

**MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF BRADBURY,
HELD ON TUESDAY, SEPTEMBER 15, 2009 AT 7:00 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 at 7:00 PM.

ROLL CALL: PRESENT: Mayor Barakat, Mayor Pro-Tem Hale (arrived at 7:45 PM), Councilmembers Guthrie, Lathrop and Lewis

ABSENT: None

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

LATE ARRIVAL OF MAYOR PRO-TEM HALE: City Manager Keith stated that Mayor Pro-Tem Hale had contacted City Hall and stated he would be arriving late to tonight's meeting.

APPROVAL OF THE AGENDA: Mayor Barakat requested agenda item #2 Public Hearing- Specific Plan No. SP 05-01 Amendment No. 1 Installation of Vehicular Access Gates Across a Private Street after agenda item #4 Discussion-Award of Bid Mount Olive Drive Pedestrian Pathway.

Councilmember Lewis made a motion to approve the agenda as amended; Councilmember Lathrop seconded the motion which carried unanimously.

PRESENTATION Mayor Barakat presented the Los Angeles County Fire Department with a Proclamation Declaring October as Fire Prevention Month.

Captain Jones, Station 44, accepted the proclamation and reviewed and distributed the Ready! Set! Go! Your Personal Wildfire Action Plan Brochure with the City Council and the audience.

PUBLIC COMMENT: Jim Ryan, 19 Woodlyn Lane, addressed the safety issue that exists on Woodlyn Lane. Mr. Ryan stated that in the past few months two bears have been killed along Woodlyn lane, one with a rifle and the more recent one by bow and arrow. Mr. Ryan is concerned that residents may be endangered by the reckless

activities of illegal hunters.

City Manager Keith stated that the incident is being investigated by both the Department of Fish and Game and the Los Angeles County Sheriff's Department. City Manager Keith stated that there was no Depredation permit for the wounding of this bear and they are following up leads that a resident in the community may have been working with the hunters to carry out their activity.

Tom Bigley, 41 Woodlyn Lane, would like to make a request to have a representative from Fish and Game come out to our community and speak about the depredation permit process. Mr. Bigley inquired if depredation permits were public record and if so, could the residents find out who is in possession of one.

City Manager Keith stated she could look into making the request to the Department of Fish and Game. City Manager Keith stated she has also called over to the City of Monrovia who has recently put together some educational material may be useful to our residents.

Rick Frentos, 2236 High Mesa Drive, Duarte, stated that at the Duarte Mesa block party this Sunday 5-8 PM, there is going to be a representative from the Fish and Game Department on hand to answer questions. Mr. Frentos stated that all is welcome to join them at the event and ask questions of the representative.

Ann Absey, 44 Woodlyn Lane, requested clarification on whether or not a depredation permit was issued for this latest incident and clarification on whether or not hunting was legal in the City of Bradbury.

City Manager Keith stated that there was no permit issued and hunting is only allowed with a depredation permit and only for use on the property of the applicant of the permit.

Mayor Barakat stated that even without a depredation permit, you are entitled to protect your self or a family member if you feel your life is threatened by wildlife.

Councilmember Lathrop encouraged the City place an article in the City newsletter that will highlight the penalty for killing a bear without just cause and/or permit.

Ann Absey, 44 Woodlyn Lane, inquired if no hunting signs are required to be posted to prevent hunting.

Councilmember Lewis stated that Sheriff's Deputy Galvez inquired if the City had a no hunting ordinance as an additional law to prosecute the perpetrators with should they be found.

City Manager Keith stated that hunting is not permitted in the City.

Tom Bea, Owner of Mount Olive Storage, 1500 Crestfield, Irwindale, stated he was here to inform the City Council that the Metropolitan Transit Authority has made an offer to purchase his property in the hopes of making it a railroad maintenance and operations yard. Mr. Bea requested support from the City Council to appose MTA's plans in regards to his property.

Margret Finley, 1600 Huntington Drive, stated that it is her understanding that the City of Monrovia was MTA's first location for the maintenance yard and the City was in support of the plans.

**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 reported that the Mayor needed to recuse himself from item G. Resolutin NO. 09-33 Authorizing the City Manager to sign and Accept an Easement for the Sanitary Sewer Purposes at 700 Braewood Drive.

Councilmember Guthrie recused himself from item E. Completion of the Installation of Masonary and Wrought-Iron Fence to Protect the Bradbury Equestrian Trail at 1433 Royal Oaks Drive North.

CONSENT CALENDAR:

- A. Minutes - Regular City Council Meeting August 18, 2009
- B. Financial Statement for the month of August 2009
- C. Resolution No. 09-31- Demands & Warrants for the Month of September 2009
- D. Release of Cash Bond Posted to Guarantee the Improvements for Furlong Lane as part of the Conditions of Approval of Architectural Review Application No. AR 04-169
- E. Completion of the Masonry and Wrought-Iron Fence to Protect the Bradbury Equestrian Trail at 1433 Royal Oaks Drive North
- F. Renewal of the Contract with the Los Angeles County Sheriff's Department for he Municipal Law Enforcement Services for Five Years

- G. Resolution No. 09-33 Authorizing the City Manager to Sign and Accept an Easement for the Sanitary Sewer Purposes at 700 Braewood Drive
- H. Second Reading of Ordinance No. 309: an Ordinance of the City Council of the City of Bradbury Amending the City Council Reorganization Process for the Appointment of Mayor and Mayor Pro-Tem (Bradbury Municipal Code Article II, Chapter 1, Section 2105)

**MOTION TO APPROVE
CONSENT CALENDAR:**

Councilmember Lewis moved to approve the Consent Calendar A through H with the exception of E and G. Councilmember Lathrop seconded the motion which was carried by the following roll call vote:

AYES: Mayor Barakat, Councilmembers Guthrie Lathrop and Lewis

NOES: None

ABSENT: Mayor Pro-Tem Hale

ABSTAIN: None

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

AYES: Mayor Barakat, Councilmembers Lathrop and Lewis

NOES: None

ABSENT: Mayor Pro-Tem Hale

ABSTAIN: Councilmember Guthrie

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

AYES: Councilmembers Guthrie, Lathrop and Lewis

NOES: None

ABSENT: Mayor Pro-Tem Hale

ABSTAIN: Mayor Barakat

**AGENDA ITEM #3
DISCUSSION – AWARD OF
BID MOUNT OLIVE
DRIVE TRAFFIC
CALMING**

City Manager Keith introduced Deputy City Engineer Gilbertson who prepared a report on the agenda item. Deputy City Engineer Gilbertson stated that on August 20, 2009 bids for the Mount Olive Drive Traffic Calming Project were opened with Grigolla & Sons Construction being the lowest responsible bidder in the amount not to exceed \$48,250. The awarded work was for the median and choker bulb outs in two locations on Mount Olive

Drive.

Councilmember Lathrop requested more information on the breakdown of costs.

City Manager Keith stated the \$8,750 has already been paid for out of last year's general fund. The costs were spent on the monies on the preliminary design of the project. The additional \$11,550 is consulting costs for overseeing the project.

Councilmember Lathrop inquired if there had been time table for completion of the project.

Deputy City Engineer Gilbertson stated that they were anticipating starting construction in about a month and it will take about thirty days to complete.

Councilmember Lewis made a motion to award the bid from Grigolla & Sons and authorize \$20,300 for RKA Consulting Group for oversight on the project. Councilmember Lathrop seconded the motion which was carried by the following roll call vote:

AYES: Mayor Barakat, Councilmembers Guthrie, Lathrop and Lewis

NOES: None

ABSENT: Mayor Pro-Tem Hale

ABSTAIN: None

**AGENDA ITEM #4
AWARD OF BID- MOUNT
OLIVE DRIVE
PEDESTRIAN PATHWAY**

City Manager Keith reintroduced Deputy City Engineer Gilbertson who prepared a report on the agenda item. Deputy City Engineer Gilbertson stated that immediately following the traffic calming bid opening, staff had the bid opening for the pedestrian pathway that would be installed on the west side of Mount Olive Drive from Mount Olive Lane to Woodlyn Lane. Deputy City Engineer stated that the low bidder on that RFP was Quality First Concrete at a cost of \$100,238. Deputy City Engineer Gilbertson stated that a \$97,455 of the project will be funded with Proposition C funds, TDA funds and staff is looking at funding the remaining amounts with Los Angeles County Measure R funds.

Mayor Pro-Tem Hale arrived to the meeting at 7:45 PM.

Councilmember Lathrop inquired if this project would be completed in 30 days as well.

Deputy City Engineer Gilbertson stated that it was expected to be completed within the same time period as the traffic calming project.

Councilmember Lathrop made a motion to award the bid from Quality First Concrete in the amount of \$100,238 and \$32,412 for RKA Consulting Group for oversight on the project. Councilmember Lewis seconded the motion which was carried by the following roll call vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

**AGENDA ITEM #2
PUBLIC HEARING-
SPECIFIC PALN NO. SP 05-
01 AMENDMENT NO. 1
INSTALLMENT OF
VEHICULAR ACCESS
GATES ACROSS A
PRIVATE STREET**

City Manager Keith introduced City Planner David Meyer who prepared a report on the agenda item.

City Planner Meyer provided the City Council a history of the events leading up to the amendment on tonight's City Council agenda.

Mayor Barakat inquired about the conditions of approval list that usually accompanies a project.

City Planner Meyer stated that list is in the specific plan document.

Mayor Barakat inquired why the gate was an issue now instead of when the applicant originally started the project.

City Planner Meyer stated the applicant had requested in his initial subdivision design the placement of a gate as it was a private street. At the time there was some opposition to the gate from the surrounding community resulting in the ultimate decision by the City Council to prohibit the gate. The property owner at that time agreed to that condition.

Councilmember Lewis requested clarification on the timeframe between the City Council of Duarte's decision to allow the gate and the City Council of Bradbury's decision not to allow the gate.

City Planner Meyer stated that the City of Duarte's City Council had voted in a split vote of 3-2 to allow the placement of the gates

on the subject property prior to the City Council's (City of Bradbury) decision not to allow the placement of the gate.

Councilmember Lathrop inquired if the Specific Plan was approved by the City Council or could it just be approved by the Planning Commission.

City Planner Meyer stated that the Specific Plan had to be approved by the City Council.

Candida Neal, P.O. Box 1978 Claremont, CA, stated that she is representing Mr. Sheng tonight and referenced some handouts that she brought to the City Council to help them visualize the applicants request. Ms. Neal stated that the issue here tonight is why Mr. Sheng has requested the Amendment for the installation of the vehicular access gates. Ms. Neal stated that Mr. Sheng's original application was for the development of a gated community. During the initial approval process with the City of Duarte, conditions regarding the gates were added to include a setback of 50 feet from the street. Mr. Sheng then preceded the approval process for the City of Bradbury. It was during this approval process that, Mr. Sheng agreed to proceed with project with out the gate. Ms. Neal stated that decision was made in 2006 and over the course of past three years, some developments have occurred with regard to Mr. Sheng's project leading him to change his plans and now request permission to install an entry gate. One of the factors that drove the decision to place gates on the front of his property was the extensive debris basin that exists on his property and liability that is incurred when the area is left open to the public. The second reason for the installation of gates is the desire to make his property more attractive to buyers during this depressed real estate market. Ms. Neal pointed out that his request to have a gate in front of his development is consistent with other properties throughout the City.

Mathew Chu, 217 Westvale, stated that the community surrounding the development had a handshake deal with Mr. Sheng not to install the gates and now he has gone back on his word. Mr. Chu stated that the liability of the drainage ditch could be mitigated with the placement of a gate immediately surrounding the ditch. Mr. Chu, stated he has already incurred damage to his property from the mud and debris that came from the site during the development of the first home.

Councilmember Lewis asked for clarification from the City Attorney about the access rights of Mr. Sheng's property if it was

land locked from other properties.

City Attorney Reisman clarified that Mr. Sheng's property was not land locked.

Carol Wallace, 209 Westvale Road, concurred with Mr. Chu in the fact that Mr. Sheng has gone back on his word that he would not install the gate across his property and she would like to go on record against the gate amendment.

Margaret Finlay, 1600 Huntington Drive, requested that the City Council deny the applicant his amendment on the principle that he had made a verbal agreement with the residents that he would not install gates in front of his property.

Tzeitel Paras-Caracci, 1600 Huntington Drive, stated that she and Councilmember Finlay were the two votes that opposed the gate when it came before the Duarte City Council. Ms. Paras-Caracci stated that she is opposed to the installation of the gates and requested that the City Council uphold their earlier decision not to allow the installation of gates.

Mathew Chu, 217 Westvale, stated that the support staff and deliveries queued in front of that gate will cause traffic congestion in the community. In addition, he didn't want to put up with the noise from the opening and shutting of the gate at all hours of the day and night.

Councilmember Lewis stated that he lives in a gated area of forty-five homes and therefore considerable more support staff than four homes and he did not see the backup into the street as described.

Mayor Barakat stated that he witnesses backup outside of the Woodlyn Lane gate daily and Ann Armstrong who lives quite a distance from the gate could probably attest to the noise it makes when it is opened and shut.

Carol Wallace, 209 Westvale Road, stated that congestion is already occurring with construction traffic blocking the driveway across from Mr. Chu when with workmen that lines up outside the job site waiting to enter.

City Manager Keith, stated the issue with the construction traffic congestion has been address at the Planning Commission and the applicant has been advised of the situation and instructed to make arrangements to prevent that from continuing.

Mayor Pro-Tem Hale stated that he looks more at the liability issues that may occur i.e. fire hazard with the open space behind the development, the drainage ditch becoming an attraction to skateboarders, should the City prevent the applicant from putting in a gate.

City Attorney Reisman, stated that the City does not incur a liability issue with regards to not allowing or allowing a gate to be placed on the project site.

Mayor Barakat inquired do we hold a person to their word. Mayor Barakat stated that there was some give and take with this applicant; we allowed four houses instead of three and the applicant offered to not build the gate.

Councilmember Lewis stated he was troubled with the comment that the applicant was granted access when in fact the applicant had a legal right to access.

Councilmember Lathrop stated that his issue is private property rights and what the owner is requesting to do here is permitted all over Bradbury. Councilmember Lathrop added that there has been some mitigation in the past with respect to the setback distances from the street and perhaps there is a need for both sides to mitigate further, but to say that the gates should not be permitted is going against the property owner's rights.

Candida Neal, P.O. Box 1978 Claremont, CA, stated that having an automated gate may alleviate some traffic congestion that is now occurring now with the construction crews. The crews would be allowed to open the gate on their own with a code and let themselves in rather than waiting for property owner to show up and open the gate.

Councilmember Lathrop inquired if there was any consideration to the height of the gate.

City Planner Meyer stated that the nine feet height was mainly decorative accent for the gate and at the distance of fifty feet the size of the gate has little affect on the surrounding community.

Councilmember Lewis moved to approve, by Resolution No. 09-197 the Specific Plan No. SP 05-01 Amendment No. 1 Installation of Vehicular Access Gates Across A Private Street, Mayor Pro-Tem Hale second the motion and added to the motion the condition that all the drainage issues be resolved to the satisfaction

of the City Engineer, and that the gate installation be in ground to prevent noise when opening and the system have a battery backup that will open the gate upon loss of power. Councilmember Lewis accepted the amendments and the motion carried by the following roll call vote:

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

NOES: Mayor Barakat

ABSENT: None

ABSTAIN: None

**MATTERS FROM THE
CITY MANAGER:**

Ms. Keith provided an update on the bear incident that occurred on Woodlyn Lane. The Sherriff Department and Fish and Game opened up a criminal investigation in the matter due to the fact that the bear was killed and taken without a depredation permit.

Ms. Keith reminded the City Council that there may be increased visibility of our wildlife due to the recent Station fire.

Ms. Keith stated the while the fire is contained it is not out and is expected to remain until in smoldering areas until Thanksgiving.

Ms. Keith pointed out the emergency bags that were available for residents to pick up (one per household) at City Hall.

Ms. Keith stated that 39 tickets were issued during month of August as a result of the increased traffic enforcement.

**MATTERS FROM THE
CITY COUNCIL:**

MAYOR PRO-TEM HALE: Mayor Pro-Tem Hale stated that Methodists Hospital has requested a Proclamation from the City of Bradbury.

Mayor Barakat stated that request could be accommodated.

Mayor Pro-Tem Hale stated everything was moving along on the Civic Center Project until they tested the fire hydrant flows in the area, which do not meet the Fire Department requirements for the Civic Center project. Alternative methods to increase the flows are being explored.

**COUNCILMEMBER
LATHROP:**

Councilmember Lathrop stated that he was running for the position of local representative for the Southern California

Association of Governments and requested the support of his fellow City Councilmember to vote for him next Thursday 5:45 PM at the CTAC or Southern California Edison Building.

**COUNCILMEMBER
GUTHRIE :**

None.

**COUNCILMEMBER
LEWIS:**

Councilmember Lewis reminded the City Council of the Emergency Response Committee meeting on Thursday, September 24.

MAYOR BARAKAT:

None.

**CLOSED SESSION
ADJOURNMENT:**

Mayor Barakat adjourned meeting to a closed session.

**CLOSED SESSION
REPORT:**

City Attorney Reisman reported that the City Council met in Closed Session to discuss how to proceed with potential litigation. Staff was provided direction.

ADJOURNMENT:

At 8:45 PM, Mayor Barakat moved to adjourn to October 20, 2009 at 7:00 PM. The motion was seconded by Councilmember Lewis.

MAYOR CITY OF BRADBURY

ATTEST:

CITY CLERK – CITY OF BRADBURY