

**MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF BRADBURY
HELD ON TUESDAY, NOVEMBER 19, 2013**

CLOSED SESSION 6:30 PM

CALL TO ORDER/ROLL CALL:

PRESENT: Mayor Pycz, Mayor Pro-Tem Barakat (arrived 7:10 p.m.), Councilmembers Lewis and Lathrop

STAFF: City Manager Keith, City Attorney Reisman and Contract Planner David Meyer

PUBLIC COMMENT:

There was no public comment regarding the Closed Session.

**RECESS TO CLOSED SESSION
REGARDING CONFERENCE
WITH LEGAL COUNSEL:**

The City Council met in Closed Session regarding Conference with Legal Counsel to discuss anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9. One potential case.

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

City Attorney Reisman reported that the City Council met in Closed Session for purpose of discussing anticipated litigation. There were no formal or informal votes and no action was taken.

OPEN SESSION 7:00 PM

MEETING CALLED TO ORDER:

The Regular Meeting of the City Council of the City of Bradbury was called to order by Mayor Pycz at 7:00 p.m. Mayor Pycz led the pledge of allegiance.

ROLL CALL:

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

ABSENT: None

STAFF: City Manager Keith, City Attorney Reisman, City Planner McIntosh, Planning Consultant Meyer, City Clerk Saldana and Management Analyst Kearney

APPROVAL OF AGENDA:

Mayor Pro-Tem Barakat made a motion to approve the agenda 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 was not aware of any conflicts of interest.

PUBLIC COMMENT:

Karen Herrera, Deputy City Manager of the City of Duarte, invited the City Council to attend Duarte's Annual Mayor's Breakfast on Wednesday, November 27. Ms. Herrera stated that the Holiday of Promise toy bin will be delivered to Bradbury City Hall soon. Mr. Jack Ochoa, who ran for the Duarte School Board, mentioned that the City of Duarte allocated 300 toys and invited the City of Bradbury to match that number. Ms. Herrera also announced that the day to decorate the Duarte Rose Float is December 28, 2013 at Phoenix Decorating Co.,

835 S. Raymond Avenue in Pasadena.

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 15, 2013
- B. Resolution No. 13-30: Demands & Warrants for November 2013
- C. Financial Statement for the month of October 2013
- D. Resolutions No. 13-31 & 13-32: Election Matters Pertaining to the General Municipal Election on Tuesday, April 8, 2014
- E. Award of Bid – Connector Pipe Screen Retrofit Project to United Storm Water
- F. Prohibition of Parking at any time on both sides of Woodlyn Lane from Mount Olive Drive to 250 feet southwesterly of Mount Olive Drive

**MOTION TO APPROVE
CONSENT CALENDAR:**

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

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

NOES: None

ABSENT: None

Motion passed 5:0

**MAYOR PYCZ AND
MAYOR PRO-TEM BARAKAT
RECUSED:**

Mayor Pycz disclosed that he lives on Lemon Avenue, Mayor Pro-Tem Barakat stated that he lives within 500 feet of Royal Oaks Drive North. Both Mayor Pycz and Mayor Pro-Tem Barakat recused themselves from participating in the decision making process regarding Zone Code Amendment No. ZCA 13-20. Councilmember Lathrop took over to chair the meeting.

**PUBLIC HEARING – ZONE CODE
AMENDMENT NO. ZCA 13-20
DRAFT ORDINANCE FOR
LEMON/WINSTON/ROYAL OAKS
DRIVE NORTH OVERLAY ZONE:**

City Planner McIntosh stated that the City Council directed staff to prepare an amendment to the zoning code creating an overlay zone on Lemon Avenue, Winston Avenue and Royal Oaks Drive North to require that properties in the overlay zone create a "clear area" for the first ten (10) feet of street frontage as measure from the interior of the curb at such time as the property is developed to the extent that a Planning Commission level architectural review is required. The Planning Commission approved Resolution No. 13-228 recommending that the City Council adopt a design overlay zone.

RECOMMENDATION:

It is recommended that the City Council open the public hearing, accept public testimony, and introduce for first reading Draft Ordinance No. 332: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY, CALIFORNIA, ADDING A NEW CHAPTER 9.05.085 – LEMON/WINSTON/ROYAL OAKS DRIVE NORTH OVERLAY ZONING DISTRICT TO THE MUNICIPAL CODE.

DISCUSSION: Councilmember Hale stated that he would like to include parcel and tract maps. City Planner McIntosh stated that there could be a note on parcel and tract maps that the overlay zone would become effective at the time of an architectural review.

PUBLIC HEARING OPEN: Councilmember Lathrop opened the public hearing and asked anyone speaking in favor or opposition to come forward and be heard.

PUBLIC TESTIMONY: Anne Absey, 44 Woodlyn Lane, inquired why the Zone Code Amendment only applies to Lemon/Winston/Royal Oaks Drive North and not the entire city. Councilmember Lathrop replied that the City Council looked at those three streets in particular because there was concern about pedestrian safety due to a lack of sidewalks, and other areas of the City had already been improved.

PUBLIC HEARING CLOSED: There being no further public testimony, Councilmember Lathrop declared the public hearing closed.

MOTION: Councilmember Hale made a motion to introduce for first reading Ordinance No. 332 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADBURY, CALIFORNIA, ADDING A NEW CHAPTER 9.05.085 – LEMON/WINSTON/ROYAL OAKS DRIVE NORTH OVERLAY ZONING DISTRICT TO THE MUNICIPAL CODE. Councilmember Lewis seconded the motion, which was carried by the following roll call vote:

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

Motion passed 3:0

City Manager Keith stated that Ordinance No. 332 will be on the December agenda for second reading and adoption.

MAYOR PYCZ AND MAYOR PRO-TEM BARAKAT REJOIN MEETING: Mayor Pycz and Mayor Pro-Tem Barakat returned to the Council Chambers to rejoin the meeting.

PUBLIC HEARING – DRAFT GENERAL PLAN 2012-2030 UPDATE: City Manager Keith stated that the City Council will review and consider adoption of the 2012-2030 General Plan Update for the City of Bradbury, with the exception of the Housing Element, and review and consider for approval Addendum No. 1 to the final EIR for the 1993 General Plan.

BACKGROUND: City Manager Keith stated that the General Plan is a document required by the State of California for every City and County. The City Council appointed a General Plan Steering Committee, comprised of 5 community members, 2 City Councilmembers and 2 Planning Commissioners, to meet over the course of 18 months to review, consider, debate and discuss the update to the General Plan. The Committee was staff by the City Manager and former City Planner David Meyer and working together held 14 meetings and two community workshops. The Committee reviewed and discussed each element (Land Use, Circulation, Conservation, Open Space, Noise Safety and Global Warming) of the plan as required by the State but also as each related to what the community desires. The Conservation and Open Space elements have been combined as the Community Resources Element to address our relationship with nature

and open space areas.

OPEN SPACE AREAS:

General Plan Consultant (and former City Planner) David Meyer stated that the Land Use Element is the crux of the General Plan for the City of Bradbury. Mr. Meyer pointed out the 302 acres of vacant land, which are a prominent natural resource, on the Land Use Plan. The Specific Plan (SP) designation addresses the steep topography of the land. Mr. Meyer also addressed the Circulation Plan, Emergency Access and Evacuation Plan, Resource Management Areas, Seismic Hazard Zones and Open Space Areas, which include the Sharon Hill Subdivision, Royal Oaks Elementary School, debris basins and water reservoirs and riding/hiking trails.

CITY'S MISSION STATEMENT:

The General Plan Steering Committee found that the City's Mission Statement of "Preserving Rural Tranquility" is as relevant now as it was decades ago when it was initially adopted.

The General Plan Steering Committee made a presentation to the Planning Commission at public hearings held on July 24 and August 28, 2013 regarding its recommendation for the 2012-2030 General Plan Update.

OBJECTIONS TO PROPOSED GENERAL PLAN:

At the Planning Commission public hearing on August 28, 2013 written and verbal objections to the proposed General Plan Update were presented by the law firm of Alvarado Smith representing D&M Investments, Inc., alleged current owners of approximately 192 acres of vacant hillside property located in the A-5 (SP) Zone.

Based on the reports and testimony presented to the Planning Commission at the public hearings, the Planning Commission found that the long-range goals and objectives for the community, including the property in question, are substantially consistent with those contained in the 1993 and 2007 General Plans. The May 28, 2013 draft General Plan Update does not impact the existing development potential of the 192 acres purported to be owned by D&M Investments, Inc. Therefore the Planning Commission adopted Resolution No. 13-226.PC recommending that the City Council approve Addendum No. 1 to the 1994 General Plan Final EIR and adopt the May 28, 2013 General Plan 2012-2030 Update as recommended.

NON-SUBSTANTIVE CHANGES MADE TO GENERAL PLAN:

Since the time of the Planning Commission hearings, non-substantive changes have been made to the General Plan Update which further clarify that there are no substantive changes from the previous General Plan.

CITY ATTORNEY:

City Attorney Reisman stated that on page 11 of the staff report is a list of all letters and public records requests received from the law firm of Alvarado Smith and property owners Glenn Chadwick and Robert Bodkin. All letters and public records request are part of the public record.

The law firm on Alvarado Smith believes that the General Plan Update interferes with the development of the 192 acres of vacant land. Mr. Reisman stated that this is not the intent of the General Plan. The EIR was done in 1993, certified in 1994, and there have been no changes since then.

DISCUSSION:

Councilmember Lewis inquired if the overlay zone is the same as in 1993 and 2007. The answer was yes.

Mayor Pycz wanted to know if there have been any more letters. City Manager Keith replied not since Friday (November 15, 2013). The Planning Commission has not seen all of the letters.

PUBLIC HEARING OPENED:

Mayor Pycz opened the public hearing inviting those speaking in favor or opposition to come forward and be heard.

PUBLIC INPUT:

Mr. Thierry Montoya stated that the law firm of Alvarado Smith is representing D&M Investments, Inc. in regards to the 192-acre parcel it owns within the 203 acres the City's General Plan 2012-2030 Update now proposes to reserve for "vacant hillside preservation area" or "hillside preservation and open space" to create an undevelopable area in direct contravention to the 1993 and 2007 General Plan's "Estate-(Hillside) 5 acre A-5" land use categorization and zoning designation. The Update's stated goals confirm an intention to convert the 302-acre site from an area slated for residential development into "hillside and open space areas" in perpetuity enforcing the Hillside Development Standards, or into an area suitable only for transferring development right to create and preserve open space.

The City Council should be frank and state those goals in terms of what it really hopes to accomplish: the implementation of 302-acre site specific overlays and zoning changes that preclude an and all residential development so that the property is worthless for anything other an open space designation.

The manifest change from an A-5 land use designation to a hillside preservation/open space one must be preceded by a California Environmental Quality Act (CEQA) study, more particularly, an Environmental Impact Report (EIR), given the significance of the proposed land use change.

Under the guise of an addendum, the City Council is trying to slide through specific overlays and other significant land use and zoning changes intended to affect the 302 areas all based on unstudied and incorrect environmental conclusions that would eviscerate D&M's ability to develop its property.

Mr. Montoya further contented that Planning Commission Frank Hernandez violated the Political Reform Act by voting to recommend approval of the Update when he has a conflict of interest in the outcome of such vote due to the fact that he owns real property that abuts the acreage subject to the General Plan Update.

On behalf of D&M Alvarado Smith therefore demands that the City abstain from voting on the Update until a new vote can be made before the Planning Commission that excludes Mr. Hernandez from participation. In the event the City fails to do so, D&M will have no choice but to bring litigation against both the City and Mr. Hernandez.

Mr. Bob Bodkin, 625 Los Cerritos Road, Glendora, stated that he met with City Planner Meyer in 1995 regarding the area around the fire road and that there is a document regarding this meeting.

Councilmember Lewis inquired if Mr. Bodkin has a copy of this document. Mr. Bodkin replied yes. City Attorney Reisman asked if Mr. Bodkin could supply staff with a copy. Mr. Bodkin stated that staff has it. The City Attorney asked Mr. Bodkin again if he would supply it. Mr. Bodkin agreed to look for the document he referred to.

PUBLIC HEARING CLOSED:

There being no further public testimony, Mayor Pycz declared the Public Hearing closed.

Councilmember Lewis asked Mr. Meyer to explain the land use designation of A-5 (SP). General Plan Consultant David Meyer reiterated that there is nothing in the Zone Code to preclude development of the 192 acres. The probability to meet the subdivision requirements in the A-5 Zone are low, so the Specific Plan overlay zone provides a tool box for developers who wish to subdivide the property.

Councilmember Lathrop commented that in preparation for his hearing he looked at stacks of documents and sees no change or action item to change the zoning for the 302 acre site. Mr. Lathrop stated that there is more than one person in this room that can read documents and that the opponent is cherry picking language out of context.

Councilmember Lewis stated that it is the City Council's job to make preservation and development mutually compatible, not mutually exclusive. That is how Bradbury achieves rural tranquility. Further, Councilmember Lewis felt that the City Council should proceed carefully and send back the General Plan Update to the Planning Commission for review of the new language and changes.

**MOTION TO SEND GENERAL
PLAN UPDATE BACK TO
PLANNING COMMISSION:**

Following discussion, Councilmember Lathrop made a motion to send the General Plan 2012-2030 Revised Update back to the Planning Commission for additional examination. Commissioner Hale seconded the motion, which was carried by the following roll call vote:

APPROVED:

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

NOES: None

ABSENT: None

Motion passed 5:0

**MATTERS FROM THE
CITY MANAGER:**

City Manager Keith stated that the Planning Commission will meet tomorrow night, November 20, 2013.

City Hall will be closed on Wednesday, November 27, Thursday, November 28 (Thanksgiving) and Friday, November 29, 2013. The City Manager and the City Planner will be out on vacation on Monday and Tuesday, November 25 & 26.

MATTERS FROM THE CITY COUNCIL:

MAYOR PYCZ:

Nothing to report.

MAYOR PRO-TEM BARAKAT:

Mayor Pro-Tem Barakat stated that as a downside of the closing of Puente Hills Landfill, there will be no free Christmas Tree pick-up this year sponsored by the LA County Sanitation Districts.

COUNCILMEMBER HALE: Nothing to report.

COUNCILMEMBER LEWIS: Nothing to report.

COUNCILMEMBER LATHROP: Nothing to report.

ITEMS FOR FUTURE AGENDAS: None

ADJOURNMENT: At 8:07 p.m. Mayor Pycz adjourned to the meeting to Tuesday, December 18, 2013 at 7:00 p.m. at the Bradbury Civic Center.



MAYOR – CITY OF BRADBURY

ATTEST:



CITY CLERK – CITY OF BRADBURY