

**MINUTES OF A REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF BRADBURY  
HELD ON TUESDAY, NOVEMBER 15, 2016**

**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 Lewis at 7:00 p.m. The Pledge of Allegiance was led by Mayor Lewis.

**ROLL CALL:**

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

STAFF: Interim City Manager Inman, City Attorney Reisman, Deputy City Engineer Gilbertson, City Clerk Saldana

**CITY TREASURER:**

City Treasurer Laurie Stiver addressed the City Council regarding the approval of bills for the demands & warrants. Ms. Stiver stated that the City policy states that the City Manager approves the bills for payment (this is different from who is authorized to sign checks). In the absence of a City Manager, the Finance Director Lisa Bailey approved the November bills, which is reasonable but against policy. The City Treasurer suggested that the City Council needs to update the policy immediately.

**APPROVAL OF AGENDA:**

City Attorney Reisman stated that the City Council needs a two-thirds vote to add an item to the agenda and must determine that there is a need to take immediate action and that the need for the action came to the attention of the City after the agenda was posted.

The City Council added the following items to the agenda:

1. Authorization to hire a temporary employee to assist the City Clerk (all ayes).
2. Modify Closed Session Personnel Matter for Management Analyst position only. No discussion regarding City Manager and/or Interim City Manager (all ayes).
3. Modify requirement for approval of bills for payment by the City Manager to add the Finance Director and/or Mayor in the absence of a City Manager (all ayes).

Mayor Pro-Tem Lathrop made a motion to approve the agenda as amended 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.

Mayor Pro-Tem Lathrop stated that he has to abstain from approving demands & warrants for Axxon Tech (item #1.D) and the Mount Olive Lane Sewer Project (item #5).

**PUBLIC COMMENT:**

Captain Coronne Jacobs, Temple Station, handed out the roster of Duarte Deputies assigned to this area.

## PRESENTATION:

Allan J. Mucerino, Superintendent of the Duarte School District, made a presentation of the state of the district.

Superintendent Mucerino talked about the Competitive Advantage Plan (CAP) which encapsulates the direction the Duarte Unified School District (DUSD) will take over the course of the next five years. The prevailing theme of the CAP is rigor. Rigorous academic standards, rigorous accountability standards, and the rigorous pursuit of identifying and addressing the individual needs of students. The CAP is built upon four pillars that serve as the foundational principles of the organization. The pillars represent the voices of the students, parents, staff, and community members. Together, the principles are threaded throughout the CAP and are reflected in each of the seven primary strategies that drive the plan:

Strategy 1: Reconfigure the district into four PK-8 magnet schools, a comprehensive high school education complex, and an alternative-options learning center – all strategically designed to create the conditions for all students and staff to thrive and realize their potential.

Strategy 2: Create and equitable education for all students.

Strategy 3: Partner with the California School of Arts, to be known as CS Arts San Gabriel Valley, to create a landmark and replicable compact between a school district and public charter school.

Strategy 4: Develop and implement a facilities master plan for physical space and technology infrastructure required to achieve our objectives, and realize our vision and mission.

Strategy 5: Develop and implement a rigorous assessment system aligned with the Common Core Standards to effectively analyze student performance data at more frequent intervals in order to improve instruction, close the Achievement Gap, and ensure that all students meet or exceed district standards.

Strategy 6: Incrementally increase the average teacher, staff, and leadership team salaries to be no less than the median in Los Angeles County.

Strategy 7: Build trust through transparency, strengthen engagement, and expand outreach efforts to positively impact student achievement by optimizing systems of communication for all stakeholders.

Superintendent Mucerino talked more about the CSArts San Gabriel Valley, which will occupy the Northview school campus. Starting in 2017, CSArts will be offering 7<sup>th</sup> and 8<sup>th</sup> grade conservatory training as part of the DUSD curriculum featuring: School of Dance, School of Music, School of Fine & Media Arts, and School of Theatre. The programs are offered to students in the entire San Gabriel Valley, not just students of the Duarte Unified School District.

**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 October 18, 2016
- B. Minutes – Adjourned City Council Meeting of October 19, 2016
- C. Minutes – Adjourned City Council Meeting of October 26, 2016
- D. Resolution No. 16-29: Demands & Warrants for November 2016
- E. Monthly Investment Report for the month of October 2016

**MOTION TO APPROVE CONSENT CALENDAR:**

Councilmember Hale made a motion to approve the Consent Calendar as presented. Councilmember Pycz seconded the motion, which was carried by the following roll call vote:

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

Motion passed 5:0

**APPROVAL OF TEMPORARY EMPLOYMENT AGREEMENT FOR THE INTERIM CITY MANAGER:**

City Manager Michelle Keith has accepted the position of Director of Community Services with the City of Rancho Cucamonga and has terminated her employment with the City of Bradbury as of November 3, 2016. At this time, the City has not yet identified a new City Manager to fill the vacancy that has occurred. The City Council has engaged the services of Bob Murray & Associates to assist the Council with the recruitment of a City Manager. The term of the agreement with Bob Murray & Associates commenced on October 27, 2016, at which time the consultant shall begin work on the search and shall continue until the search is completed. Therefore, the City will require the services of an Interim City Manager until a permanent City Manager is appointed. In order to continue oversight of the operations of the City, it is necessary to contract with Bruce Inman, who is retiring from the City of Sierra Madre on December 16, 2016.

**RECOMMENDATION:**

It is recommended that the City Council approve a Temporary Employment Agreement for the Interim City Manager and adopt Resolution No. 16-30 to be submitted to CalPERS for exception to the 180-day wait period for post-retirement employment for the position of Interim City Manager.

**MOTION:**

Mayor Pro-Tem Lathrop made a motion to approve the Temporary Employment Agreement between the City of Bradbury (Employer) and Bruce Inman (Employee). Councilmember Hale seconded the motion, which was carried by the following roll call vote:

**APPROVED:**

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

NOES: None

ABSENT: None

Motion passed 5:0

**RESOLUTION 16-30 FOR EXCEPTION TO  
THE 180-DAY WAIT PERIOD FOR POST-  
RETIREMENT EMPLOYMENT:**

The Public Employees' Pension Reform Act (PEPRA) of 2013 required newly retired persons to "sit out" for at least 180 days before returning to work for an employer in the same retirement system from which they receive a retirement allowance. An exception to this rule is permitted by Government Code Sections 7522.56 and 21221(h), if approved by the governing body in a public meeting on the regular agenda.

Within 180 days of retiring, pursuant to Government Code Section 21221(h), the City Council may authorize a newly retired person with specialized skills to perform work of limited duration. This position will be limited to a total of 960 hours in a fiscal year. The Interim City Manager will act as the City Manager while the City Council completes the process to hire a permanent City Manager. The term of the agreement is for a period ending upon the hiring of a City Manager.

**MOTION:**

Councilmember Barakat made a motion to adopt Resolution No. 16-30: Exception to the 180-Day Wait Period permitted by Government Code Sections 7522.56 and 21221(h). Councilmember Hale seconded the motion, which was carried by the following roll call vote:

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

NOES: None

ABSENT: None

Motion passed 5:0

**PUBLIC HEARING – INTRODUCING  
ORDINANCE NO. 345 AMENDING  
CHAPTER 9.05.110 OF THE  
BRADBURY MUNICIPAL CODE:**

City Attorney Reisman stated that at the October 18, 2016 meeting, the City Council instructed the City Attorney to draft a moratorium to consider adopting an Urgency Ordinance relating to the adult use of marijuana for recreational purposes. The Ordinance would prohibit commercial recreational marijuana uses, prohibit outdoor personal cultivation and impose reasonable regulation on indoor cultivation.

**RECOMMENDATION:**

It is recommended that the City Council introduce Ordinance No. 345 to regulate recreational marijuana activities in the City of Bradbury.

**BACKGROUND:**

Proposition 64 - the Adult Use of Marijuana Act (AUMA) was approved by the voters at the November 8, 2016 election. It legalizes recreational use of marijuana for adults 21 years and older, and decriminalizes possession by younger people. Unless prohibited by the City, commercial marijuana businesses will be allowed by State law, assuming appropriate zoning and State licenses are obtained. The State is required to start issuing licenses no later than January 1, 2018.

Personal cultivation of six (6) or fewer plants is now allowed by State law. While the City cannot ban personal cultivation, it is allowed to prohibit outdoor cultivation and is also allowed to impose reasonable regulations on personal cultivation. This provision of Proposition 64 went into effect on November 9<sup>th</sup>, the day after the November 8, 2016 election.

In January of this year the City adopted Urgency Ordinance No. 343 adding Chapter 3.95.110 to the Bradbury Municipal Code relating to Medical Marijuana. As that Ordinance only related to banning Medical Marijuana commercial activities, it is now necessary to amend the provisions of Chapter 9.05.110.010 if the City wishes to regulate recreational use in the few ways that is still allowed.

City Attorney Reisman stated that if introduced tonight and adopted at the December 20<sup>th</sup> meeting, Ordinance No. 345 would amend the Municipal Code to prohibit all commercial marijuana activities in the City, and regulate, to the maximum extent permitted, the growth and possession of non-medical marijuana.

**PUBLIC HEARING OPENED:**

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

**PUBLIC HEARING CLOSED:**

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

**DISCUSSION:**

The City Council inquired about permits. City Attorney Reisman stated that a building permit would be required to install indoor growing lights.

**MOTION:**

Councilmember Barakat made a motion to introduce and waive reading of Ordinance No. 345 amending Chapter 9.05.011 of the Bradbury Municipal Code relating to medical cannabis and adding provisions relating to personal cultivation of marijuana. Councilmember Pycz seconded the motion, which was carried by the following roll call vote:

**APPROVED:**

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

NOES: None

ABSENT: None

ABSTAIN: None

Motion passed 5:0

**FINAL ACCEPTANCE - WOODLYN LANE STREET REHABILITATION PROJECT:**

Deputy City Engineer Gilbertson stated that on July 19, 2016 the City Council awarded a contract to M.K. Construction for the Woodlyn Lane Street Rehabilitation Project in the amount of \$102,261.75. Work on the project began on August 15, 2015 and was completed on October 20, 2016.

The City Engineer has determined that the work has been completed in accordance to City specifications. A total of four (4) change orders were issued to the Contractor for the project. Items of additional work include the removal and replacement of an existing tree that was not removed by the Woodlyn Lane Improvement Association (WLIA), relocating stockpiled road material, and increased driveway improvements for 48 and 53 Woodlyn Lane to facilitate an improved transition to the new finished grade of Woodlyn Lane. Additionally, the limits of the project were extended to improve the transition into the intersection of El Cielo Lane and Woodlyn Lane, resulting in an increase to the paving related contract quantities. During the course of construction, an existing water main was identified in the intersection of El Cielo Lane that only had approximately 9" of cover below the existing pavement surface. Construction was halted while California American Water relocated the line to an appropriate depth solely at their cost and work was able to continue with a minor delay to the project.

**FINANCIAL REVIEW:**

The original construction cost was anticipated to be \$112,488.20, including a 10% contingency of \$10,226.20. The final completed construction cost is \$114,454.54 which represents a 12% (\$12,192.54) increase over the initial bid amount and 2% (\$1,966.34) above the construction contingency. There is sufficient funding available in the Undesignated Reserves to cover the project costs.

**RECOMMENDATION:**

It is recommended that the City Council accept the work performed by M.K. Construction for the Woodlyn Lane Street Rehabilitation Project.

**PUBLIC COMMENT:**

Anne Absey, 44 Woodlyn Lane, stated that the overall project looks really good, but that the curb to her driveway was not restored properly and it looks horrible, worse than before.

Deputy City Engineer Gilbertson stated that he would meet Ms. Absey out in the field to look at the problem with the driveway.

**FINAL ACCEPTANCE OF WOODLYN LANE STREET REHABILITATION PROJECT POSTPONED:**

The City Council postponed the Final Acceptance of the Woodlyn Lane Street Rehabilitation Project and directed the City Engineer to investigate the problem with the driveway curb at 44 Woodlyn Lane and report back at the next meeting.

**MAYOR PRO-TEM LATHROP RECUSED:**

Mayor Pro-Tem Lathrop recused himself from the decision making process regarding the Mount Olive Lane Sewer Project and left the room.

**AUTHORIZATION TO PROCEED WITH DEVELOPMENT OF CONSTRUCTION PLANS AND DOCUMENTS FOR EXTENDING THE PUBLIC SEWER ON MOUNT OLIVE LANE AND CREATING A SEWER REIMBURSEMENT DISTRICT:**

Deputy City Engineer Gilbertson stated that staff performed outreach to the residents directly impacted by the proposed sewer improvements on Mount Olive Lane. Based on communications with the affected property owners or their representatives, a majority of the affected property owners has responded favorably to the option of connecting to the proposed sewer. During the course of the public outreach it was noted that there are at least three properties with major renovations under construction or planned that expressed interest in connecting in the near future to the proposed sewer.

**BACKGROUND:**

The properties on the south side of Mount Olive Lane as well as a section of Mount Olive Drive westerly of the intersection with Mount Olive Lane are below the street elevation and any public sewer improvement would need to be installed in the rear of the properties in order to provide a gravity flow sewer outlet. There are also two properties on the north side of Mount Olive Lane that are above the street elevation and could gravity flow to the street. The intersection of Mount Olive Drive and Mount Olive Lane is at a crest, therefore, any proposed sewer improvements would need to split with a portion outletting to the west and another portion outletting to the east from the high point. For the westerly half of the project, there is an existing public sewer available at the easterly end of Elda Street in the City of Bradbury, and for the easterly half of the project there is another existing public sewer available at the end of Elda Street in the City of Duarte.

There are eleven (11) properties that have the ability to connect to the proposed sewer extension: 502, 518, 526 and 534 Mount Olive Drive and 2402, 2416, 2428, 2436, 2438, 2441 and 2425 Mount Olive Lane.

**DUARTE UNIFIED SCHOOL DISTRICT AND CITY OF DUARTE:**

Deputy City Engineer Gilbertson stated that it should be noted that concerns were raised regarding the specific location of the sewer, primarily driven by potential impacts to existing backyard improvements. While only a rough planning level layout has been completed to represent the general sewer alignment, the primary design approach will include locating much of the proposed sewer mainline to the adjoining Royal Oaks Elementary property, if possible. Pending City Council approval to proceed with the project, discussion with the Duarte Unified School District regarding the placement of the proposed sewer mainline will be the first and primary task before commencement of the design of the formal sewer improvement plans. The same consideration will apply to the necessary coordination with the City of Duarte for the easterly connection to their existing sewer system in Elda Street.

**FINANCIAL REVIEW:**

Total Estimated Project Costs: Deputy City Engineer Gilbertson stated that the total estimated project costs are \$594,177 (Table 2 in the agenda report).

Reimbursement Schedule: the reimbursement cost for each of the eleven (11) identified properties is \$54,016 (Table 3 in the agenda report).

**RECOMMENDATION:**

It is recommended that the City Council authorize staff to proceed with the development of construction plans and documents for extending a public sewer to residents on Mount Olive Lane and Mount Olive Drive and creating a sewer reimbursement district in an amount not to exceed \$80,000.

**MOTION:**

Councilmember Hale made a motion to amend the staff recommendation to authorize staff (RKA) to expend up to \$20,000 at this time to work with the Duarte Unified School District (DUSD) and other affected parties to obtain the required easements. If successful with the easement

acquisition, RKA will request remaining \$60,000 at a later date to proceed with the development of construction plans and documents for extending a public sewer to residents on Mount Olive Lane and Mount Olive Drive and creating a sewer reimbursement district. Councilmember Pycz seconded the motion, which was carried by the following roll call vote:

**APPROVED:**

AYES: Mayor Lewis, Councilmembers Barakat, Hale and Pycz

NOES: None

ABSENT: None

ABSTAIN: Mayor Pro-Tem Lathrop

Motion passed 4:0

**MAYOR PRO-TEM LATHROP  
REJOINS MEETING:**

Mayor Pro-Tem Lathrop rejoined the meeting.

**MATTERS FROM THE  
INTERIM CITY MANAGER:**

Bruce Inman thanked the City Council for appointing him as the Interim City Manager and stated that he will do the best he can.

Interim City Manager Inman asked the Council to make a motion to authorize the hiring of a temporary employee to assist the City Clerk (who has been the only full-time employee at City Hall for the last two weeks) until the new Management Analyst starts.

**MOTION TO AUTHORIZE STAFF  
TO HIRE AN OFFICE TEMP:**

Councilmember Hale made to motion to authorize staff to hire a temporary employee until the new Management Analyst starts. Councilmember Barakat seconded the motion which was carried by the following roll call vote:

**APPROVED:**

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

NOES: None

ABSENT: None

Motion passed 5:0

Interim City Manager Inman asked the City Council to make a motion to amend the City's policy regarding the approval of bills for payment. Currently only the City Manager is authorized to approve bills for payment. It is recommended that the policy be amended to state that in the absence of the City Manager the Finance Director or Mayor can authorize bills to be paid.

**MOTION TO AMEND POLICY  
REGARDING APPROVAL OF BILLS  
FOR PAYMENT:**

Councilmember Barakat made a motion to amend the City's policy to authorize the Finance Director and/or Mayor to approve bills for payment in the absence of the City Manager. Councilmember Hale seconded the motion which was carried by the following roll call vote:

**APPROVED:**

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

NOES: None

ABSENT: None

Motion passed 5:0

**MATTERS FROM THE CITY COUNCIL:**

**MAYOR LEWIS:**

Mayor Lewis stated that longtime resident Mercedes Hervey, who lived on Woodlyn Lane, passed away on November 11 at the age of 78 and suggested that the City Council adjourn the meeting tonight in memory of Mercedes Hervey.

**MAYOR PRO-TEM LATHROP:**

Mayor Pro-Tem Lathrop stated that DUSD has identified a third grade level reading problem and is asking for volunteers to help students to read.

**COUNCILMEMBER BARAKAT:**

Councilmember Barakat stated that LA County Sanitation Districts is proposing a \$700 million project to build an 18 foot diameter tunnel that will run from the 605 and 60 freeways to the ocean.

**COUNCILMEMBER HALE:**

Nothing to report

**COUNCILMEMBER PYCZ:**

Councilmember Pycz inquired if the December City Council meeting might be cancelled. City Attorney Reisman stated that the City Council already has two agenda items for December: Second Reading and Adoption of Ordinance No. 345 and Final Acceptance of the Woodlyn Lane Street Rehabilitation Project.

**ITEMS FOR FUTURE AGENDAS:**

City Attorney Reisman ask the City Council to consider changing the January meeting date to the third Wednesday (January 18, 2017) with the reason being that the City Attorney has conflicting meetings every January and February due to Monday holidays. The Los Alamitos Council is changing its Friday meeting to the third Wednesday but is unable to do so in January. The City Council will make a decision regarding the January 2017 meeting date at the December meeting.

**CLOSED SESSION:**

The City Council adjourned to a Closed Session.

**ROLL CALL:**

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

STAFF: Interim City Manager Inman and City Attorney Reisman

**PUBLIC COMMENT REGARDING  
CLOSED SESSION ONLY:**

None

**CONFERENCE WITH  
LEGAL COUNSEL:**

The City Council met in Closed Session to discuss:

- A. **Personnel Matter.** Public Employee Appointment pursuant to Government Code Section 54957  
Title: Management Analyst
- B. **Pending Litigation.** Pending Litigation pursuant to Government Code Section 54956.9 (d)(1)  
Notices of Ruling regarding City of Gardena v. Regional Water Quality Control Board-Los Angeles Region; State Water Resources Control Board.

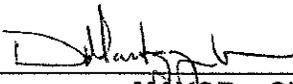
**RECONVENE OPEN SESSION AND  
ANNOUNCE ANY ACTION TAKEN:**

City Attorney Reisman reported that the City Council discussed a Personnel Matter and instructed the Interim City Manager to make an offer for the position of Management Analyst.

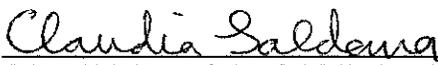
City Attorney Reisman reported that the City Council discussed pending litigation and instructed the City Attorney and Interim City Manager on how to proceed.

**ADJOURNMENT:**

At 8:30 p.m. Mayor Lewis adjourned the meeting in memory of Mercedes Hervey to Tuesday, December 20, 2016 at 7:00 p.m.

  
\_\_\_\_\_  
MAYOR – CITY OF BRADBURY

**ATTEST:**

  
\_\_\_\_\_  
CITY CLERK – CITY OF BRADBURY