

**MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF BRADBURY
HELD ON TUESDAY, MAY 20, 2014**

- MEETING CALLED TO ORDER:** The Regular Meeting of the City Council of the City of Bradbury was called to order by Mayor Barakat at 7:01 p.m.
- ROLL CALL:** PRESENT: Mayor Barakat, Mayor Pro-Tem Hale, Councilmembers Lewis, Lathrop and Pycz
- ABSENT: None
- STAFF: City Manager Keith, City Attorney Reisman, Finance Director Bailey, Deputy City Engineer Gilbertson, City Clerk Saldana and Management Analyst Kearney
- APPROVAL OF AGENDA:** Mayor Pro-Tem Hale made a motion to approve the agenda as presented and proceed with City business. Councilmember 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 he is not aware of any conflicts and none were reported.
- PUBLIC COMMENT:** Rainbow Yeung with the Southern California Air Quality Management District (SCAQMD) talked about current AQMD programs, such as the lawnmower exchange program, and stated that the AQMD now has an APP for people to download to use on smart phones.
- Sheriff Liaison Lt. Chris Marks, Temple Station, introduced Deputy Wayne Goodrich, the Special Assignment Deputy for the City of Duarte. Deputy Goodrich has been with the Department for 23 years, 14 years at Temple Station and 10 years at the Duarte Sub-Station.
- 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 April 15, 2014
 - B. Resolution No. 14-12: Demands & Warrants for May 2014
 - C. Financial Statement for the month of April 2014
 - D. Appointment to the UUT Oversight Committee (postponed to the June 17, 2014 meeting pending Maddy Act posting)
 - E. Release of Cash Bond posted for Surety Guarantee for 395 Oak Mountain Road
 - F. Resolution No. 14-16: Reciprocal Agreement between the City of Bradbury and the Franchise Tax Board (FTB)
 - G. Letter to separate from the Los Angeles Urban County Community Development Block Grant (CDBG) Program
 - H. Final Acceptance – Connector Pipe Screen Retrofit Project

CORRECTION TO MINUTES:

Councilmember Lathrop stated that there was a typo on page 5 of the April Minutes. It should read "Councilmember Lathrop made a motion to lower the UUT rate by 1/2% (not 1/5%) and water by 1/4%."

**ITEM H PULLED FROM
CONSENT CALENDAR:**

Councilmember Pycz pulled item H (Final Acceptance – Connector Pipe Screen Retrofit Project) from the Consent Calendar for discussion. Councilmember Pycz asked where the catch basins are located. Deputy City Engineer Gilbertson replied that all four (4) catch basins are located within the Bradbury Estates. Mayor Pro-Tem Hale inquired about the exact locations. Staff will provide the map to Council to show the exact locations.

**MOTION TO APPROVE
CONSENT CALENDAR:**

Councilmember Lathrop moved to approve the Consent Calendar as amended. 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

**PROPOSED BUDGET FOR THE
FISCAL YEAR 2014-2015:**

City Manager Keith stated that at the April 15, 2014 meeting, the City Council discussed the proposed forecast for Fiscal Year 2014-2015. The budget determines the City's resource priorities and sets the 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.

The City Manager presented the Work Plan for FY 2014-2015 and stated that the Annual Budget for Fiscal Year 2014-2015 reflects the City's commitment to fiscal responsibility and excellent service delivery. The proposed General Fund budget is \$1,270,270 in unrestricted revenues and \$1,101,522 in unrestricted expenses.

RECOMMENDATION:

It is recommended that the City Council adopt Resolution No. 14-17 approving the City of Bradbury's Annual Budget for Fiscal Year 2014-2015 and Resolution No. 14-18 approving the Master Fee Schedule for Fiscal Year 2014-2015 (City Manager Keith stated that we are not raising fees, just adding a few fees).

DISCUSSION:

Mayor Pro-Tem Hale stated that the Barranca/Lemon sewer project should be added to the budget as a project.

Councilmember Lewis asked why there are still Civic Center funds. City Manager Keith replied the funds are for fencing in the front and landscaping in the back area near the trash enclosure.

Councilmember Lewis also felt that property tax revenue should go up and not down. City Manager Keith stated that she will look at property tax revenue numbers again with the Finance Director.

Councilmember Lewis also inquired if the 3% increase for staff included the City Attorney and Finance Director. City Manager Keith replied that it applies to the Finance Director, who is a part-time employee, but not to the City Attorney, who is an independent contractor. The City Attorney's fees for FY 2014-2015 remain the same as last year.

Council also asked for a detailed account of the UUT fund expenditures and revenues, which staff printed at the meeting and which will become part of the budget document.

MOTION:

Following discussion, Councilmember Lewis made a motion to adopt Resolution No. 14-17 approving the Annual Budget for FY 2014-2105 and Resolution No. 14-18 approving the Master Fee Schedule for FY 2014-2015. Mayor Pro-Tem Hale 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

PUBLIC HEARING – ESTABLISHMENT OF MOUNT OLIVE DRIVE SEWER REIMBURSEMENT DISTRICT 14-1:

City Manager Keith stated that the City Council will consider the adoption of a Resolution to establish a sewer reimbursement District on Mount Olive Drive from Mount Olive Lane to 450 feet easterly of Woodlyn Lane.

BACKGROUND:

Deputy City Engineer Gilbertson stated that in July of last year, the property owners of the three vacant properties located at 300, 300 and 338 Mount Olive Drive approached City staff to express their desire to extend the public sewer on Mount Olive Drive in order to connect to their future single-family developments in lieu of constructing separate private septic sewer systems.

All of the residents on Mount Olive Drive that are upstream of the end of the existing public sewer (north of Mount Olive Lane) were invited to a public meeting on July 23, 2013 to discuss the extension of the public sewer. The purpose of the public meeting was to determine if there was sufficient support from the property owners to pay their "fair share" portion of the total cost of the sewer improvements so that the City could collect the necessary funds to proceed with the improvements. Four (4) property owners attended the meeting with one resident being opposed to any future sewer improvements. In addition, one resident on Mount Olive Drive submitted written correspondence in opposition to the project.

Due to a lack of support from the other property owners on Mount Olive Drive, this alternative was abandoned. Over the past several months, staff continued discussions with the initial three property owners and consequently they have agreed to fully fund the cost of the sewer extension on Mount Olive Drive with a request that the City establish a Sewer Reimbursement District to allow them the opportunity to recoup the remainder of the costs when the other property owners on Mount Olive Drive abandon their private septic systems and connect to the public sewer system in the future.

At its March 18, 2014 meeting, the City Council authorized staff to proceed with the establishment of a sewer reimbursement district for the extension of sewer improvements on Mount Olive Drive.

COST TO EXTENT THE PUBLIC SEWER:

Deputy City Engineer Gilbertson stated that the cost of extending the public sewer approximately 1,350 lineal feet on Mount Olive Drive is estimated to be \$250,000. The total cost for the project, including the cost for plan preparation and construction management, annexation

fees, connection fees and City processing fees, is estimated to be \$345,000. This equates to a cost of approximately \$26,529 per assessment. The overall cost for the project has been reduced from \$31,031 per assessment since the original Engineer's Report was distributed to the residents within the proposed district. The cost for the Sanitation District Processing and the Sewer Maintenance Connection Fees were adjusted to include the processing and connection fees for only three (3) of the properties since they will be the only properties connecting to the public sewer immediately upon completion.

The remaining properties will need to pay these fees individually when they ultimately connect to the public sewer.

Mr. Gilbertson also stated that the 8-inch sewer pipe will be sized for all of our residents on Mount Olive Drive plus the 180 houses in the Duarte Mesa.

Since the March 18 meeting staff received one letter from Mr. Bill Hoover, 394 Mount Olive Drive, in opposition of the establishment of the sewer district. The property owner of 412 Mount Olive Drive called Mr. Gilbertson today stating that he was in favor of the project.

RECOMMENDATION:

It is recommended that the City Council adopt Resolution No. 14-15 approving the establishment of the Mount Olive Sewer Reimbursement District 14-1 and approve the Engineer's Report.

PUBLIC HEARING OPEN:

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

PUBLIC HEARING CLOSED:

There being no public comment, Mayor Barakat declared the public hearing closed.

MOTION:

Councilmember Pycz made a motion to adopt Resolution No. 14-15 approving the establishment of the Mount Olive Sewer Reimbursement District 14-1 and approve the Engineer's Report. Mayor Pro-Tem Hale 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

DISCUSSION – APPROVAL OF A SEWER SERVICE AGREEMENT WITH THE CITY OF MONROVIA:

Deputy City Engineer Gilbertson stated that the owners of the vacant and unoccupied properties on Dovetail Lane have requested approval from the City of Bradbury to construct a private mainline sewer system for their proposed developments and connect directly to the existing sewer system in the City of Monrovia. In order to allow the properties on Dovetail Lane the ability to connect to the sewer system in Monrovia, a Sewer Service Agreement must be executed between the cities of Bradbury and Monrovia to provide the ability for Monrovia to collect connection and sewage treatment fees. In addition, a Reimbursement Agreement must be executed between the City of Bradbury and the three property owners for the maintenance and repair costs associated with the sewer connection.

COST FOR THE INSTALLATION OF THE PRIVATE SEWER SYSTEM:

Deputy City Engineer Gilbertson stated that the cost for the installation of the private sewer system servicing the three (3) properties will be borne completely by the property owners. The Sewer Services Agreement has provisions for the collection of connection and treatment fees on an annual basis. These fees will be based on 50% of the City of Monrovia sewer fees for annual maintenance and treatment costs and are estimated to be less than \$3.00 per parcel. These fees will be paid by the City of Bradbury and reimbursed equally by the property owners within 30 days as outlined in the Reimbursement Agreement.

RECOMMENDATION:

It is recommended that the City Council 1) approve the Reimbursement Agreement between the City of Bradbury and the property owners for the maintenance and repair costs associated with the sewer connection and authorize the City Manager to execute the agreement; and 2) approve the Sewer Service Agreement between the City of Bradbury and the City of Monrovia and authorize the City Manager to execute the agreement.

DISCUSSION:

Mayor Pro-Tem Hale stated that the agreement needs to be amended to include 150 Deodar Lane.

MOTION:

Mayor Pro-Tem Hale made a motion to approve the Reimbursement Agreement between the City of Bradbury and the property owners for the maintenance and repair costs associated with the sewer connection and authorize the City Manager to execute the agreement; and to approve the Sewer Service Agreement between the City of Bradbury and the City of Monrovia and authorize the City Manager to execute the agreement. 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

DISCUSSION – CONTRACTUAL AGREEMENT OF SERVICES WITH THE PASADENA HUMANE SOCIETY:

City Manager Keith stated that at the March 18, 2014 City Council meeting, staff was directed to move forward with an agreement with the Pasadena Humane Society (PHS) to provide animal care and control services for the City of Bradbury. Since the last discussion, staff has been in contact with PHS, toured their facilities and drafted an agreement with PHS for the City Council's approval.

The term of the agreement is for a period of five years, beginning on July 1, 2104 and ending on June 30, 2019.

ANNUAL COST TO CITY:

In consideration for all services provided to the City under this Agreement, the City agrees to pay PHS a rate of \$4.25 per capita based on the 2010 US Census of 1048 residents for FY 2014-2015 and 2015-2016 and subsequent years an increase based upon CPI not to exceed 3% annually plus 50% of all licensing proceeds. The City will retain all impound fees. The approximate annual cost is \$4,454. Based on historic licensing practices 50% of this cost will be recouped through licensing fees. Councilmember Lathrop asked for canvassing to be done only at the City's request and for the contract to be amended as such.

RECOMMENDATION: It is recommended that the City Council approve the Agreement between the City of Bradbury and the Pasadena Humane Society for services to commence on the 1st day of July, 2014.

MOTION: Mayor Pro-Tem Hale made a motion to approve the Agreement between the City of Bradbury and the Pasadena Humane Society for services to commence on the 1st day of July, 2014. Councilmember Lathrop 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

PUBLIC HEARING – READING OF ORDINANCE NO. 336: – City Manager Keith stated that the City Council shall consider introduction of an Ordinance amending Chapter 10 of Article IV of the Bradbury Municipal Code relating to Animal Care and Control. As a result of the change in service providers from Los Angeles County to the Pasadena Humane Society staff reviewed the existing Animal Care and Control Section of the Municipal Code and determined that some updates are necessary.

RECOMMENDATION: It is recommended that the City Council open a public hearing and read for the first time by title only Ordinance No. 336 amending Article IV Chapter 10 of the Bradbury Municipal Code to update and amend sections pertaining to Animal Care and Control.

PUBLIC HEARING OPEN: Mayor Barakat opened the public hearing and invited anyone wishing to speak in favor or opposition to come forward and be heard.

PUBLIC HEARING CLOSED: There being no public comment, Mayor Barakat declared the public hearing closed.

MOTION: Councilmember Lathrop made a motion to introduce and read for the first time by title only Ordinance No. 336 amending Article IV Chapter 10 of the Bradbury Municipal Code to update and amend sections pertaining to Animal Care and Control. Commissioner 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

DISCUSSION – FY 2014-2015 ANNUAL RATE ADJUSTMENT FOR SOLID WASTE COLLECTION & RECYCLING: City Manager Keith stated that the City of Bradbury contracts with Burrtec Waste Services for solid waste collection and recycling. 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 processing cost.”

Burrtec submitted rate adjustments for residential barrel service, refuse bin service, green waste bin service manure service and recycling bin service in May for Fiscal Year 2014-2015. The majority of the increase is the Consumer Price Index of 1.3% and disposal cost increases. Currently, the recyclable market is not as great as it has been in the past and with the closure of more small nurseries in the area finding suitable locations for manure and green waste is more difficult. As a result the majority of these products are being taken to the Burrtec facility in Fontana for recycling activities.

The Puente Hills Landfill closed last October and new rates were established reflecting this change. The rate that went into effect November 1, 2103 included a "catch-up" cost for the rates now being implemented in July. Therefore the rate for the coming year will be slightly reduced since the "catch-up" costs were a one-time item.

RECOMMENDATION:

It is recommended, following a review of the rates and public comment, that the City Council approve the refuse collection and recycling rates set forth in the charts provided by Burrtec Waste Services to become effective July 1, 2104.

POWER-POINT PRESENTATION BY BURRTEC:

Mr. Richard Nino, Director of Municipal Services, was present to make a brief power-point presentation and to answer questions. The power-point presentation showed the rate charts for the current rates (November 2013) and proposed rates (July 2014) for the following components: residential barrels, roll-offs, refuse bins, recycling bins, manure bins and green waste bins.

MOTION:

Following the presentation by Mr. Nino, Councilmember Lewis made a motion to approve the refuse collection and recycling rates as the amounts not to exceed as set forth in the charts provided by Burrtec Waste Services to become effective July 1, 2104. 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

DISCUSSION – PROPOSED LEGISLATION BY CONGRESSWOMAN JUDY CHIU:

At the request of Mayor Barakat, the City Council discussed proposed legislation by Congresswoman Judy Chu designating various areas within the San Gabriel Valley as a National Recreation Area (NRA), Wild and Scenic, and Wilderness and provide staff with further direction.

BACKGROUND:

In 2003 Congress passed the San Gabriel River Watershed Study which was authorized by the National Park Service to conduct a special resource study of the San Gabriel River and its tributaries north of and including the City of Santa Fe Springs; and the San Gabriel Mountains within the territory of the San Gabriel and lower Los Angeles Rivers and Mountains Conservancy. This measure was authored by then Representatives Hilda L. Solis and David Dreier.

On March 19, 2014, Congresswoman Judy Chu released three separate draft legislation bills for the NRA, Wilderness, and Wild and Scenic designations. Her office originally requested that comments be submitted by April 16th. That comment period was later extended to April 30th for the NRA and May 30th for both the Wilderness and Wild and Scenic draft legislation.

**SGVCOG AD-HOC COMMITTEE
RECOMMENDATION:**

The SGVCOG formed a special ad-hoc committee to review this matter. On April 2, the COG ad-hoc committee met to discuss the proposed legislation and develop possible recommendations for the full board to consider. The City Council also reviewed this item prior to the COG vote and directed the City's delegate, Councilmember Lathrop, to vote not to support the proposal of the National Recreation Area designation.

On April 3 the ad-hoc committee ultimately recommend that the COG Board support the NRA legislation with some minor suggested changes. In addition, they recommended that no action be taken on either the Wilderness or Wild and Scenic until they could be further evaluated and vetted out since there was extended time permitted by the Congresswoman's office.

CITY MANAGER:

City Manager Keith stated that in order to determine and evaluate the full scope of what this legislation means for Bradbury, the City would need to view a more detailed map. In reviewing the ones currently prepared, the entire City could potentially be affected by the designation. Furthermore, the City Council passed Resolution No. 10-13 in support of the Wilderness and Wild River Designation for the San Gabriel Mountains. As the comment period for some of these items is still open, staff is seeking direction as to whether or not the City Council may wish to comment on these matters.

DISCUSSION:

Mayor Barakat stated that he was seeking the Council's input and support to send a letter to Congresswoman Judy Chu in opposition to the proposed legislation.

Councilmember Lewis stated that the letter should state that the City of Bradbury is vehemently opposed to the NRA legislation.

Councilmember Lathrop felt that the train has already left the station, but maybe we can steer it a little bit in a different direction.

**MOTION TO SEND LETTER
IN OPPOSITION:**

Following discussion, Councilmember Lewis made a motion to send a letter to Congresswoman Judy Chu vehemently opposing the proposed legislation. Councilmember Pycz seconded the motion which carried unanimously. Councilmember Lewis volunteered to draft the letter.

**DISCUSSION – CITY COUNCIL
MEETING INVOCATION:**

At the request of Mayor Barakat, the City Council discussed the recent Supreme Court decision regarding invocations at City Council meetings and direct staff how to proceed.

CITY ATTORNEY:

City Attorney Reisman stated that the US Supreme Court's position is that invocations at public meetings are not necessarily unconstitutional under certain circumstances. For example, Government and their agencies may not recognize one religious faith as more valid than any other faith or secularism; may not promote religion above secularism; and may not promote secularism above religion.

Current precedents and court decisions appear to have reached a compromise in the matter of invocations before government bodies. The consensus is that such invocations do not constitute private speech, which is fully protected. They seem to agree that it is acceptable to mention "God" in generic prayers recited during invocations, but it is not permissible to mention a specific God or religion by name.

DISCUSSION:

Mayor Barakat stated that the City Council of Bradbury has a history of giving invocations at the beginning of its meetings until a few years ago and proposed to re-introduce invocations.

Councilmember Lathrop stated he likes things the way they are now. We can go to church on Sunday. Councilmember Lathrop does not want to take the risk of offending anyone and preferred to uphold separation of church and state.

Mayor Barakat countered that there are things bigger than us,

Councilmember Lathrop felt that invocations may be helpful to some and harmful to others.

NO ACTION TAKEN:

The Council took an informal vote on this matter:

Mayor Barakat – yes
Mayor Pro-Tem Hale – no
Councilmember Lewis – no
Councilmember Lathrop – no
Councilmember Pycz – doesn't matter

No further action will be taken.

MATTERS FROM THE CITY MANAGER:

City Manager Keith stated that City Hall will be closed on Monday, May 26, for Memorial Day.

The Planning Commission will meet on Wednesday, May 28, at 7 pm.

City Manager Keith thanked Management Analyst Kevin Kearney and the Emergency Response Committee Members for their hard work at the Mayday Emergency Expo held on May 17th.

MATTERS FROM THE CITY COUNCIL:

MAYOR BARAKAT: Nothing to report.

MAYOR PRO-TEM HALE: Nothing to report.

COUNCILMEMBER LEWIS: Nothing to report.

COUNCILMEMBER LATHROP: Nothing to report.

COUNCILMEMBER PYCZ: Nothing to report.

ITEMS FOR FUTURE AGENDAS: None

CLOSED SESSION

CALL TO ORDER:

The City Council adjourned to a Closed Session at 8:25 p.m.

ROLL CALL:

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

ABSENT: None

STAFF: City Manager Keith and Assistant City Attorney Cary Reisman

**PUBIC COMMENT REGARDING
CLOSED SESSION ONLY:**

None

**CONFERENCE WITH
LEGAL COUNSEL:**

1. Personnel
Pursuant to California Government Code Section 54957 – Evaluation of Performance. Title: City Attorney

**RECONVENE OPEN SESSION AND
ANNOUNCE ANY ACTION TAKEN:**

There was no reportable action.

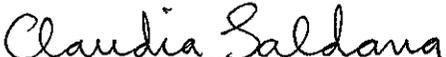
ADJOURNMENT:

At 8:33 p.m. Mayor Barakat adjourned the meeting to Tuesday, June 17, 2014 at 7:00 p.m.



MAYOR – CITY OF BRADBURY

ATTEST:



CITY CLERK – CITY OF BRADBURY