enhanced Watershed Management Program (EWMP) to the California Regional Water Quality Authority Board, Los Angeles Region, in accordance with the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit.

**DISCUSSION:**

Mayor Pro-Tem Lewis questioned the \$91,794.00 Capital Cost for Royal Oaks Trail (Table ES-7 Regional Project Cost). City Manager Keith stated that this is not a valid number, nor is it an engineer's estimate. It is, however, the estimated cost based on water needing to be treated per the RAA model mentioned in the staff report.

Councilmember Lathrop stated that the City Attorney should make sure that the Authorization Letter is not legally binding and that the City is not committing to any of these projected costs.

City Manager Keith stated that there is a 990-page report and tonight she presented the Executive Summary to the City Council. Any Councilmember who is interested to view the entire document can request the link from the City Manager. Mayor Pro-Tem Lewis stated that he would like the link to the full document.

Mayor Pro-Tem Lewis wanted to know from the City Attorney what the City is agreeing to with this Authorization Letter. The City Attorney stated that no one can hold the City to any monetary commitment with this letter. No one is committing to anything other than submitting the document for review.

**MOTION:**

Councilmember Barakat made a motion to authorize the City Manager to submit a Letter of Authorization to the City of Arcadia for the submittal of the Enhanced Watershed Management Program (EWMP) to the California Regional Water Quality Authority Board, Los Angeles Region, in accordance with the National Pollutant Discharge

Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit. Mayor Hale seconded the motion, which was carried by the following roll call vote:

**APPROVED:**

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

NOES: None

ABSENT: None

Motion passed 5:0

**PUBLIC HEARING –  
ORDINANCE NO. 341  
WATER CONSERVATION DROUGHT  
CONDITIONS REVISED:**

City Manager Keith stated in August 2014, the City Council heard a presentation from California American Water Company on the California Drought Conditions, received public testimony, and adopted Urgency Ordinance No. 337, amending various provisions of the Bradbury Municipal Code to prohibit the waste of water.

Since that time the Governor and the State Water Board have imposed further restrictions and penalties that the City Council should consider. The Council first heard this item at the May 19 meeting and asked for additional clarification from the City Attorney. Further, since the May meeting the State of California Building Commission issued a bulletin for immediate revisions to outdoor landscape irrigation standards for water landscape ordinances.

**ANALYSIS:**

Since August 2014 the drought conditions have become even more severe.

On April 1, 2015 Governor Brown issued a new Executive Order that directed the State Water Board to impose restrictions on urban water suppliers to achieve a statewide 25% reduction in potable urban usage through February 2016; require commercial, industrial, and institutional users to implement water efficiency measures; prohibit irrigation with potable water of ornamental turf in public street medians; and prohibit irrigation with potable water outside newly constructed homes.

During the first week of May the State Water Resources Control Board (SWRCB) adopted an emergency regulation that formally implemented the framework for achieving a 25% reduction in water use statewide. These approved regulations were forwarded to an Administrative Law Judge for review and were formally approved on May 15, 2015.

The regulations that were adopted by the SWRCB place every urban water supplier, such as California American Water Company, into one of eight separate conservation standard tiers, which range from between 4% to 36%. With the adoption of these new rules, the SWRCB will each month compare the urban water suppliers' water use with their usage for the same month in 2013 to determine if the agency is on track for meeting their conservation standard. Cal-Am Water's area (Bradbury/Duarte/San Marino) has been assigned a 28% reduction in water use.

**PROPOSED FINES:**

The adopted regulations proposed fines of up to \$10,000 per day for any agency that fails to implement these water use cuts. Part of this direction is that the private water companies must work with local law enforcement and local government entities on the enforcement of these new requirements.

**RECOMMENDATION:** It is recommended that the City Council re-open the public hearing and adopt as an urgency Ordinance No. 341, amending various provisions of the Bradbury Municipal Code to prohibit the waste of water.

**PUBLIC HEARING OPENED:** Mayor Hale opened the public hearing and asked anyone wishing to speak to come forward and be heard.

**PUBLIC HEARING CLOSED:** There being no public testimony, Mayor Hale declared the public hearing closed

**DISCUSSION:** The City Council discussed fines for violations. City Attorney Reisman clarified that fines are imposed for violation of State rules, not California American Water or City rules. City Attorney Reisman further stated that the fines are between Cal-Am Water and residents, not the City. Violations have to be proven (i.e. water meter readings, pictures, etc.)

Councilmember Lathrop stated that the City needs to make sure our residents aware of the fines and penalties for wasting water.

**MOTION:** Councilmember Lathrop made a motion to adopt Urgency Ordinance No. 341 amending Article VII Chapter 11 of the Bradbury Municipal Code prohibiting the Waste of Water. Mayor Pro-Tem Lewis seconded the motion, which was carried by the following roll call vote:

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

NOES: None

ABSENT: None

Motion passed 5:0

**DISCUSSION – FY 2015-2016  
ANNUAL RATE ADJUSTMENT  
FOR SOLID WASTE COLLECTION  
AND RECYCLING:**

City Manager Keith stated that the City contracts with Burrtec Waste Services for solid waste collection and recycling. Pursuant to Section 10.10 of the Refuse 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." A 4% cap is set forth on each annual adjustment.

**POWER-POINT PRESENTATION  
BY RICHARD NINO, BURRTEC:** Richard Nino, Regional Manager with Burrtec, presented the proposed new rates for trash, recycling, manure and green waste collection for the City of Bradbury.

**RECOMMENDATION:** It is recommended that the City Council approve the proposed refuse collection and recycling rates to become effective July 1, 2015.

**MOTION:** Mayor Pro-Tem Lewis made a motion to approve the proposed refuse collection and recycling rates to become effective July 1, 2015. Councilmember Pycz seconded the motion, which was carried by the following roll call vote:

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

NOES: None

ABSENT: None

Motion passed 5:0

**DISCUSSION – PROPOSED BUDGET FOR FISCAL YEAR 2015-2016:**

At the May Meeting the City Council reviewed and discussed the proposed budget forecast for Fiscal Year 2015-2016. The budget determines the City's resource priorities and sets course for years to come. The City Council does this by linking the most important, highest priority items for the City to accomplish over the next year with the resources necessary to do so.

**RECOMMENDATION:**

It is recommended that the City Council adopt Resolution No. 15-15 approving the City of Bradbury's Annual Budget for Fiscal Year 2015-2016 and Resolution No. 16-16 approving the Master Fee Schedule for Fiscal Year 2015-2016.

**PERS PAYMENT:**

At the May meeting the City Council instructed staff to make a one-time payment of \$176,494 to PERS to pay off the unfunded liability and forego annual payments over the next 30 years. City Manager Keith and Finance Director Baily will check with PERS to make sure the City is not going to be superfunded by making this one-time payment.

**MASTER FEE SCHEDULE FOR FY 2015-2106:**

City Manager Keith stated that the Fee Schedule for FY 2015-2016 is the same as last year except for one new fee (NPDES Inspection \$500) that has been added to Engineering Permits & Plan Check Fees.

**PUBLIC HEARING FOR NEW FEE:**

City Attorney Reisman stated that the City Council needs to hold a public hearing to add any new fees, but can adopt Resolution No. 15-16 without the fee for NPDES Inspection.

**MOTION TO APPROVE RESOLUTION NO. 15-15:**

Councilmember Barakat made a motion to adopt Resolution No. 15-15 approving the Annual Budget for Fiscal Year 2015-2016. Mayor Pro-Tem Lewis seconded the motion, which was carried by the following roll call vote:

**APPROVED:**

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

Motion passed 5:0

**MOTION TO APPROVE RESOLUTION NO. 15-16:**

Mayor Pro-Tem Lewis made a motion to adopt Resolution No. 15-16, as amended, approving the Master Fee Schedule for Fiscal Year 2015-2016. Mayor Hale seconded the motion, which was carried by the following roll call vote:

**APPROVED:**

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

Motion passed 5:0

**ITEMS FOR FUTURE AGENDAS:**

Public Hearing to amend Resolution No. 15-16 by adding new NPDES Inspection Fee.

**MATTERS FROM THE CITY MANAGER:**

City Manager Keith stated that in 2008 the City Council adopted a Policy regarding Ethics and Personal Conduct for Elected Officials, Commission and Committee Members and City Staff. Each Councilmember should review and sign the Statement of Commitment every two years to be filed at City Hall.

Management Analyst Julio Donayre and the Fire Department are doing great work (brush clearance) on El Cielo Lane. The walk-through with six potential bidders is on Thursday morning.

City Manager Keith stated that in past summers we sometimes had to cancel City Council meetings due to vacation schedules and wanted to know if everyone was going to be here for the July 21 meeting. City Attorney Reisman stated that he may not be here for the July meeting.

The Planning Commission will meet on Wednesday, June 24, 2015.

**MATTERS FROM THE CITY COUNCIL:**

**MAYOR HALE:** Nothing to report

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

**COUNCILMEMBER LATHROP:** Councilmember Lathrop stated that the Duarte Education Foundation will hold its Annual Dinner on Saturday, October 20, 2015.

**COUNCILMEMBER PYCZ:** Nothing to report

**COUNCILMEMBER BARAKAT:** Councilmember Barakat stated that the San Gabriel Valley Mosquito and Vector Control District is currently monitoring over 1,700 swimming pools that are either empty or unmaintained in the 241 square miles that make up their District. Please call and report green pools and standing water (puddles) by calling City Hall or the San Gabriel Valley Mosquito and Vector Control District at (626) 814-9466 or by visiting [www.SGVMosquito.org](http://www.SGVMosquito.org)

**ITEMS FOR FUTURE AGENDAS:** None

**CLOSED SESSION POSTPONED:** The City Council postponed the Closed Session regarding Personnel - Evaluation of Performance (Title: City Attorney) to a future meeting.

**ADJOURNMENT:** At 8:15 p.m. Mayor Hale adjourned the meeting in memory of City Attorney Cary Reisman's mother-in-law Alice Schoenwald to Tuesday, July 21, 2015 at 7:00 p.m.

  
MAYOR – CITY OF BRADBURY

ATTEST:

  
CITY CLERK – CITY OF BRADBURY