

**MINUTES OF A REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF BRADBURY  
HELD ON TUESDAY, MARCH 17, 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 Barakat at 7:00 p.m. The Pledge of Allegiance was led by Mayor Barakat.

**ROLL CALL:**

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

STAFF: City Manager Keith, City Planner McIntosh,  
City Clerk Saldana and Management Analyst Donayre

**APPROVAL OF AGENDA:**

City Manager Keith stated that Item #1.G needs to be pulled from the Consent Calendar as the professional services contract with MIG for Planning Services is not ready yet to be approved. Councilmember Lewis made a motion to approve the agenda as amended and proceed with City business. Councilmember Pycz 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:**

Mr. Brian Hamill, 728 Winston Avenue, addressed the City Council regarding lack of traffic enforcement in the Winston/Royal Oaks area. Mr. Hamill stated that non-residents are using Winston Avenue as a shortcut, especially during "rush hour" from 7-9 am and 4-6 pm. A few years ago the Council looked into speed bumps on Winston Avenue and maybe it's time to revisit this issue.

Mayor Barakat replied that the City Council had ordered a traffic study on Winston Avenue about 10 years ago and was told by the traffic engineers that Winston Avenue is too steep for speed bumps and that installing speed bumps on Winston Avenue would be considered dangerous.

Councilmember Pycz confirmed with the City Manager that if no speed signs are posted in a residential zone, it means that the speed limit is 25 mph. City Manager Keith replied that this is correct.

City Manager Keith stated that she will discuss this issue with the Sheriff's Department to see if we can use our COPS funds for some additional traffic enforcement on Winston Avenue.

**PRESENTATION TO ONE LEGACY:**

Mayor Barakat presented a Proclamation declaring April 2015 DMV/Donate Life California Month. Ina Brown from One Legacy, herself an organ donor, accepted the Proclamation.

**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 January 20, 2015
- B. Resolution No. 15-05: Demands & Warrants for February 2015
- C. Preliminary Financial Statement for the month of January 2015
- D. Resolution No. 15-06: Demands & Warrants for March 2015
- E. Preliminary Financial Statement for the month of February 2015
- F. Authorization to Approve Participation in the Stormwater Funding Options Work Plan
- G. Authorize the City Manager to Execute a Professional Services Contract with MIG to perform the City's Contract Planning Services (*removed from Consent Calendar*)

**MOTION TO APPROVE  
CONSENT CALENDAR:**

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

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

NOES: None

ABSENT: None

Motion passed 5:0

**PUBLIC HEARING FOR ZONE CODE  
TEXT AMENDMENT NO. 15-001 –  
DRAFT ORDINANCE NO. 339:**

City Planner McIntosh stated that at the meeting of January 20, 2015 the City Council directed staff to initiate a Municipal Code amendment to redefine what constitutes the demolition of a structure and setting a lower threshold for compliance by a non-conforming structure. The Planning Commission conducted a hearing at its February meeting and adopted Resolution No. 15-239 PC recommending that the City Council adopt Ordinance No. 339.

**RECOMMENDATION:**

It is recommended that the City Council open a public hearing, waive first reading, and adopt Zone Code Amendment No. ZCA 15-001 as stated in Draft Ordinance No. 339.

**DISCUSSION:**

Councilmember Lathrop had some comments regarding the language in the draft ordinance. The first was in Section 9.03, reading "Non-conforming building or structure shall mean a building or structure or portion thereof, which was lawfully constructed in accordance with both the zoning regulations of the City in effect as of the time of construction, but does not conform to the regulations as contained in the Bradbury Municipal Code by adoption or reference in effect as such time permits are issued for an alteration or addition to a structure on the property." Councilmember Lathrop stated that "both the" didn't make any sense.

Councilmember Lathrop also was concerned about Section 9.02.030.030E (Elimination of non-conformity as condition of discretionary review) giving the Building Official too much power and leaving the homeowner with no rights when it comes to non-

conforming structures. Councilmember Lewis disagreed, stating that homeowners can appeal. Councilmember Lathrop stated that there is no basis or criteria such as monetary valuations or square footage in the draft Ordinance.

Councilmember Lewis proposed to send the entire draft ordinance back to the Planning Commission.

City Attorney Reisman stated that he would like to see slightly better criteria, but that the Ordinance as written is sufficient.

City Manager Keith stated that staff needs this Ordinance in our tool box right now because we currently have several projects in the pipeline that are being submitted as remodels and deemed new construction by staff.

**PUBLIC HEARING OPENED:**

Mayor Barakat opened the public hearing. There being no public testimony Mayor Barakat declared the public hearing closed.

**MOTION:**

Councilmember Lathrop made a motion to accept for first reading and introduce draft Ordinance No. 339 with the amendment to strike Section 9.02.030.030E in its entirety. Councilmember Lewis seconded the motion, which was carried by the following roll call vote:

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

NOES: None

ABSENT: None

Motion passed 5:0

**DIRECTION TO STAFF:**

Staff was directed to revise draft Ordinance No. 339 by eliminating Section 9.02030.030E and place it on the April 21, 2015 agenda for second reading and adoption.

Section 9.02.020.030E (Elimination of non-conformity as condition of discretionary review) will be sent back to the Planning Commission for review and further clarification.

**DISCUSSION – BILLING  
DISCREPANCIES ON CAL-AM  
RESIDENTIAL WATER BILLING  
STATEMENTS:**

It has been brought to the attention of the City Council and staff that Bradbury residents are receiving "estimated" water bills from Cal-Am Water Company. The City Council invited representatives from Cal-Am to take part in a discussion regarding Cal-Am billing practices and address concerns by residents regarding water service.

Councilmember Lathrop stated that he recently received a bill from Cal-Am that had the exact usage as the prior year, which is not possible and therefore is fraudulent. Mr. Lathrop felt that this may result in billing overestimates and some residents may not even be aware that this is happening and that they may be overcharged.

Resident Brian Hamill, 728 Winston Avenue, stated that he received a bill that was way over his actual usage because it was based on a prior period in which he had a water leak. Mr. Hamill contacted Cal-Am and finally got a new (smart) meter.

Councilmember Lathrop asked Mr. Hamill if his bill said "estimate." Mr. Hamill replied yes.

The City Council was also concerned that the Utility Users Tax (UUT) that residents pay is based on estimates. And there is no explanation on the bills why is it an estimate instead of a bill for actual usage.

**CAL-AM REPRESENTATIVES  
PRESENT:**

Present from Cal-Am Water Company were Carol Thomas-Keefer, Operations Manager, LA District, Dean Loeffler (Superintendent Meter Reader), and Brian Barreto, External Affairs.

Carol Thomas-Keefer explained the process of generating a bill. Currently 1/3 of Cal-Am's bills are based on radio read meters, the other 2/3 are manual reads, which has a potential for human error. The old meters are being replaced at a ratio of 10% per year. Mayor Barakat stated that at this rate it will take Cal-Am 10 years to replace the remaining manual read meters.

Ms. Thomas-Keefer continued to explain that during the reading process some meters might be missed, can't be located or are inaccessible by gate. A skipped manual read triggers an estimated bill and a formula then calculates the estimate. If this happens three months in a row, the account is flagged and reported to local operations. Eventually the system will catch up and residents get a refund/credit on their account.

Councilmember Lewis complained about Cal-Am's customer service. He recently tried to report a water leak at a Pressure Release Station on Woodlyn Lane and called the customer service number over and over and got hung up on. This was reported to the City Manager who had the same experience. Neither Councilmember Lewis nor the City Manager Keith were able to get a person on the phone and both got disconnected every time trying. Even calls to Garry Hofer at Cal-Am went unanswered.

Mayor Barakat stated that this is pathetic and gives the message that Cal-Am does not care about its customers.

Councilmember Lathrop stated that if there is no meter read there should be no bill.

Carol Thomas-Keefer reiterated that Cal-Am's billing system is set up to produce an estimated bill if there is no reading, bills are not generated locally.

Anne Absey, 44 Woodlyn Lane, stated that water bills have been a problem for a long time and that her water bill did not go down even after she changed her landscaping to draught resistant to save water.

Mayor Barakat asked Cal-Am to respond to the City Council's concerns in a timely manner and let them know what they are going to do to address the problems, including changing out the old meters.

**DISCUSSION – AUTHORIZATION TO  
PARTNER WITH CITY OF DUARTE  
ON MOUNT OLIVE DRIVE TRAIL  
CROSSING REVIEW:**

City Manager Keith stated that the City of Duarte has asked Bradbury to partner with them on solutions to create better visibility on the crossing at the Mount Olive Drive and Royal Oaks multi-purpose trail intersection. Specifically, the concerns raised are that the area seems dark in the evening and early morning hours. Additionally, during staff observations, it was also determined that users have a wide area to cross over Mount Olive and therefore it is not easy for drivers to see users when crossing the intersection.

**SOLUTIONS:**

In reviewing cost effective solutions the City of Duarte will be installing gates along the dirt trail to the brick area creating a funnel for users and slimming the areas people use to cross the intersection. Additionally, Duarte wants to install an LED pole fixture on the west side of the crossing by the railroad tie.

**FINANCIAL IMPACT:**

The City of Duarte would like to partner with Bradbury on the light fixture. According to the manufacturer of the light fixture the annual cost to the City would only be an additional \$120. City Manager Keith stated that street lighting, including power to this area, is paid for from the Gas Tax fund and this expense would be nominal.

In addition to the annual cost the City of Duarte requests Bradbury to split the cost of the light (installed) which is roughly \$2,500. The City can use restricted funds for this pedestrian improvement from either Measure R or Prop C funds, pending Metro approval.

So the total cost to the City would be a one-time expense of \$2,500 from restricted transportation funds for pedestrian improvements and an annual increase in SCE payments of approximately \$120, paid through restricted funds.

**RECOMMENDATION:**

It is recommended that the City Council authorize the City Manager to work with the City of Duarte on solutions to create better visibility on the crossing at Mount Olive Drive and Royal Oaks Trail.

**DISCUSSION:**

Mayor Barakat stated that he walks Mount Olive Drive every day and he doesn't see the problem. It's an open area and a straight trail. City Manager Keith stated that she has been out there herself and visibility for cars coming down Mount Olive Drive is a problem. There was also a question regarding solar lighting, which is currently not available for the light fixture that is going to be installed.

**MOTION:**

Mayor Pro-Tem made a motion to authorize the City Manager to work with the City of Duarte on solutions to create better visibility on the crossing at Mount Olive Drive and Royal Oaks Trail. Councilmember Pycz seconded the motion, which was carried by the following roll call vote:

**APPROVED:**

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

Motion passed 5:0

**MATTERS FROM THE CITY MANAGER:**

City Manager Keith introduced new Management Analyst Julio Donayre. Julio has already started working on the City's fire grant, among other things.

The Planning Commission will meet on Wednesday, March 25, 2015.

**MATTERS FROM THE CITY COUNCIL:**

**MAYOR BARAKAT:**

Nothing to report

**MAYOR PRO-TEM HALE:** Mayor Pro-Tem Hale stated that he would like the Planning Commission to look at the Hillside Ordinance.

City Manager Keith advised to have the City Council discuss it first to pinpoint the issues that need to be addressed before sending it to the Planning Commission.

**COUNCILMEMBER LEWIS:** Nothing to report

**COUNCILMEMBER LATHROP:** Councilmember Lathrop stated that the Duarte Unified School District is looking for a new Superintendent.

**COUNCILMEMBER PYCZ:** Nothing to report

**ITEMS FOR FUTURE AGENDAS:** Discussion of Hillside Ordinance standards in regards to 100 foot setback requirement.

**CLOSED SESSION**

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

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

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:** Pursuant to California Government Code Section 54956.9, subdivision (d)(4), the City Council discussed Anticipated Litigation with Legal Counsel.

**RECONVENE OPEN SESSION AND ANNOUNCE ANY ACTION TAKEN:** No reportable action was taken.

**ADJOURNMENT:** At 8:50 p.m. Mayor Barakat adjourned the meeting to Tuesday, April 21, 2015 at 7:00 p.m.

  
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**MAYOR – CITY OF BRADBURY**

ATTEST:

  
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**CITY CLERK – CITY OF BRADBURY**