

**MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF BRADBURY
TUESDAY, APRIL 19, 2011**

- CALL TO ORDER:** The meeting was called to order by Mayor Hale at 7:04 PM.
- ROLL CALL**
- PRESENT: Mayor Hale, Mayor Pro-Tem Lewis, Councilmembers Lathrop, Pycz and Barakat
- ABSENT: None
- STAFF: City Manager Keith, Deputy City Engineer Gilbertson, City Planner Meyer, City Clerk Saldana and Management Analyst Petsas
- APPROVAL OF THE AGENDA** Councilmember Lathrop made a motion to approve the agenda, 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, Pycz and Barakat
NOES: None
ABSENT: None
- DISCLOSURE OF ITEMS REQUIRED BY GOV. CODE SECTION 1090 & 81000 ET SEQ.**
- In compliance with the California Political Reform Act, each City Council Member 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.
- Councilmember Barakat stated that he would recuse himself from Item #5, the Civic Center Fence Design, due to the proximity of his home to the Civic Center. Councilmember Lathrop stated that he would recuse himself from Item 3, the Specific Plan Amendment due to the proximity of his home.
- REORGANIZATION**
- A. Appointment of the Mayor.**
- Mayor Hale made a motion to nominate Monte Lewis as Mayor of the City of Bradbury. Councilmember Barakat seconded the motion. There were no further nominations. The motion carried unanimously.
- B. Appointment of Mayor Pro-Tem.**
- Councilmember Barakat made a motion to nominate Councilman Lathrop for Mayor Pro-Tem; Councilmember Pycz seconded that motion. There were no further nominations. The motion carried unanimously.
- C. New Roll Call Vote.**
- PRESENT: Mayor Lewis, Mayor Pro-Tem Lathrop, Councilmembers Pycz, Barakat and Hale.

ABSENT: None

D. Comments from the New Mayor

Mayor Lewis thanked the Councilmembers for selecting him as Mayor. Mayor Lewis echoed the statements made by his predecessor in terms of the unity among the City Council. He noted that while there are disagreements, they all come to a decision and respect the positions of their colleagues. Mayor Lewis stated that the City will be having a difficult upcoming couple of months with working on the budget, but he believes that this Council is well suited for the task at hand.

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 Council Member request 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 15, 2011
- B. Financial Statement for the month of March 2011
- C. Resolution No. 11-05: Demands & Warrants for April 2011
- D. Update on the Status of the 165 Circle Drive Appeal
- E. Notice of Completion for the Mount Olive Drive Pedestrian Pathway and Traffic Calming Project
- F. Reappointment of Planning Commissioners for Districts 1, 3 and 5
- G. Resolution No. 11-11: Recommendation to Support Reasonable and Economically Achievable Storm Water NPDES and TMDL Requirements through the use of Progressive and Adaptive Best Management Practices.

DISCUSSION

Management Analyst Petsas provided the Councilmembers with an amended resolution on item 1G.

MOTION TO APPROVE CONSENT CALENDAR

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

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

NOES: None

ABSENT: None

ITEM #2: ENERGY UPGRADE CALIFORNIA PROGRAM

City Manager Keith introduced Marisa Creter from the San Gabriel Valley Council of Governments to make the powerpoint presentation on the program.

DISCUSSION

Mayor Pro-Tem Lathrop asked what the typical rebate people would receive is. Ms. Creter stated that most people are receiving \$300-\$400 in savings.

**ITEM #3: SPECIFIC PLAN NO.
SP 06-02 AMENDMENT NO. 1
MAXIMUM ALLOWABLE
BUILDING SIZE**

Prior to recusing himself Mayor Pro-Tem Lathrop made a public comment regarding item #3. Mayor Pro-Tem Lathrop stated that he believes the project proposed for this site is appropriate for the neighborhood.

The applicant, Bowden Development, on behalf of the property owners of the subject property, Mr. and Mrs. Mike O'Dell requested that the City of Bradbury modify the maximum building size restriction of 2,500 square feet as set forth in Specific No. SP 06-02 to 3,500 square feet to accommodate a development proposal for 585 Mount Olive Drive.

The Planning Commission considered the applicant's request at a public hearing held on March 23, 2011. The Planning Commission adopted its Resolution No. 11-207.PC recommending that the City Council modifies the maximum allowable building size to 3,500 square feet. It is recommended the City Council adopt a resolution amending the Specific Plan.

DISCUSSION

Mayor Lewis asked what the lot size was. City Planner Meyer stated it is a half an acre.

PUBLIC COMMENT OPENED

Mayor Lewis opened up the meeting for Public Comment and invited those wishing to speak to come forward and be heard.

PUBLIC COMMENT

Todd Bowden, the project applicant, stated that his clients, Mr. & Mrs. O'Dell, agree with the proposed conditions on the project and conducted the market analysis to help demonstrate that the square footage meets that of other homes in the neighborhood.

Mr. Arno Geimhardt, 615 Mount Olive Drive, stated that the lot for the proposed project is large enough and he has no objection to it as the southerly neighbor.

PUBLIC COMMENT CLOSED

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

**MOTION TO ADOPT
RESOLUTION AMENDING
SPECIFIC PLAN**

Councilmember Hale made a motion to adopt Resolution No. 11-207 PC, amending Specific Plan No. SP 06-02 to allow up to 3,500 square feet maximum building size. Councilmember Pycz seconded the motion which passed by the following roll-call vote :

AYES: Mayor Lewis, Councilmembers Pycz, Barakat and Hale.

NOES: None

ABSENT: None

ABSTAIN: Mayor Pro-Tem Lathrop

Motion Passed 4-0-1

Mayor Pro-Tem Lathrop rejoined the meeting.

**ITEM #4: REVIEW OF NO
PARKING RESTRICTIONS ON
MOUNT OLIVE DRIVE**

At the August 17, 2010 the City Council approved implementation of traffic calming measures along Mount Olive Drive that necessitated the designation of one side of Mount Olive Drive from Elda Street to Gardi Street as a No Parking zone. Accordingly a resolution was approved by the City Council at its October 2010 meeting prohibiting parking on the west side of Mount Olive Drive.

At the March 15, 2011 meeting, Councilmember Lathrop requested that the location of the no parking designation be revisited.

DISCUSSION

Mayor Pro-Tem Lathrop stated that he requested to re-visit this item after the pathway project was completed on the basis that the car/human conflict isn't that great. He stated that moving the no parking zone to the east side would be better because we now have the sidewalk.

The sidewalk and curve meander naturally to the left and therefore it makes sense that the better place for parking is on the west side. Mayor Lewis stated he understands Mayor Pro-Tem Lathrop's issue and is tempted to lean towards changing the no parking zone.

PUBLIC COMMENT OPENED

Mayor Lewis opened the discussion for public comment and invited those wishing to speak to come forward and be heard

PUBLIC COMMENT

Mike Misik, 645 Mount Olive Drive, stated that he talked to Mel Domingo and Bill Gomez, his neighbors about the no parking issue and stated that he appreciates the idea of moving the zone. He had thought the issue was dead and that this was over. However, he isn't opposed to moving the no parking zone to the east side and thanks the Council for their consideration.

Sharon Misik, 645 Mount Olive stated that it makes no difference to her on what side the no parking zone is located, the new pathway looks great.

PUBLIC COMMENT CLOSED

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

DISCUSSION

Councilmember Barakat stated that his only concern is crossing the street at Elda and kids coming from behind a car. Most kids don't follow a crosswalk.

Mayor Pro-Tem Lathrop stated that the most popular access point to the school is Elda Street. Most people will walk their kids to school. According to Mayor Lewis you will see the kids on the sidewalk and will naturally slow down.

Mayor Pro-Tem Lathrop continued to say that because there is a new sidewalk, this would be a good time to encourage people to walk their kids to school, rather than flooding Elda with cars.

Mayor Lewis said that in terms of parking on Elda and Freeborn, the neighbors have one point of view and the people dropping off have another.

The City Council asked the Deputy City Engineer what he thought about the no parking zone. Deputy City Engineer Gilbertson stated that there are pros and cons for no parking on either side. Concern of no parking on the east side is that the curve will be more drastic in making sure to avoid cars. No parking on the west side is that people will park on the east side and still have to cross in front of cars.

MOTION TO DIRECT STAFF

Mayor Pro-Tem Lathrop made a motion to direct staff to work on

drafting a resolution for the May meeting to switch the no parking zone to the east side. Mayor Lewis seconded the motion which passed by the following roll-call vote:

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

NOES: Councilmember Barakat

ABSENT: None

ABSTAIN: None

Motion Passed 4-1

ITEM #5: DISCUSSION- CIVIC CENTER FENCE DESIGN OPTIONS

Councilmember Barakat recused himself for the upcoming item, but before doing so he made his public comment that the neighbors around City Hall want the building to be able to be sealed off and a fence that isn't climbable. Their main concern is a secured

At the March 15, 2011 City Council meeting the Council considered designs for the street frontage phase of the Civic Center project. Upon hearing concerns from neighbors regarding potential security issues at the site, staff was requested to review alternatives.

Staff has prepared several alternatives.

Option #1-Keep the existing wrought iron fence in place. The northerly 60 feet of chain link fencing will be removed and replaced with wrought iron and a motorized vehicular access gate and pedestrian gate will be installed at the masonry pilasters. The cost for this option is estimated at \$13,500.

Option #2- The existing wrought iron and chain link fencing along the street frontage is removed and replaced with plastic rail fencing similar to what is being used along Mount Olive Drive. A 6 foot tall wrought iron fence will be installed from the existing Civic Center to the north property line fence and from the building south to the property line. A manually operated gate will be installed over the driveway. This option is estimated to cost \$9,225.

Option #3- The existing wrought iron and chain link fencing will be removed and plastic fencing will be installed and masonry pilasters will be placed along the street frontage at 14 foot intervals. A fence similar to the one mentioned in option #2 will also be installed. The estimated cost for this option is \$15,525.

DISCUSSION

Councilmember Hale asked City Planner Meyer what he needed tonight. City Planner Meyer stated he needs a consensus from the Council as to which option to pursue.

Mayor Pro-Tem Lathrop stated that having a fence at the building line will make it look like a fortress. He had concerns on who would use the front lot if that type of fence was used.

Mayor Lewis stated he likes the option of having the fence along the building.

PUBLIC COMMENT OPENED

Mayor Lewis opened for public comment and invited those wishing to speak to come forward and be heard.

PUBLIC COMMENT

Sheryl Collins, 612 Winston Avenue, stated that as a follow up to Mayor Pro-Tem Lathrop's concerns that the parking lot was used by people over the weekend and as neighbors she could hear them.

PUBLIC COMMENT CLOSED

There being no more public testimony, Mayor Lewis declared the public comment period closed.

Rick Barakat, 700 Braewood, stated that two councilmembers live behind gates with guards and prefer an open city hall. The City Council often times bend over backwards for residents. He Requested that the City Council postpone the item for one more meeting so the residents can get an idea of what the fencing options are. City Manager Keith responded that every neighbor was given a copy of the staff report and agenda for this meeting.

Mike Misik, 645 Mount Olive, stated that he would like it to be open, but at the same time he understands that security is important.

DISCUSSION

Mayor Pro-Tem Lewis asked what a Split Rail fence is. City Manager Keith responded that it is the type of fencing used along the Mount Olive Drive trail.

Mayor Lewis said the City Council isn't making a final decision tonight, they are looking at the different options and providing feedback to staff on how to proceed.

City Manager Keith added that staff needs to get an idea from the Council as to which options they want so that quotes can be obtained for them.

Mayor Pro-Tem Lathrop asked if a motion/sensor light could be added for an additional layer of security. Councilmember Barakat stated that the lights would cause problems with the large number of animals that would trip the sensor.

MOTION TO PROVIDE DIRECTION TO STAFF

Mayor Lewis made a motion to direct staff to obtain real quotes on all the options, including option #3 and bring them back for further review and discussion. Councilmember Pycz seconded the motion which passed by the following roll-call vote:

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

NOES: None

ABSENT: None

ABSTAIN: Councilmember Barakat

Motion Passed 4-0-1

**ITEM #6: RESOLUTION NO. 11-14
ADOPTING POLICIES AND
RATES FOR USE OF THE NEW
CIVIC CENTER**

With the April Grand Opening of the new Civic Center, the City finds itself with the opportunity to provide rental space to community users. In an effort to keep pace with existing facility use fees in the surrounding cities, staff came up with fees and deposits that would encourage those who are willing to rent the facility to respect it and

ensure the applicants be able to pay for damage should it occur.

DISCUSSION

Mayor Pro-Tem Lathrop asked what the proposed fees are tied to. City Manager Keith stated that the fees are tied to the cost of utilities and the cost to maintain the building.

Councilmember Barakat asked what the hours of operation are for the room. He stated that this facility is in a residential area and weekend functions need to be minimized so residents are not bothered. It should also be limited to certain groups. Councilmember Hale stated that he agreed with these issues.

Mayor Pro-Tem Lathrop stated that the distinction really needs to be made in terms of who can use the facility is between public and private entities.

City Manager Keith stated that we can limit, but not eliminate the usage of the type of group that uses the facility due to state law. The Councilmembers agreed that limiting it to 4 times a month would be appropriate for non-city functions.

Councilmember Barakat stated that if the City prohibits food and drink from being brought in to the room then outside groups would be discouraged from using the room.

Councilmember Barakat stated that the hours of operation should be between 10am to 6pm on the weekends and until 10pm on weeknights. Councilmember Barakat added that events should be allowed to last no longer than 4 hours and if any group brings food, they would automatically lose their deposit.

PUBLIC COMMENT OPENED

Mayor Lewis opened the discussion for public comment and invited those wishing to speak to come forward and be heard

PUBLIC COMMENT

Ann Deren-Lewis, 22 Woodlyn Lane, representative of the Woodlyn Lane Improvement Association, stated that she is really excited to have this new room to meet in. She stated that the Woodlyn Lane Association would prefer a flat fee for use for meetings so that it can be easily budgeted for.

PUBLIC HEARING CLOSED

There being no further public testimony, Mayor Lewis declared the public comment period closed.

DISCUSSION

Mayor Pro-Tem Lathrop asked if it is possible to create an hourly rate with an option to create a fixed fee for regular groups. City Manager Keith stated that it can be done.

Mayor Lewis proposed \$75 for a weeknight rental and \$125 for the 10am-2 Pm or 2pm-6pm rental on Saturdays.

Councilmember Barakat added that the room shouldn't be rented out during City Hall hours of operation.

Councilmember Barakat asked how the funds from the rental fees would be used. City Manager Keith said the Council can designate that tonight. Councilmember Barakat stated that the funds should be used

solely for the maintenance of the building. City Manager Keith said that if the City Council adopts the resolution then a Special Revenue Account will be created.

**MOTION TO ADOPT
RESOLUTION NO. 11-44
ADOPTING POLICIES AND
RATES FOR USE OF THE NEW
CIVIC CENTER**

Councilmember Hale made a motion to adopt Resolution No. 11-14 establishing policies and rates for the use of the new Civic Center, including the \$75 rate for Continual Users in Category 2B of the Civic Center, limiting the hours of meeting and limiting the number of rentals to four times a month. Mayor Lewis seconded the motion which passed by the following roll-call vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

Motion Passed 5-0.

**ITEM #7: DISCUSSION- FISCAL
CHALLENGES PART TWO**

At the March 15th meeting, the City Council in its review of some alternative ways of addressing ongoing fiscal needs, requested that the City Manager bring to this meeting a draft budget for the 2012 fiscal year as well as forecast projections for 3 years out.

DISCUSSION

City Manager Keith stated that in the current State budget, the proposal is to eliminate the COPS programs moving forward. Also, due to the work done under the Metro funds and the new City Hall, the City will have to update the GASB. There is also an increase in City insurance and approximately \$12,000 in upcoming election costs.

City Manager Keith stated that there will also have to be updates to the General Housing and Housing Element that must be adopted by 2013.

Mayor Lewis stated in preparation for the budget, if it has to be done, add it to the budget, for example Catch Basin insert cleaning.

Mayor Lewis stated that according to his calculations if we add in all the special projects not currently funded, we are facing a deficit of \$258,000.

Mayor Lewis stated that he realizes the City needs money, but how do we do it.

City Manager Keith added that Duarte is facing budget problems as well and might cut their Sheriff contract, which could dramatically impact Bradbury's Sheriff presence.

Councilmember Barakat asked how it is that there can be nice parts of unincorporated Los Angeles County, versus areas that might not be as nice that are in a City. If the City disincorporated what would happen? Would the County take over?

Mayor Lewis stated that regarding the possible revenue measures we can do a blend of a parcel tax and property value tax

Councilmember Barakat added that if the City Council decides to

pursue a revenue measure then the Council needs to present a unified front on the issue. Councilmember Hale added that this should include the Planning Commission as well.

Mayor Lewis added that we will need to use reserves for the next fiscal year to help with the shortfall. All Councilmembers agreed with this statement.

Councilmember Barakat reminded the Council that they need to watch their spending until they are able to eliminate Staff furloughs.

Mayor Pro-Tem Lathrop asked if there is a way of having flexibility in raising the percentage just enough and not too much. City Manager Keith stated that a Utility Users Tax could be flexible in its rates.

Councilmember Barakat stated that there have been more recalls over UUTs than any other revenue measure because it punishes larger families. Mayor Lewis stated that he disagrees in that the fees are just based on larger homes, not necessarily the size of families.

PUBLIC COMMENT OPENED

Mayor Lewis opened the discussion for public comment and invited those wishing to speak to come forward and be heard

PUBLIC COMMENT

None

PUBLIC COMMENT CLOSED

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

MOTION TO PROVIDE STAFF WITH POLICY DIRECTION

Mayor Lewis made a motion to direct the City Manager to bring back to the City Council information regarding revenue measures, including a utility users tax and parcel tax. Councilmember Barakat seconded the motion which passed by the following roll-call vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

Motion Passed 5-0

ITEM #8: CITY COUNCIL LIASIONS FOR THE FISCAL YEAR 2011/2012 CONSIDERATION OF RESOLUTIONS NO 11-12 AND 11-13 PERTAIN TO THE APPOINTMENTS TO THE LOS ANGELES COUNTY SANITATION DISTRICTS AND CALIFORNIA JOINT POWERS AUTHORITY

When the City Council reorganizes each year, part of the annual reorganization is to review the organization and its association assignments. A few of the appointments require the approval of a resolution. The appointments requiring adoption of a resolution are the Los Angeles County Sanitation Districts and the California Joint Powers Insurance Authority.

DISCUSSION

The Councilmembers decided on the following new assignments:

California Contract Cities Association (CCCA)

Rep: Councilmember Hale
Alt: Mayor Lewis

League of California Cities	Rep: Mayor Lewis Alt: Mayor Pro-Tem Lathrop
L.A. County City Selection Committee	Rep: Mayor Lewis Alt: Mayor Pro-Tem Lathrop
L.A. County Sanitation Districts	Rep: Mayor Lewis Alt: Councilmember Barakat
San Gabriel Valley Council of Governments	Rep: Mayor Pro-Tem Lathrop Alt: Mayor Lewis
So. Calif. Association of Governments (SCAG)	Rep: Mayor Pro-Tem Lathrop Alt: Mayor Lewis
So. Calif. Joint Powers Insurance Authority	Rep: Councilmember Pycz Alt: City Manager Michelle Keith
Foothill Transit	Rep: Councilmember Barakat Alt: Councilmember Hale
San Gabriel Valley Mosquito & Vector Control District	Rep: Councilmember Barakat
Duarte Community Education Council (CEC)	Rep: Mayor Pro-Tem Lathrop Alt: Councilmember Hale
Duarte Education Foundation	Rep: Mayor Pro-Tem Lathrop Alt: Councilmember Hale
DUSD Bond Oversight Committee	Rep: Councilmember Hale
Area "D" Emergency Services and Director of Bradbury Disaster Committee	Rep: Mayor Lewis Alt.: Mayor Pro-Tem Lathrop
Civic Center Construction Oversight Committee	Rep: Councilmember Hale Alt.: Councilmember Pycz

**MOTION TO ADOPT
RESOLUTIONS NO. 11-12 AND
11-13**

Councilmember Barakat made a motion to adopt Resolutions No. 11-12 and 11-13 nominating Mayor Lewis as representative and Councilmember Barakat as alternate to the Los Angeles County Sanitation Districts and Councilmember Pycz as representative and City Manager Keith as the alternate for the JPIA. Mayor Lewis seconded the motion which passed by the following roll-call vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

Motion Passed 5-0

MATTERS FROM THE CITY MANAGER

City Manager Keith reminded the City Council that May 6th is a furlough day. Also, the CCCA annual conference is on May 12-14th. The City Council agreed that she should attend.

City Manager Keith reminded the audience and the City Council that the Community Counts survey is going out soon and to please fill it out.

City Manager Keith stated that she will be asking the City Council and Planning Commission whether June 9th or June 16th will work for them for the joint retreat.

MATTERS FROM THE CITY COUNCIL

MAYOR LEWIS

Reported that SCAG is looking at the Regional Needs Housing Assessment numbers and should be having numbers ready shortly. City Manager Keith stated that she has some information on this and will distribute it in the weekly packet.

MAYOR PRO-TEM LATHROP

Nothing to Report

COUNCILMEMBER HALE

Reported that he was appointed to the DUSD Bond Oversight Committee.

COUNCILMAN PYCZ

Nothing to Report

COUNCILMEMBER BARAKAT

The County Sanitation districts have begun their employee negotiations.

ITEMS FOR FUTURE AGENDAS

None

CLOSED SESSION

Mayor Lewis adjourned the meeting to a Closed Session regarding conference with legal counsel to discuss (1) Personnel/Evaluation of Performance (Title: City Manager) pursuant to California Government Code Section 54957.

RECONVENE OPEN SESSION AND ANNOUNCE ANY ACTION TAKEN

The open session was reconvened and Mayor Lewis reported that the City Council met in Closed Session to discuss personnel matters and no reportable action was taken.

The Personnel/Evaluation of Performance (Title: City Manager) was continued to the May 17, 2011 meeting.

ADJOURNMENT

At 9:45 pm Mayor Lewis adjourned to the meeting to a Regular meeting at the Bradbury Civic Center, 600 Winston Avenue Bradbury, CA 91008 on Tuesday May 17, 2011 at 7:00 pm. The motion was seconded by Councilmember Pycz and carried unanimously.

MAYOR – CITY OF BRADBURY

ATTEST: _____
CITY CLERK – CITY OF BRADBURY