

**MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF BRADBURY
HELD ON TUESDAY, MAY 19, 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 Barakat, Mayor Pro-Tem Lewis,
Councilmembers Lathrop and Pycz

ABSENT: Councilmember Barakat

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 Lathrop 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 March 21, 2015
- B. Resolution No. 15-09: Demands & Warrants for May 2015
- C. Preliminary Financial Statement for the month of April 2015
- D. Resolution No. 15-10: Separation from the Los Angeles Urban County Community Development Block Grant (CDBG) Program
- E. Resolution No. 15-11: Signatures for the City of Bradbury Wells Fargo Bank Account
- F. May Legislative Update
- G. Approval of Memorandum of Agreement between the Gateway Water Management Authority and the City for Cost Sharing of the Installation of Monitoring Equipment and Monitoring pursuant to the Harbor Toxic Pollutants TMDL

CORRECTION TO MINUTES:

Councilmember Lathrop made a correction to Page 4 of the April Minutes to read: If the City exempts a property from the hillside development standards, it might be easy to make a mistake *in the scope of the exemptions* and difficult to fix later.

**MOTION TO APPROVE
CONSENT CALENDAR:**

Mayor Pro-Tem Lewis moved to approve the Consent Calendar as amended (Minutes). Councilmember Lathrop seconded the motion, which was carried by the following roll call vote:

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

NOES: None

ABSENT: Councilmember Barakat

Motion passed 4:0

**PUBLIC HEARING –
ORDINANCE NO. 340
PERMITTING PROCEDURES FOR
SMALL RESIDENTIAL ROOFTOP
SOLAR:**

City Manager Keith stated that Section 65850.5(a) of the California Government Code provides that it is the policy of the State to promote and encourage the installation and use of solar energy systems by limiting obstacles to their use and by minimizing the permitting costs of such systems. In furtherance of that objective, Section 65850.5(g)(1) of the California Government Code requires that, on or before September 30, 2015, every city, county, or city and county, must adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.

The City currently expedites the review of such applications by reviewing and issuing applications over the county whenever possible.

The City, however, needs to adopt the ordinance mandated by Section 65850.5(g)(1). This ordinance is intended to satisfy that requirement. The ordinance codifies the requirements of Section 64850.5(g)(1), such as accepting and approving applications electronically, directing the City's Building Official to develop a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review, and authorizing the Building Official to administratively approve such applications.

RECOMMENDATION:

It is recommended that the City Council open a public hearing and read for the first time by title only Ordinance No. 340, amending the Bradbury Municipal Code relating to the expedited permitting procedures for small rooftop solar installations.

DISCUSSION:

The City Council asked what the definition of "small residential rooftop solar energy system" is. City Manager Keith stated that it means a solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.

PUBLIC HEARING OPENED:

Mayor Hale opened the public hearing.

PUBLIC TESTIMONY:

Anne Absey, 44 Woodlyn Lane, stated that the solar system installed at her residence is smaller than the 10 kilowatts.

PUBLIC HEARING CLOSED:

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

MOTION:

Councilmember Lathrop made a motion to introduce and read for the first time, by title only, Ordinance No. 340, amending the Bradbury Municipal Code relating to the expedited permitting procedures for small rooftop solar installations. 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 and Pycz

NOES: None

ABSENT: Councilmember Barakat

Motion passed 4:0

**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 August, the drought conditions have become even more severe and the Governor and the State Water Board have imposed further restrictions and penalties that the City Council needs to consider.

ANALYSIS:

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; required 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 and buildings that is not delivered by drip or microspray systems; along with other directives.

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 have been forwarded to an Administrative Law Judge for review, and pending that formality, the new water use restrictions will be effective May 15, 2015.

The regulations that were adopted by the SWRCB places 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.

Per Section 864(b) of the California Code of Regulations adopted by the Water Board a violation of any of the prohibited actions is an infraction punishable by a fine of up to five hundred dollars (\$500) per residence for each day in which the violation occurs.

In order for the City to assist with these measures and provide information to the residents, staff has prepared Draft Ordinance No. 341 for the City Council's consideration.

RECOMMENDATION:

It is recommended that the City Council review this item on the California Drought Conditions and if it seems appropriate, open public hearing and read for the first time, by title only, Ordinance No. 341, amending various provisions of the Bradbury Municipal Code to prohibit the waste of water.

DISCUSSION:

Councilmember Lathrop questioned Cal-Am’s authority to fine Bradbury residents. City Attorney Reisman stated that Cal-Am Water Company, as the City’s water supplier, can fine people who waste water.

Councilmember Lewis stated that in regards to conserving water, we assume that residents currently water 5 days a week, but if they don’t, then how do they further cut back water usage?

Councilmember Lathrop stated that the sunset clause of February 2016 did not make it into the draft ordinance and should be added. City Attorney Reisman stated that the sunset date does not need to be in the Municipal Code, but suggested to add a new Section with the sunset date of February 2016 between Sections 2 and 3.

Council in general stated that Bradbury residents need to be made aware of the new imposed water restrictions but there needs to be clarification as to penalties.

The City Council asked for the item to be brought back in June because they wanted City Attorney clarification on several items:

- What is the water board specifically requiring of cities, especially those who are not water providers?
- What authority does the City have to pass an Ordinance to force residents to comply with Cal-Am’s water shortage plan?
- What legal authority does Cal-Am have to enforce the water shortage plan and its mentioned penalties on customers?
- What authority does Cal-Am have to charge a surcharge on the ground water since the water belongs to the residents?

DIRECTION TO STAFF:

The City Council continued this item to the June 16, 2015 meeting for further discussion and directed staff to make amendments to the draft ordinance.

DISCUSSION – PROPOSED BUDGET FORECAST FOR THE FISCAL YEAR 2015-2016:

City Manager Keith presented the proposed forecast of the fiscal year 2015-2016. Ms. Keith stated that since the 2014-2015 fiscal year the City purchased new software and made a number of improvements to its financial accounting. As such staff thought it would be prudent to bring a draft snap-shot of what next fiscal year’s budget forecast will look like and discuss any priorities the City Council may have looking ahead at 2015-2016.

5 KEY GOALS:

The following five key goals (in no particular order of importance) have been identified by the City Council:

- Disaster Preparedness
- Fiscal Responsibility
- Capital Improvements
- Infrastructure Improvements
- City Beautification

PROJECT CARRY-OVERS:

City Manager Keith stated that project carry-overs from 2014-2015 include:

- Codification of the City's Municipal Code
- Annexation of tax parcel located at the entrance to the Bradbury Estates
- Fire Grant
- Civic Center Back-up Generator

NEW ITEMS FOR FY 2015-16:

New items for consideration in FY 2015-2016 include:

- 2.5% increase for Los Angeles County Sheriff's Department contract
- Election Costs
- City Attorney (the City Attorney has requested an increase of the monthly retainer to \$2,250 a month)
- Emergency Planner – Hazard Mitigation Plan
- Special Planning Services (Implementation of General Plan Policies, including Zone Code Amendments)
- Sewer Projects (Mount Olive Drive and Dovetail/Bradbury Road)
- Storm Water Management (MS4 Permit)
- Animal Control (Pasadena Humane Society services will increase by 3% to \$4,590.24 for FY 15-16)
- Civic Center Park Project
- IT Infrastructure – Technology
- Community Communication – City APP \$4,500
- PERS Payment

PERS PAYMENT:

Beginning with the 2015-2016 fiscal year, the City will be required to include its unfunded pension liability in its financial statements. The Governmental Accounting Standards Board (GASB) adopted Pronouncement 68, which requires agencies to include their unfunded pension liability in the financial statements beginning in FY 2015-2016. Consequently, CalPERS has begun including these figures in the annual actuarial valuations.

Based on this valuation, the City can continue to pay the Employer rate of 15.788%, or the City can pay the amount of \$176,494 in full to pay off the unfunded liability and forego the annual payment over the next 30 years. City Manager Keith stated that the City is fortunate to be able to afford this one time lump sum payment if the City Council determines it appropriate.

It is important to note that the unfunded liability mentioned is not the termination cost of no longer participating in CalPERS.

WORK PLAN FOR FY 2015-2106:

The City Manager presented the proposed work plan and goals for the upcoming fiscal year.

DISCUSSION:

The City Council reviewed the FY 2015-16 Projected Fund Activity by Fund, FY 2015-2105 Revenue Projections, FY 2015-2106 Expenditure Projections and Work Plan for FY 2015-16.

The City Council was not in favor of the Community Communication City APP for \$4,500 because they felt that the City would not reach any more or enough new residents than we already do through our Newsletter and Connect CTY.

Councilmember Lewis supported the lump sum payment option to CalPERS and also asked the City Manager to add a 2% COLA (Cost of Living Adjustment) to the City employees' salaries in the budget for FY 2015-2016.

UUT Committee Member Anne Absey inquired if the City is going to do an UUT audit. City Manager Keith stated that staff is still reviewing that item to bring back to Council for review.

BUDGET STUDY SESSION:

Mayor Hale suggested to have a 4-hour Budget Study Session on a Saturday sometime in June. The other Councilmembers preferred an evening meeting during the week. Tuesday, June 23, was selected for a possible Budget Study Session in case the Council wishes to discuss the budget in more detail after the June 16 City Council meeting. City Manager Keith stated that the budget has to be adopted by June 30, 2015 but that adjustments to the budget can be made later in the fiscal year.

ITEMS FOR FUTURE AGENDAS:

None

MATTERS FROM THE CITY MANAGER:

City Manager Keith gave a brief update on the fire grant proceedings on Woodlyn Lane.

The Planning Commission will meet on Wednesday, April 27, 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 Unified School District has hired a new Superintendent, Dr. Allan Mucerino.

COUNCILMEMBER PYCZ:

Nothing to report

COUNCILMEMBER BARAKAT:

Not present

ITEMS FOR FUTURE AGENDAS:

None

CLOSED SESSION

ROLL CALL:

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

ABSENT: Councilmember Barakat

PUBLIC COMMENT REGARDING CLOSED SESSION ONLY:

None

PERSONNEL:

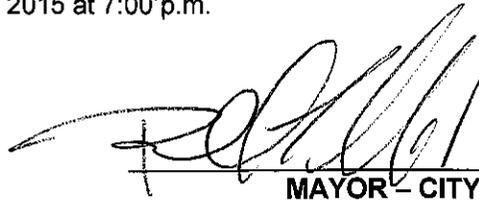
The City Council met in Closed Session pursuant to California Government Code Section 54957 to discuss Personnel/Evaluation of Performance. Title: City Attorney

RECONVENE OPEN SESSION AND ANNOUNCE ANY ACTION TAKEN:

No reportable action was taken.

ADJOURNMENT:

At 8:50 p.m. Mayor Hale adjourned the meeting to Tuesday,
June 16, 2015 at 7:00 p.m.



MAYOR – CITY OF BRADBURY

ATTEST:

Claudia Saldaña
CITY CLERK – CITY OF BRADBURY