

**MINUTES OF A SPECIAL MEETING OF THE  
CITY COUNCIL OF THE CITY OF BRADBURY  
TUESDAY, JULY 26, 2011**

- CALL TO ORDER:** The meeting was called to order by Mayor Lewis at 6:10 PM.
- ROLL CALL**
- PRESENT:** Mayor Lewis, Mayor Pro-Tem Lathrop, Councilmembers Pycz, Barakat and Hale
- STAFF:** City Manager Keith, Special Counsel Sandra J. Levin, City Clerk Saldana and Management Analyst Petsas
- APPROVAL OF THE AGENDA** Councilmember Hale made a motion to approve the agenda, Councilmember Barakat 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
- PUBLIC COMMENT** None
- ITEM #1: WELCOME AND PURPOSE OF THE WORKSHOP BY MAYOR LEWIS**
- Mayor Lewis began the meeting by explaining the purpose of the workshop including the necessity of redistricting for the City as well as the requirements the City faces in terms of State and Federal laws for redistricting, one of which is the deadline for which the new Councilmanic Districts have to be drawn and taken before a City Council meeting for a Public Hearing and approval.
- ITEM #2: DISCUSSION AND REDRAWING OF THE MAPS OUTLINING THE CITY'S COUNCILMANIC DISTRICTS**
- As required by law the City has begun the process to redraw/balance the Councilmanic District lines to reflect necessary population changes as required by Federal and State law following the 2010 U.S. Census. The City last undertook this very complex challenge in 2003/2004 and adopted the District boundaries in 2006 as they are today. The City Council reviewed the Bradbury Counts data at the July 19, 2011 meeting, will review it again and will review mapping options for balancing district boundaries.
- In order to account for the discrepancies in response rates from district to district and not assign a value of zero to non-responsive households (which would not accurately reflect the City's true population) the City Council was presented with several methods of identifying the target number of people per district and inputting a number of people to each non-responsive household. The City Council selected a methodology at its last meeting.
- Since that meeting, upon closer examination it became apparent that some of the data used was incorrectly calculated and some of the assumptions were inconsistent with the data received from the US Census. Accordingly, staff again presents methods of extrapolation for the Council's consideration, this time using the corrected data. In addition, after hearing the Council members' comments at the last meeting, staff is presenting one additional methodology for consideration

(Option E).

Although there were a variety of minor discrepancies that needed to be corrected (e.g., pasture lots that had been erroneously included in the count and vacant homes that had been erroneously excluded), the largest issue was that the US Census number of 354 included guest houses, but excluded vacant parcels, while the City's number of 334 excluded guest houses, but included vacant parcels. Planning and building records were consulted to obtain the number and addresses of all permitted guesthouses. The available data, corrected for this issue is as follows:

**Census Data**, counting guesthouses as additional units:

354 occupied households plus 46 unoccupied units, for a total of 400 units. 1048 occupants in those 400 units

Average =  $1048/400 = 2.62$  occupants per household

**Bradbury Counts**, City data, counting guesthouses as additional units:

408 households were surveyed; # of vacancies unknown (because survey data is incomplete)

791 occupants in the 334 households responding

Average =  $791/334 = 2.37$  occupants per household responding

The new option, 'Option E' would allow the City Council to extrapolate Citywide using the average population per household determined by the Census. The Census data identified an average population per household of 2.62. Imputing 2.62 people to each nonresponsive household in the City's survey would yield an additional 193.9 people (2.62 times 74 non-responsive households) to the 791 people identified through responses from surveys. The total population would thus be 984.9, or 197 per district.

In establishing the boundaries of the districts, according to the law the City Council may give consideration to the following factors:

- Voter Rights Act
- Topography
- Geography
- Cohesiveness, contiguity, integrity and compactness of territory
- Community of Interests

The California Elections Code does not establish any of these considerations as more important than the others. They are factors that the City Council should consider to ensure that the approved redistricting plan does not appear to be arbitrary, does not protect or give advantage to incumbents and does not reflect boundaries that are non-compact and/or twisted for political reasons.

## DISCUSSION

Mayor Lewis wanted to make sure he understood the information correctly in that there are 422 parcels and 1,048 people in the City according to the US Census and approximately 22 vacant parcels. City

Manager Keith stated that is correct.

Mayor Lewis continued by asking how many developed parcels there are per district. Special Counsel Levin stated that the US Census doesn't care about parcels, but instead focuses on households although we can come up with that number.

Mayor Lewis said that with the population of 1,048 and 422 parcels, those numbers give him comfort in relying on them and therefore would be willing to stick to Option C because it is consistent with what Staff knows.

Special Counsel Levin stated that some parcels were left out of the original distribution of Community Counts surveys. Mayor Lewis said that if we leave out the vacant parcels we are left with 396 parcels that are developed. City Manager Keith stated that there are certain parcels that were left out because of their recent creation and while some lots are considered parcels, they are not actual 'developed lots'.

Mayor Lewis said he wants to create the 'nonresponsive unit' count by dividing the two numbers.

Mayor Pro-Tem Lathrop said the Census goes off of households so what Mayor Lewis is proposing will not work.

Mayor Lewis said he is uncomfortable in knowing an exact amount of households. Special Counsel Levin said there are 408 households.

Councilmember Barakat asked what happens when the US Census finds a house with no one living in it. Special Counsel Levin stated that it is credited with a population of zero.

Mayor Lewis asked if 408 is the Planning Department's record of the number of households in the City with assigned addresses. City Manager Keith stated that is correct.

Mayor Lewis said that with Option E the extrapolation is counting entirely on Census with the population of 1,048 and 400 parcels. Special Counsel Levin said that is correct.

Mayor Lewis asked what is the average population number the Census assigns to those homes that don't response to the Census. Special Counsel Levin said that number is protected by the US Census.

Mayor Pro-Tem Lathrop said that the Counsel is trained in dealing with redistricting and we need to follow the formula that matches most closely the US Census, which Option E does with its exclusive use of US Census Data. He continued by saying he is confident that even though it doesn't reach the 1,048 when you add in the new number for nonresponsive households (2.62), that doesn't matter because you are only using Census numbers.

Councilmember Barakat asked that if we were to use that new number would each district have to be changed. Mayor Lewis said he has a problem with choosing a method based on the number of lines that would have to be redrawn.

Councilmember Hale asked Mayor Lewis if he is asking because he is afraid of being sued. Mayor Lewis said it is because he wants to avoid the appearance of gerrymandering that he wants to avoid certain methods of drawing the lines.

Councilmember Pycz said that we should decide solely based on costs. Mayor Pro-Tem Lathrop said that you can't decide Voters Rights based on costs.

Special Counsel Levin said that at the Federal level 10% is considered to be unequal for deviations among population in districts and for the State there are no maximum percentages.

The case where prior counsel told the City Council of the 1% difference allowed was based on a US Supreme Court decision in 1992 looking at districts where the differences were 1% and the Supreme Court ruled that the parties didn't have to be concerned with that percentage difference. Since then, differences of 8-9% were determined by the Courts to be not a problem, although 5% is the generally accepted variation in the State of California.

Special Counsel Levin said that if the City Council can keep the changes at 2-3% they should be fine.

Mayor Pro-Tem Lathrop said we should pick the method and then save money by determining the cost it will take to reach each percentage range.

Special Counsel Levin reminded the City Council that the difference is a plus or minus from the highest district to the lowest district.

Councilmember Hale said that if using Option E his district would give up 14 people. District 3 is short 16 people.

Mayor Lewis said that based on all three methods, Districts 3 and 4 have the most changes taking place and that Option D would be more difficult.

**PUBLIC COMMENT OPENED**

Mayor Lewis opened up 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 comment, Mayor Lewis declared the public comment period closed.

**DISCUSSION**

Mayor Lewis said that if we use the 5% deviation we are looking at a difference of 9.73 people from top to bottom.

Special Counsel Levin stated that before the City Council makes their decision some corrections need to be made. In District 1 the number listed for Method E the number is not 193.9 for the target population; it should be 197. Also, a correction for District 3 in that it should be 173, not 178 as listed in the Chart.

Under Method E Special Counsel Levin said District 2 and District 5 don't

**MOTION TO SELECT OPTION C**

necessarily have to change. Mayor Lewis said they could change to make it convenient. Special Counsel Levin said that is correct. Councilmember Pycz made a motion to use Option C for the counting of unreturned surveys. Councilmember Barakat seconded the motion which passed by the following roll-call vote:

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

The Motion passes on a 3-2 vote.

**DISCUSSION**

Mayor Pro-Tem Lathrop stated that the decision just made was not made on trying to follow the law; rather it was made to save the most money and time.

City Manager Keith stated that based on Option C we need to change District 3 in an additional 10-12 people.

Councilmember Barakat inquired as to if he can change his vote towards Option E. Special Counsel Levin stated that anyone who voted in favor of a motion can change their vote, but first must make a motion to reconsider the vote.

**MOTION TO RECONSIDER**

Councilmember Barakat made a motion to reconsider the motion for selecting which option to use for assignment of unreturned surveys. Mayor Pro-Tem Lathrop 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

The Motion passes on a 5-0 vote.

Following the Motion to Reconsider, City Manager Keith stated that the City Council must make a motion to on Option C before selecting another Option.

**MOTION TO RECONSIDER  
OPTION C**

Based on the Previous Motion and second for Option C, Mayor Lewis called for a vote on that option:

Councilmember Barakat: No  
Councilmember Pycz: Yes  
Councilmember Hale: No  
Mayor Pro-Tem Lathrop: No  
Mayor Lewis: No

The motion to select Option C failed on a 1-4 vote.

**MOTION TO SELECT OPTION E**

Mayor Pro-Tem Lewis made a motion to select Option E as the methodology of assigning population numbers to unresponsive parcels. Mayor Lewis seconded the motion which passed by the following roll-call vote:

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

NOES: Councilmember Pycz

ABSENT: None

ABSTAIN: None

The motion passed 4-1.

## DISCUSSION

City Manager Keith stated that with the selection of Option E the target is 197 and the range between the highest and lowest district is between 192 and 202.

Mayor Pro-Tem Lathrop asked for clarification as to what districts the homes on Sharon Hill Lane belong. City Manager Keith said those homes belong to District 2 because of the rules regarding continuous districts and communities of interests.

Special Counsel Levin stated that technically the homes don't belong to any one district because the map was formed before the homes were constructed and are not part of the adopted ordinance.

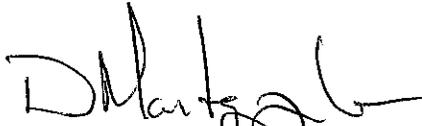
Councilmember Barakat suggested giving homes in District 1 to District 5, which already has homes within the Estates and then give some homes from District 5 and District 4 to District 3 to even out the numbers.

Mayor Lewis suggested 460 Old Ranch and 534 Old Ranch be given to District 5 and then give 1550 Lemon, 1524 Lemon, 1512 Lemon and 1484 Lemon from District 5 to District 3 and then give from District 4 2227 Gardi, 2238 Gardi and 2254 Gardi to District 3. City Manager Keith stated that based on the calculations of Special Counsel Levin and herself those numbers would work for staying within the percentage variance.

The other Councilmember agreed that this would work and would minimize changes and maintain the contiguous nature of the districts.

## ADJOURNMENT

At 7:25 pm Mayor Lewis adjourned to the meeting to a Regularly Scheduled City Council meeting to be held on August 16, 2011 at 7:00 pm at the Bradbury Civic Center.

  
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MAYOR - CITY OF BRADBURY

ATTEST:   
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CITY CLERK - CITY OF BRADBURY