

**MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF BRADBURY
HELD ON TUESDAY, OCTOBER 15, 2013**

- 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 (arrived 7:10 p.m.), Councilmembers Lewis and Lathrop
- ABSENT: Councilmember Hale
- STAFF: City Manager Keith, City Attorney Reisman, City Clerk Saldana and Management Analyst Kearney
- COUNCILMEMBER HALE EXCUSED:** Mayor Pycz made a motion to excuse Councilmember Hale from the meeting. Councilmember Lewis seconded the motion which carried.
- APPROVAL OF AGENDA:** Councilmember 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 he was not aware of any conflicts of interest.
- 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 September 17, 2013
 - B. Resolution No. 13-29: Demands & Warrants for October 2013
 - C. Financial Statement for the month of September 2013
 - D. Quarterly Financial Review until September 30, 2013
 - E. Second Reading of Ordinance No. 331 – Zone Code Amendment No. ZCA 13-18 Amending Chapter 9.06.050, Section 9.06.050.030 of the Bradbury Zone Code relating to Permitted Signs
 - F. Second Reading of Ordinance No. 330 – Amending Chapter 4 of the Bradbury Municipal Code to expand applicability of the existing Standard Urban Stormwater Mitigation Plan (SUSMP) requirements by imposing Low Impact Development (LID) strategies on projects requiring Building Permits

**MOTION TO APPROVE
CONSENT CALENDAR:**

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

AYES: Mayor Pycz, Councilmembers Lewis and Lathrop

NOES: None

ABSENT: Mayor Pro-Tem Barakat, Councilmember Hale

Motion passed 3:0

**DISCUSSION – GAS COMPANY
ADVANCED METER INSTALLATION
PROJECT:**

City Manager Keith stated that in 2010, the California Public Utilities Commission (CPUC) authorized Southern California Gas Company to upgrade all existing natural gas meters with a wireless communication device. The upgrade is scheduled to be completed by the Gas Company by 2017. City Manager Keith introduced Mr. Bob Cruz, Public Affairs Manager with the Gas Company.

Mr. Cruz stated that the Gas Company is planning on upgrading approximately 6 million existing meters within the Southern California region. The meter upgrades will automatically read and securely transmit the hourly gas usage information on a next day basis. This will provide more frequent and detailed information in order to help Gas Company customers to better control energy usage and costs.

**GAS COMPANY ADVANCED
METER LOCATIONS:**

The City Council was shown an Advanced Meter Location Map. Mr. Cruz explained that the Gas Company is proposing to install a transmission device to the front of the existing meter for every resident in the City. This transmission device is battery powered and will transmit the meter data to a collector unit four times per day. The Gas Company is proposing to install four (4) collector units spaced throughout the City of Bradbury.

City Manager Keith stated that the selected sites are as follows:

1. West of 222 Mount Olive Drive;
2. Across, South, from 1775 Royal Oaks Drive North;
3. NE of 501 Terrado Drive, Monrovia, where Terrado Drive ends into 1300 Block of Lemon Avenue; and
4. Bradbury Reservoir Driveway, 417' North of Spanish Canyon Way

The four proposed collector units will be installed on top of a new 35-foot high Marbelite pole with a solar power unit.

Mayor Pycz voiced concern to ensure the location of the Lemon pole was in compliance with the new direction to keep a 10 foot parkway clear.

PUBLIC INPUT:

Mayor Pycz inquired if there was any public input regarding this matter. There was none.

REPORT RECEIVED AND FILED:

City Manager Keith stated that this is an informational item to give the Gas Company the green light and that no motion was necessary. The City Council ordered the report received and filed. .

**MAYOR PRO-TEM BARAKAT
ARRIVES:**

Mayor Pro-Tem Barakat arrived at the meeting at 7:10 p.m.

**FISCAL YEAR 2013-2014
ANNUAL RATE ADJUSTMENT
FOR SOLID WASTE COLLECTION
AND RECYCLING AND OPTIONS FOR
RATE ADJUSTMENTS RELATED TO
THE CLOSURE OF PUENTE HILLS
LANDFILL:**

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 waste processing cost."

In June, the City Council adopted Resolution No. 13-18 approving additional language that allows Burrtec to take ownership of the City's waste and recyclables in order to negotiate the best deal for the City upon the closure of Puente Hills Landfill. Additionally, at that time the City Council requested Burrtec to wait to adjust the refuse collection and recycling rate that would have become effective July 1, 2013 or until such time as the rates reflect the closure of Puente Hills Landfill.

RECOMMENDATION:

The Puente Hills Landfill will close at the end of October and therefore it is recommended that the City Council approve the refuse collection and recycling rates set forth in the staff report to become effective November 1, 2013.

Burrtec submitted rate adjustments for residential barrel service, refuse bin service, green waste bin service and recycling bin service in June for Fiscal Year 2013-2014. The majority of the increase is the Consumer Price Index (CPI) of 1.9% and increased tipping fees where applicable. Currently, the recyclables 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.

PRESENTATION BY BURRTEC:

Richard Nino, Director of Municipal Services, gave an updated power point presentation regarding the 2013 Rate Review Update.

Mr. Nino stated that Burrtec has been looking at Disposal Alternatives and Options and is recommending Puente Hills Materials Recovery Facility & Transfer Station. Other facilities considered included:

- Waste Management MRF - Azusa
- Athens MRF – Industry
- Grand Central Recycling - Industry

DISPOSAL AND PROCESSING:

Mr. Nino discussed the Cost Component of current and new trash and green waste disposal. The disposal rate (per ton?) for trash is going up from \$38.41 to \$41.99, which is a 9.3% increase. The disposal rate for green waste is going up from \$22.95 to \$33.43, which is a 45.7% increase.

BILLING CYCLES:

Mr. Nino stated that bin services are on a monthly billing cycle, with the new rates becoming effective November 2013. Barrel services are on a quarterly billing cycle, with new rates becoming effective January 2014.

RATE ADJUSTMENT:

The current monthly service charge for residential barrels will go up from \$15.71 to \$18.32 (\$2.61 or 16.6% increase), 3-yard trash bin from \$133.84 to \$140.62 (\$6.78 or 5.1% increase) and 3-yard green waste bin from \$124.28 to \$141.96 (\$17.48 or 14.1% increase). These rates include tipping fee increases of 9.3% for trash and 45.7% for green waste. Also, as of July 2013, the 5.5% Utility Users Tax is added to all billings.

PUBLIC INPUT: Mayor Pycz inquired if there was any public input regarding this matter. There was none.

DISCUSSION: The City Council discussed the Residential Detail components of current and proposed rates and the Retro Catch-up billings.

MOTION TO APPROVE BURRTEC ANNUAL RATE ADJUSTMENT: Following discussion, Councilmember Lewis made a motion to approve the Fiscal Year 2013-2014 Annual Rate Adjustment for Solid Waste Collection and Recycling and Rate Adjustment related to the closure of Puente Hills Landfill. Mayor Pro-Tem Barakat seconded the motion, which was carried by the following roll call vote:

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

Motion passed 4:0

FEE REDUCTION REQUEST FOR 180 MOUNT OLIVE DRIVE: City Manager Keith stated that the property owner, Mr. Aniss Abraham, received approval from the Planning Commission in June 2013 to add a new 1,231 square foot single-family room to an existing single-story single-family dwelling unit. However, the applicant initiated the construction of the subject family room before application was made for appropriate planning and building permits.

As such per the building code and the City's fee schedule the penalty for commencing work without permits is double the building permit fees. The fees for Mr. Abraham's project total \$8,956.50, including penalty. Mr. Abraham is requesting the City Council's consideration to relieve him of the double fee requirement.

As fees are established by the City Council, it is only within the Council's purview to reduce fees they deem appropriate, especially in this case as the applicant is appealing the Building Official's recommendation to double fee work for which permits were not issued prior to the beginning of construction.

RECOMMENDATION: It is recommended that the City Council review the request for the fee reduction and provide further direction to staff.

DISCUSSION: Mr. Abraham address the Council stating that he wants to pay for the permit, but not the double fee, because he did not know that his contractor did not obtain the required building permit(s).

Mayor Pycz inquired how the applicant was caught building without a permit. City Manager Keith stated that she was driving on Mount Olive when she noticed a contractor doing work on the roof. This was about a year to a year and half ago.

Councilmember Lathrop stated that Mr. Abraham should ask his contractor to pay for the double fee as that is who should be accountable. Mr. Abraham stated that he has not heard from his contractor and that he cannot find him. Mr. Abraham also stated that he did not know if his contractor had a valid contractor's license.

Mayor Pro-Tem Barakat felt that the recourse was with the contractor since he is the one who created this issue.

Council asked if the structure was habitable. City Manager Keith stated that this is a complicated issue and that she couldn't get into specifics but that the project has been red-tagged for structural activity and Building Code compliance. The City at this point does not know if it meets code as it has not been inspected. The options relating to code compliance are "cure it or tear it down."

Councilmember Lathrop said he preferred the project be brought up to code.

Ms. Cathy Warwick, an attorney who introduced herself as a friend of Mr. Abraham, stated that he can't get on with the project because of the double fee. Mr. Abraham does not have the money to pay the double fee and wouldn't the community be better off if the project gets finished.

Mayor Pro-Tem Barakat stated that the permit fees are minimal in comparison to the building costs of the project and was concerned about the applicant not being able to finish the project.

Mayor Pycz asked Mr. Abraham how long he has lived in Bradbury. Mr. Abraham replied ten years.

City Manager Keith interjected that the house is still habitable, just not the unpermitted room addition.

The City Council decided unanimously not to waive the double fee because this would set a precedent. The City Council also wanted to establish a construction time frame of 4-6 months (from today), so the project won't linger. Staff will work with the homeowner.

MOTION:

Mayor Pro-Tem Barakat made a motion for the City Attorney to draft an agreement stating that the project would be completed and the double fee paid within six (6) months from today's date. Councilmember Lathrop seconded the motion, which was carried by the following roll call vote:

APPROVED:

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

NOES: None

ABSENT: Councilmember Hale

Motion passed 4:0

MATTERS FROM THE CITY MANAGER:

City Manager Keith thanked Mayor Pycz for installing the bricks for the Civic Center patio.

The Emergency Response Committee (ERC) will meet on Thursday, October 23, to discuss the Community Wildfire Protection Plan.

In regards to the adoption of the Building Code, the City is still waiting for the County. The City Council may have to adopt an Urgency Ordinance at the December meeting.

The Utility Users Tax (UUT) Oversight Committee will meet for the first time on October 29.

MATTERS FROM THE CITY COUNCIL:

- MAYOR PYCZ:** Mayor Pycz would like to encourage people to buy more bricks for the Civic Center patio.
- MAYOR PRO-TEM BARAKAT:** Nothing to report
- COUNCILMEMBER HALE:** Not present
- COUNCILMEMBER LEWIS:** Councilmember Lewis inquired if the LA County Sanitation Districts will oversee the Puente Hills MRF. Mayor Pro-Tem Barakat replied yes.
- COUNCILMEMBER LATHROP:** Councilmember Lathrop stated that the San Gabriel Valley National Recreation Area (NRA) was approved with conditions. Mr. Lathrop also stated that the Duarte Education Foundation's Annual Dinner was a success.
- ITEMS FOR FUTURE AGENDAS:** None
- ADJOURNMENT:** At 7:50 p.m. Mayor Pycz adjourned to the meeting to Tuesday, November 19, 2013 at 7:00 p.m. at the Bradbury Civic Center.



MAYOR - CITY OF BRADBURY

ATTEST:



CITY CLERK - CITY OF BRADBURY