

**MINUTES OF A REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF BRADBURY,  
HELD ON TUESDAY, MARCH 17, 2009 AT 7:30 P.M.  
IN THE COUNCIL CHAMBERS AT CITY HALL  
600 WINSTON AVENUE, BRADBURY, CA 91008**

**CALL TO ORDER/PLEDGE OF ALLEGIANCE:** The regular meeting of the City Council of the City of Bradbury was called to order by Mayor Barakat.

**ROLL CALL:** PRESENT: Mayor Barakat, Mayor Pro-Tem Lathrop, Councilmembers Hale, Guthrie and Lewis

ABSENT: None.

STAFF: City Manager Keith, City Attorney Reisman, City Planner Meyer, Deputy Engineer Gilbertson, City Clerk Saldana and Management Analyst Taber

**CITY ATTORNEY REPORT FROM THE CLOSED SESSION:** City Attorney Reisman reported the City Council met in a Closed Session at 7 PM to discuss one matter of anticipated litigation, which is a claim that was received from the County of Los Angeles regarding NRDC Santa Monica Bay Keeper vs. County of Los Angeles. This is pursuant to 54956.9B of the California Government Code. There was discussion but there were no votes taken, the matter will be on a future City Council agenda.

**APPROVAL OF THE AGENDA:** Councilmember Lewis made a motion to approve the agenda as presented; Mayor Pro-Tem Lathrop seconded the motion which carried unanimously.

**PUBLIC COMMENT:** 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.

City Manager Keith stated that Councilmember Guthrie should abstain from Consent Calendar item D. Approval of Agreement with the Property Owners at 1433 Royal Oaks Drive North for improvements to the Lemon Ave/Royal Oaks Drive North Trail due to the proximity of his home to the project.

City Attorney Reisman stated that there was one speed hump

located near the front of Mayor Pro-Tem Lathrop's property, therefore he will have to abstain from voting or discussion of that particular speed hump.

**CONSENT CALENDAR:**

- A. Minutes - Regular City Council Meeting February 17, 2009
- B. Financial Statement for the month of February 2009
- C. Resolution No. 09-06 Demands and Warrants for March 2009
- D. Approval of Agreement with the Property Owner at 1433 Royal Oaks Drive North for improvements to the Lemon Avenue/Royal Oaks Drive North Trail
- E. Award of Professional Services Contract to RKA Consulting Group for Street Slurry Seal Project
- F. Award of Bid for Fire Reduction Services
- G. Approval of Agreement between the City of Bradbury and Los Angeles County Public Works to exchange federal stimulus funds for Measure R funds for use on Transportation Projects

Councilmember Lewis inquired about item number D. Approval of Agreement with the Property Owner at 1433 Royal Oaks Drive North for improvements to the Lemon Avenue/Royal Oaks Drive North Trail and requested clarification as to why the City was sharing in the cost (\$20,000) of the block wall.

Mayor Barakat stated that an agreement was made with the property owner in order to match the rest of the wall that the City was placing along the trail.

Councilmember Hale requested clarification on the City exempting the permit fees for the work that will be done on item D.

City Manager Keith stated that the City exempted the permit fees for the property owners portion of the block wall because it was a part of the overall trail improvements that is being done by the City.

Councilmember Hale required clarification on item F. Award of Bid for Fire Reduction specifically what the next steps that will be taken once the contract has been awarded.

City Manager stated that once the contract has been awarded, letters will be going out to the residents whose properties have been identified as being located within the treatment areas. The letters will inform the residents on the background of the grant, what the fire reduction will entail and how to sign up if interested in participating in the program.

**MOTION TO APPROVE  
CONSENT CALENDAR:**

Councilmember Hale moved to approve the consent calendar. Councilmember Lewis seconded the motion which was carried by the following roll call vote:

AYES: Mayor Barakat, Mayor Pro-Tem Lathrop, Councilmembers Hale, Guthrie (abstained on item D) and Lewis

NOES: None

ABSENT: None

ABSTAIN: None

**AGENDA ITEM #3 PUBLIC  
HEARING-ZONE CODE  
AMENDMENT NO. 09-14  
FIRST READING OF  
ORDINANCE NO. 305  
AMENDING BRADBURY  
MUNICIPAL CODE  
CHAPTER 9.06.060 AND  
SECTION 9.060.070.010  
AND 9.06.070.020-  
PROPERTY  
MAINTENANCE  
STANDARDS-REVISIONS:**

City Planner Meyer stated that the City's Code Enforcement staff had requested certain modifications to the City's property maintenance standards to clarify definitions and to add a couple of items that would help them with enforcement. That request was presented to the Planning Commission who reviewed the proposed amendments and adopted a resolution recommending that the City Council adopt the recommended changes.

Mayor Pro-Tem Lathrop requested to change time of placement for trash cans from 6 PM to 4 PM, so that residents could place their garbage cans out during the daylight hours.

Mayor Barakat stated that some of the elderly residents in his district have their gardeners place their garbage cans out for them and it may occur before 4 PM, he hoped that the change would not be punitive on those residents.

City Planner Meyer stated that the Planning Commission during their discussion was not really concerned with the placement of the cans but rather how long they would remain in the street after they had been emptied for several days.

City Manager Keith stated that this ordinance was meant for those who were placing the cans out on Monday when trash day was on Wednesday. City Manager Keith stated that the time could be adjusted to 4 PM in order to accommodate the day light hours.

Councilmember Guthrie required clarification on a private street and inquired if his driveway was considered a private street.

City Planner Meyer stated that his driveway was considered a private driveway.

Mayor Barakat opened the item up for public comment, there

being none, he closed the public comment.

Councilmember Hale made a motion to approve the First Reading of Ordinance No. 305 amending Bradbury Municipal Code Chapter 9.06.060 and section 9.060.070.010 and 9.06.070.020 Property Maintenance Standards with the revision of time placement for trash cans to 4 PM, Mayor Pro-Tem Lathrop seconded the motion which was carried by the following roll call vote:

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

Councilmember Hale also made a motion to find the proposed amendment of the Zoning Code (ZCA 09-17) is exempted from the provision of CEQA, Mayor Pro-Tem Lathrop seconded the motion which was carried by the following roll call vote:

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

**AGENDA ITEM #4 FIRST  
READING OF ORDINANCE  
NO. 306; AN ORDINANCE  
OF THE CITY COUNCIL  
OF THE CITY OF  
BRADBURY AMENDING  
THE BRADBURY  
MUNICIPAL CODE  
RELATING TO  
RESIDENCY AND  
LOITERING  
RESTRICTIONS FOR SEX  
OFFENDERS:**

City Attorney Reisman stated the State of California enacted Proposition 83 Jessica's Law in 2006 which prohibits registered sex offenders from residing within 2,000 feet from any public or private school, or public park and gives authority to local jurisdictions to expand that law. The Board of Supervisors has adopted an ordinance expanding the law and has asked cities to adopt the same. This ordinance would expand the 2,000 foot zone to include child care centers as well as parks and schools, and also we would define a child safety zone where sex offenders would be forbidden from loitering within 300 feet from any park, library children's playground, school bus stops, and schools.

Mayor Barakat inquired as to why sex offenders were not allowed to live with each other.

City Attorney Reisman stated the thought is if sex offenders lived together than they might conspire with one another to commit crimes.

Councilmember Guthrie inquired if the Royal Oaks Drive North Trail was considered park space.

City Manager Keith stated at present it was not, but could be designated as park space.

City Attorney Reisman stated child safety zone could be written to include trails.

Mayor Barakat opened the item up for public comment, there being none, he closed the public comment.

Councilmember Lewis made a motion to introduce for first reading Ordinance No. 306 and for clarification wherever there is word "park" in the ordinance, community trail would be added, Councilmember Hale seconded the motion which was carried by the following roll call vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

**AGENDA ITEM #5 USER  
FEE STUDY:**

The City Council requested a study session to allow for more time to review the report that was provided.

City Manager Keith stated that Mr. Mark Persico was present tonight and was available to provide a brief introduction to the study with a more in depth discussion to follow at a later study session.

Mr. Persico, Senior Consultant from Kosmont, provided an overview of the User Fee Study report and invited the City Council to ask any questions that they may have at this time.

Councilmember Guthrie inquired how much percentage wise the fees were below the cost for planning related fees.

Mr. Persico stated the percentage range anywhere from 5% below to 100% below the cost for service.

City Manager Keith stated that some of that is attributed to items that the City was not charging for but were incurring costs associated with the service. An example of this was the noticing

requirements. We require that the applicant provide the labels and the City incurs the cost of printing and the postage associated with sending out the notices.

Mr. Persico added that the current fee structure does not recover the costs to support the Planning services including the time spent by the City Manager, City Clerk or Management Analyst and it doesn't cover overhead for use of City Hall, furnishings. Mr. Persico concluded that there are a lot of costs that the City's current fee structure does not recognize.

Mayor Pro-Tem Lathrop requested a side by side comparison of projects using or current fee schedule versus the proposed fees.

Councilmember Guthrie pointed out that there are other revenue streams like taxes due to increase property values that come from residents that make improvements on their properties.

Mr. Persico agreed with Councilmember Guthrie and stated that is why some Cities set their fees below the true costs because there are other benefits the City receives by having other development activity occur.

Councilmember Hale pointed out that the City did have a bedroom tax of \$1,000 per bedroom which served as a source of revenue for the City.

Mr. Persico stated while that was true the City did have a bedroom tax, this study primarily looked at user fees, not other fees like taxes and school fees.

Mayor Barakat stated when the City does look at second units as a form of compliance for our housing element requirements; we should consider a discount rate to incentivize our residents to build.

Councilmember Guthrie inquired if there is any provision for inflation and cost of living increases for the past fifteen years that the fees have not been reviewed.

City Manager Keith stated that moving forward the excel spread sheet will allow for adjustments like cost of living increases to be made to the fees. Typically, the City Council will look at the fees every year when reviewing the budget and make adjustments to fees accordingly.

Mr. Persico suggested that the City Council when reviewing the documents pay close attention to Table 7 the Building Valuation Data chart. Mr. Persico stated in working with VCA Code Group to review the building costs, the outcome was an increased in valuations for every type of structure being build in the City. Mr. Persico stated that these valuations, if adopted, would be the highest in the County. While these valuations are at the top in comparison to the rest of the County, the square footage amount of \$225 is well under what residents are actually paying for the high level of construction that exists in Bradbury.

Staff was directed to set up a study session to review in more detail the fee study and provide example projects with the proposed fees in comparison with existing fees.

April 15<sup>th</sup> at 6:00 PM was established as the meeting time and date for the study session.

**AGENDA ITEM #6  
LANDSCAPING  
ALTERNATIVES- MOUNT  
OLIVE TRAFFIC  
CALMING:**

Deputy City Engineer Gilbertson reviewed the types of landscaping available, low and moderate water usage for the proposed traffic calming center medians on Mount Olive Drive.

Mayor Pro-Tem Lathrop inquired about the size of the trees on the center median and stressed there should be an emphasis on visibility issues for drivers when planning the type of trees that are selected.

Deputy City Engineer Gilbertson stated that part of the yearly maintenance costs would be to keep visibility issues addressed.

Councilmember Hale inquired if stone would be on the medians.

Deputy City Engineer Gilbertson stated there are no current plans for stones and they could be added if desired, the current plans are for shrubs.

City Manager Keith stated Cal-Am Water Company has expressed interest in having a drought tolerant garden in the City demonstrating what is available for water conservation landscaping; the City could apply some of those plant applications in this area.

Councilmember Hale inquired about how many medians and speed humps there will be in total.

Deputy City Engineer Gilbertson stated there are two choker bulb

outs and four speed humps.

Mayor Barakat opened the meeting up for public comment only on measures taking place north of Mount Olive Lane on Mount Olive Drive.

Mr. Arno Gemeinhardt, 615 Mount Olive Drive, inquired if anyone has taken soil samples of the area because the soil on his property is very porous and requires a lot of watering.

City Manager Keith stated it would be a planter box so the local soil will not be a factor.

Mr. Victor De Los Santos, 406 Mount Olive Drive, advised the City Council not to choose any landscaping that might attract deer. Mr. De Los Santos inquired if the speed bumps had to be permanent or could they lay on top of the asphalt and removed if later if needed.

Deputy City Engineer Gilbertson stated that the speed hump are installed on top of the asphalt, the only asphalt area that will be saw cut is the landscaped median.

Mayor Barakat stated that a speed hump can be added at any time. Mayor Barakat stated that he would rather add more measures in stages than subtract measures that have already been put into place.

Mayor Pro-Tem Lathrop excused himself from the meeting, and the discussion regarding the speed hump located near the front of his property.

Mr. Wendell Hanson, 518 Mount Olive Drive, stated that he was against the installation of speed humps and the center medians. If given a choice between the two, Mr. Hanson stated he would choose speed humps because unlike the center median they do not take away any street parking.

Mr. Arno Gemeinhardt, 615 Mount Olive Drive, stated that not enough is done on the lower section of Mount Olive Drive and there should be more enforcement.

Deputy City Engineer Gilbertson stated that there will be white edge line stripping on the lower and raised pavement markers. Deputy City Engineer Gilbertson explained that given the steep grade of the street speed humps could not be placed on the lower

section of Mount Olive and with the number of driveways in the area prevent the installation of any choker bulb outs.

Mayor Barakat inquired about the O'Dell property and whether or not the installation of a driveway was taken into consideration when planning the improvements.

City Manager Keith stated that the O'Dells have been contacted and advised to work with the City Engineer in coordinating the installation of the traffic calming devices.

Mr. Bill Gomez, 635 Mount Olive Drive, inquired if we have contacted the City of Duarte to match us in patrols due to the fact that many of the speeders may be coming from the Duarte Mesa area.

City Manager Keith stated that we actually have been working with the City of Duarte, and they have sent patrols up to the Duarte Mesa for enforcement.

Councilmember Guthrie inquired if anyone had an opinion of having an unmanned marked police car station at various locations on Mount Olive as a visual deterrent.

Lt. Harshman stated that logistically the placement of a patrol vehicle would be difficult because there aren't available Deputies to drop off the vehicle and then return at a later time to pick it up.

Mrs. Marcade, 535 Mount Olive Drive, stated that she applauds the effort to mark the street prior to the work being initiated so that the resident can see where the installations will be made. Mrs. Marcade stated the proposals are too much at once and would like to see the speed hump in front of her property put in later if needed.

Mr. Juan Marcade, 535 Mount Olive Drive, stated that there is a stop sign fifty feet from a speed radar feedback sign which is just in front of another stop sign and now the City is proposing placing a speed hump as an additional traffic calming measure, which he feels is too much.

Mrs. Marcade inquired about photo sensors that would be placed on the radar feedback signs or the stop signs to help catch the offenders.

City Manager Keith stated the City had looked at those devices

but unlike the red light photo enforcement signs, they are much more difficult to detect and cite violations from, which was confirmed by Lt. Harshman.

Mayor Pro-Tem Lathrop returned to the meeting.

Staff was directed to open up the dialog with California-American Water Company about drought resistant landscaping and to proceed with marking the street so that the public would be aware of the placement of the traffic calming devices.

**AGENDA ITEM #7  
PROGRAM OPTIONS FOR  
THE CITY'S  
PROPOSITION A AND  
PROPOSITON C FUNDS**

Mayor Pro-Tem Lathrop stated that he would like to see recreation transit services, which are community excursions to recreational or cultural events.

City Manager Keith stated that if it was the desire of the Council community field trips could be added incorporated into the City's transit program.

Mayor Pro-Tem Lathrop stated that he would also like the City to advertise the access program, so that residents who qualify could take advantage of the free service.

Councilmember Lewis made a motion to approve the proposal to enter into an agreement with the City of Monrovia to provide Dial-A-Ride services to the City of Bradbury. Councilmember Hale seconded the motion which was carried by the following roll call vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

**AGENDA ITEM #8  
CONSIDERATION OF  
OPTIONS FOR HISTORIC  
PRESERVATION**

City Manager Keith provided an overview of the option that exist to preserve historical properties currently in the City, which is CEQA. Other options for Historical Preservation include an adoption of a historical preservation ordinance, enhance the demolition code that currently exists or establish a historic overlay zone. These two options would require a historical survey to identify those parcels within the community which are deemed to be historic and therefore protected.

Mayor Pro-Tem Lathrop inquired if CEQA really had the power to stop someone from removing a historically significant structure.

City Planner Meyer stated that it would depend on the designation of the structure but ultimately CEQA is set up to identify an impact that isn't properly mitigated. In addition, the City could go back to the General Plan to designate areas of special interest.

City Manager Keith stated if you were to use CEQA as part of the demolition process than notification would be done to properties within 500 feet of the subject property. We could look at having the Planning Commission look at expanding the demolition permit process to include CEQA. The City could create a list that would identify properties within the City that meet a historical significance standard go through CEQA or have the CEQA review occur for all properties that come apply for a demolition permit.

Mayor Pro-Tem Lathrop stated that if the goal was to protect a few isolated structures that meet a historical significance standard than we shouldn't have to apply the CEQA review to every property that comes in for a demolition permit.

Councilmember Lewis stated it will probably take a while for the list and criteria to be assembled; in the meanwhile if we add the CEQA process to the demolition permit we will potentially protect all historically significant structures.

Mayor Pro-Tem Lathrop wanted to make the proposal of having the property at 2010 Gardi become the City's location for City Hall.

Councilmember Hale stated that there would be too much involved to rehab that building, bring the restrooms up to ADA compliance that it would probably be cost prohibitive.

Staff was directed to take the item to the Planning Commission for consideration and review.

Mayor Barakat made a request to postpone the last item, City Public Relations until the next meeting.

## **MATTERS FROM THE CITY MANAGER**

City Manager Keith reminded the City Council that the representative from Congressman Dreier's office would be at City Hall tomorrow from 9 AM until Noon. City Manager Keith stated she has already put in the request for Congressman Dreier's support of the Gold Line extension and asked if the City Council would like to include a resolution on next City Council meeting agenda reminding the Congressman of the importance the Gold Line extension has to the City of Bradbury.

City Manager Keith inquired if any of the City Council would be joining her in meeting with Assembly member Adams this Friday at 2 PM in Claremont.

Mayor Pro-Tem Lathrop indicated he would attend.

City Manager Keith reminded the City Council of the Mayday Emergency Expo that will be held on May 9<sup>th</sup> from 10 AM until 2 PM at the Royal Oaks Elementary School.

Claudia will be out on vacation from March 23 to April 3, if you need anything please contact Paddy or I.

City Manager Keith recommended a budget review study during the May City Council meeting.

City Manager Keith stated she did meet with Cal-American Water company today and they informed us that there is a rate hike coming in the immediate to near future for as much as 25% and over the course of two years anywhere as high as potentially 42%. Another topic discussed today was Cal-American Water Company's plan to phase out agricultural lines by 2015.

**MATTERS FROM THE CITY COUNCIL:**

**MAYOR PRO-TEM LATHROP:**

None.

**COUNCILMEMBER HALE:**

Councilmember Hale stated he went to the Monrovia School District to inquire if our City's kids who lived geographically closer to Monrovia could attend their schools. Councilmember Hale stated the Superintendent did state it was a lengthy process and we probably would receive resistance from the Duarte School District.

City Manager Keith stated the City Council could agendaize this item for a future Council Meeting and in the meanwhile you could go back to your districts and see if there is community interest to support this effort.

**COUNCILMEMBER GUTHRIE :**

None.

**COUNCILMEMBER LEWIS:**

Councilmember Lewis made a request to place rejoining the San Gabriel Valley Council of Governments on a future City Council

meeting agenda.

**MAYOR BARAKAT:**

None

**ADJOURNMENT:**

At 10:00 PM the meeting was adjourned to April 15, 2009.

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**MAYOR CITY OF BRADBURY**

ATTEST:

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**CITY CLERK – CITY OF BRADBURY**