

**MINUTES OF A REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF BRADBURY,  
HELD ON TUESDAY, OCTOBER 20, 2009 AT 7:00 PM  
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 7:05 PM.
- ROLL CALL:** PRESENT: Mayor Barakat, Mayor Pro-Tem Hale, Councilmembers Guthrie, Lathrop and Lewis
- ABSENT: None
- STAFF: City Manager Keith, City Attorney Reisman, City Planner Meyer, Deputy City Engineer Gilbertson, City Clerk Saldana and Management Analyst Taber
- APPROVAL OF THE AGENDA:** Councilmember Guthrie made a motion to approve the agenda as presented. Councilmember Lewis seconded the motion which carried unanimously.
- PRESENTATION:** Mayor Barakat presented a Proclamation to Arcadia Methodist Hospital declaring November 10, 2009 Methodist Hospital Day.
- Mayor Pro-Tem Hale accepted the Proclamation on behalf of Methodist Hospital.
- 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 Attorney Reisman reported there were none.
- PUBLIC COMMENT:** None.
- CONSENT CALENDAR:** City Manager Keith stated there was an addendum to the Demands and Warrants, the City has received an invoice from the CJPIA for workers' compensation insurance, due by October 31. The bill came in after the agenda packet was completed and delivered.
- City Manager Keith pointed out that Page 5 of the Annual Financial Audit Report did not reflect the City Council's change to the general fund policy in which it identified \$800,000 for natural, catastrophic and economic emergencies and \$200,000 for infrastructure, as adopted at the September 16, 2008 City Council meeting. Page 5 of the document has been changed to reflect those policy decisions.

- A. Minutes - Regular City Council Meeting September 15, 2009
- B. Financial Statement for the month of September 2009
- C. Resolution No. 09-34 - Demands & Warrants for the Month of October 2009
- D. Renewal of the Contract with the Los Angeles County Department of Animal Care and Control
- E. Approval of Plans and Authorization to Receive Formal Bids-Citywide Slurry/Cape Seal Project
- F. Fiscal Year 2008-2009 Annual Financial Audit Report
- G. SCAG (Southern California Association of Governments) Growth Forecast for the City of Bradbury

Councilmember Lathrop asked City Planner Meyer to explain the chart that was included in the Growth Forecast for the City, provided by SCAG.

City Planner Meyer stated that staff found a number of discrepancies after reviewing the documents that were prepared by SCAG about the existing community of Bradbury. Staff has been working with SCAG to provide them with correct information about the Community so that their growth forecast would more accurately reflect the City. The chart and graph are SCAG's forecast for future potential growth of the City.

Mayor Barakat inquired why their map was so different from our map.

City Planner Meyer stated that the maps produced by SCAG are generated by a computer program and have several errors that need to be brought to SCAG's attention, including the absence of the Royal Oaks Elementary School from the map.

**MOTION TO APPROVE  
CONSENT CALENDAR:**

Councilmember Lewis moved to approve the Consent Calendar. Councilmember Lathrop 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

**AGENDA ITEM #2  
ROYAL OAKS ELEMENTARY  
SCHOOL PEDESTRIAN  
GATE LOCKS:**

City Manager Keith stated that this item comes before the Council in connection with addressing the traffic issues as they relate to the Royals Oaks Elementary School and the Gardi Street entryway. The City is pursuing methods to restrict access to the school to the local community with the installation of battery powered, computer programmed, electronic combination locks for the two gates. City Manager Keith stated that staff is requesting authorization to issue a Purchase Order to Sanders Lock and Key, Inc. for \$4,873.15. Mayor Barakat requested further information regarding the costs associated with the locks.

**AGENDA ITEM #2  
ROYAL OAKS ELEMENTARY  
SCHOOL PEDESTRIAN  
GATE LOCKS:**

City Manager Keith stated that costs of the locks include the gate upgrades that are needed to use this type of security lock.

Mayor Barakat inquired why there was only one bid.

City Manager Keith stated the lock was a sole source item that is sold by the Sanders Lock and Key, Inc. and therefore did not fall under the City's purchasing guidelines that required the bid process.

Mayor Pro-Tem Hale inquired if the gate portion of the job was going to be subbed out to another vendor.

City Manager Keith stated that no aspect of the job will be subbed out and the work will be entirely completed by the selected vendor Sanders Lock and Key, Inc.

Mayor Pro-Tem Hale stated he would like the City Manager review additional quotes to confirm that the quote provided was acceptable.

Staff was authorized to move forward on the project, and check with alternative companies to confirm the City's purchase price is competitive.

Councilmember Lewis made a motion to award the bid from Sanders and Key, Inc in the amount of \$4,873.15 once staff has determined the amount quoted is competitive. Mayor Pro-Tem Hale 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

**PRESENTATION FROM LOS  
ANGELES COUNTY PUBLIC  
WORKS:**

Los Angeles County Public Affairs Spokesperson Samangi Mudalige highlighted the County's efforts in the post-fire and recovery following the Station Fire. Mr. Mudalige discussed the Coordinated Agency Recovery Effort (CARE) program. Mr. Mudalige stated the CARE program website will provide road closure updates, debris and mudslide educational material and information on the National Flood Insurance Program. At the conclusion of his presentation, Mr. Mudalige invited questions from the City Council and the community.

Mayor Pro-Tem Hale confirmed that the City of Bradbury has a low risk of mud or debris runoff given the distance between here and where the actual fire was burning.

**PRESENTATION FROM LOS ANGELES COUNTY PUBLIC WORKS:**

Mr. Williams confirmed that the City has a low risk of exposure given the distance from the actual burn area.

City Manager Keith inquired about the fire break lines that were created to prevent fire from approaching the foothill communities and the risk they pose to creating mud flows.

Mr. Mudalige stated he would look into that on behalf of the City and report back to the City Manager.

Mr. Mudalige left handouts for the City to distribute to the public and thanked the City Council for their time.

**AGENDA ITEM #3  
GENERAL PLAN AMEND-  
MENT NO. GPA 08-03 -  
HOUSING ELEMENT 2008:**

City Planner Meyer stated the City is mandated by the State to create a General Plan. Part of that document is the Housing Element. The Housing Element is required to be updated every five years. The last housing element that the City adopted was in 2000. The current five year housing element cycle is from 2008-2014 and staff has been working with the State since July 2008 on a Housing Element that complies with State Law. City Planner Meyer introduced Beth Stoechel who is an expert in matters concerning the Housing Element and complying with State regulations. City Planner Meyer stated Ms. Stoechel provided the guidance needed to achieve the recent letter (October 7, 2009) received from the State informing the City that our submitted Housing Element had been approved. City Planner Meyer proceeded to outline the various stages of review the Housing Element has gone through. City Planner Meyer stated the documents were presented to the Planning Commission on August 28. The Commission reviewed the document and adopted a resolution recommending approval. Following the Planning Commission action, the City received a letter from Housing and Community Development HCD requiring two modifications in terms of the policies. The policies pertain to the mandate that deals with multi-family residential housing, and Policy 6, which deals with a provision of emergency shelters and transitional housing.

Councilmember Lewis requested clarification on the language regarding multi-family units. Is it a requirement to provide such housing or a requirement to permit such housing to be built?

City Planner Meyer stated that the State requirements are to eliminate any barriers in the zoning code that would prevent the building of multi-family units.

City Manager Keith added that is the case with all the policy recommendations, the City is not required to build it, only to provide the opportunity to build.

City Manager Keith pointed out one correction on the handout documents provided to the City Council, on Policy 6 the City can add in a sentence that states: "The City is in the process of evaluating all zones before the final determination".

Councilmember Lathrop stated that he sent in the suggested addition. Councilmember Lathrop inquired if the language in the document still states that R 7,500, R 20,000 and A-1 are the most appropriate zones for the housing.

Ms. Stoechel stated that the City did not need to include that language for transitional housing. The City is required by SB 2 which was passed January 1, 2008, to specify at least one zone that would accommodate at least one emergency shelter that would address the housing needs for the homeless. It was requested by staff that all zones be named, but the State stated that we have to specify a specific zone, so the language was left identifying the three zones. However, as the City's moves to implement this policy, it can specify all the zones, that is why the last sentence, "The City is in the process of evaluating all zones before the final determination" was included.

Councilmember Lathrop inquired if the statute itself specified that requirement.

Ms. Stoechel stated that she is reading it from a memorandum from HCD that cites Government Planning Code 65583, stating at least one zone will be identified for the placement of emergency shelters.

Councilmember Lathrop stated that it does not say that one zone needs to be identified, just that at least one zone to accommodate the housing needs to be identified, therefore the City could call out all zones and satisfy the "at least" statement.

Ms. Stoechel stated that she tried to include all zones but HCD did not accept that method of identification.

Councilmember Lewis stated what it states and what the City implements could look entirely different.

Councilmember Lathrop felt that by calling out a few of the zones it goes against the City's desire to evenly distribute the burden to include all the zones as previously discussed.

City Planner Meyer stated that those zones exist because they front on publicly dedicated streets.

Councilmember Lathrop stated he wanted to see the statue that indicates the identified zones need to be on publically dedicated streets.

City Planner Meyer stated that the identified parcels did not have to be on public streets, but they have to have sewer capacity. City Planner Meyer went on to state that these zones were identified because the HCD required identification of parcels in the City that were underutilized, four out of five of those parcels exist in the identified zones.

Mayor Barakat inquired if HCD defines what a shelter is, stating that most shelters are in Churches.

The City Manager identified in the City's Housing Element the definition for shelters.

Councilmember Lathrop stated that one thing that was mentioned to staff was the suggestion that the City have a resolution that reaffirms the City's view that we resolve to accept the housing element but we state the position that is presented in the statement that the City is in the process of evaluating all zones before the final determination.

City Manager Keith recited the Whereas clause that would be added to the resolution. The statement was: "Whereas HCD requires at least one zone to be identified as an emergency shelter zone in the housing element, it is the intent of the City that opportunities for emergency shelters be for all zones throughout the community."

**PUBLIC COMMENT:**

Mayor Barakat opened the discussion for public comment.

Mr. Arno Gemeinhardt, 615 Mount Olive Drive, stated that the area on Mount Olive Drive where he lives was rezoned to half-acre parcels unbeknownst to the residents many years ago. This action took place before the City was incorporated and ordered by the County Board of Supervisors.

Mayor Barakat closed the public comment.

**MOTION:**

Councilmember Lewis made a motion to accept Resolution No. 09-35 with the modification to add the Whereas clause, including approval of an environmental Negative Declaration and amends the General Plan by adopting the 2008 Housing Element. Mayor Pro-Tem Hale seconded the motion which was carried by the following roll call vote:

AYES: Mayor Barakat, Mayor Pro-Tem Hale,  
Councilmember Lewis

NOES: Councilmember Guthrie and Lathrop

ABSENT: None

**AGENDA ITEM #4 PLANNING COMMISSION REQUEST TO AMEND THE MUNICIPAL CODE REGARDING THE TIME OF THE PLANNING COMMISSION MEETINGS**

City Manager Keith introduced the next agenda item, a request from the Planning Commission to move their meeting to 7:00 PM.

Mayor Pro-Tem Hale made a motion to Read for the first time by title only and waive further reading of Ordinance No. 310 changing Planning Commission meetings to 7:00 PM. Mayor Barakat 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

**AGENDA ITEM #5 CONSIDERATION OF AN ORDINANCE TO AMEND THE BRADBURY MUNICIPAL CODE ENFORCEMENT PROCESS AND A RESOLUTION SETTING FORTH ADMINISTRATIVE FEES AND PENALTIES FOR THE VIOLATIONS OF THE BRADBURY MUNICIPAL CODE**

The City Manager introduced the next item on the agenda and provided an overview of the report.

Councilmember Lathrop stated his concern about Section 1504, the notice to correct and it's ineffectiveness as just a verbal warning with little consequences.

City Attorney Reisman stated that this does not abrogate the existing laws, so to the extent that persons that are in violation of existing laws can be ticketed. This amendment gives the City an additional method of dealing with violations, which is better than what currently exists.

Mayor Barakat requested clarification from Lt. Harshman regarding whether or not the Sherriff's Dept. responds to complaint calls.

Lt. Harshman stated that as long as the Sherriff's Dept. has the Bradbury Municipal Code Ordinances they can respond and issue tickets.

Mayor Barakat stated that it was up to the City to provide all of the necessary documentation for the Sherriff's Dept. to properly issue citations.

Councilmember Lathrop stated that on Item "G" the words "If Applicable" should be included.

Mayor Barakat stated he would hope something could be added to the City's permit process that would prevent construction trucks working on Woodlyn Lane from staging on Royal Oaks Drive North.

City Manager Keith stated that he and Lt. Harshman could walk the area to find remedies for the situation.

**PUBLIC INPUT:**

Mayor Barakat opened the item up for public hearing. There being no comments, closed the public hearing.

**MOTION:**

Mayor Barakat made a motion to read for the first time by title only and wave further reading of an Ordinance to amend the Bradbury Municipal Code (BMC) enforcement process. Councilmember Guthrie 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

**AGENDA ITEM #6  
READING OF INTERIM  
URGENCY ORDINANCE  
NO. 311 IMPOSING A 45-DAY  
MORATORIUM ON THE  
ESTABLISHMENT OF  
MEDICAL MARIJUANA  
DISPENSARIES**

City Manager Keith provided a summary of the proposed Interim Urgency Ordinance.

Mayor Barakat made a motion to approve Urgency Ordinance No 311 imposing a 45-day moratorium on the Establishment of Medical Dispensaries and directing the Planning Commission to initiate a study regarding development of appropriate zoning regulations governing such uses. Mayor Pro-Tem Hale seconded the motion which was carried by the following roll call vote:

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

NOES: None

ABSENT: None

ABSTAIN: Councilmember Lewis

**AGENDA ITEM #7  
CONSIDERATION OF  
REQUEST FOR FUNDING  
FROM THE AYSO REGION 2**

Mayor Barakat stated that last year's donation to the AYSO VIP program went a long way to help those children in the program. Mayor Barakat stated that he would like to propose funding the same amount as last year.

Councilmember Lathrop stated that he believed the Council did not budget for this type of donation funding. Mr. Lathrop also stated that Royal Oaks Elementary School had approached him for the possibility of receiving a donation.

Mayor Barakat stated the Duarte Unified School District already receives funding from our residents out of our property taxes.

Councilmember Lathrop stated that our City benefits from having a strong school so close even if some of our residents do not choose to send their children to the Duarte Schools.

Mayor Pro-Tem Hale inquired how soon AYSO needed the funds and whether or not it could wait until we decided all of our donation funding.

Mayor Pro-Tem Hale also inquired if we could get a breakdown of last years donations and provide half of the amounts.

City Manager Keith stated that last year AYSO received \$1,000.

Councilmember Lathrop requested the placement of donations to public causes on the next agenda for discussion.

City Manager Keith provided a breakdown of the donations provided in the last fiscal year:

Friends of the Duarte Library \$1,000

AYSO Region 2 \$1,000

Royal Oaks School \$2,000

Ronald McDonald House \$1,000

Haven House \$500

Friends In Deed \$2,500

Habitat for Humanity \$2,000.

City Attorney Reisman reminded the City Council that the only organization under consideration for funding on tonight's agenda was AYSO.

Councilmember Lathrop suggested cutting the AYSO donation in half from last year's to \$500.

Mayor Barakat stated that if the decision was to cut the donation in half than he would provide the remaining \$500 from his own expense account, unless the Council would like to donate the complete \$1,000.

Mayor Barakat made a motion to donate \$1,000 to the AYSO VIP Program. Mayor Pro-Tem Hale seconded the motion which was carried by the following roll call vote:

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

NOES: Councilmember Lathrop

ABSENT: None

Staff was directed to place an item for discussion of donations on the next City Council agenda.

**MATTERS FROM THE  
CITY MANAGER:**

Ms. Keith stated that the Los Angeles Fire Department along with the Sherriff's Department will be conducting a drill on the morning of October 31. The public will not be expected to participate but there will be a noticeable increase of fire vehicles present in the community. The community has been made aware of the drill in the October issue of the City's newsletter.

**MATTERS FROM THE CITY MANAGER:**

Ms. Keith stated 12 traffic citations have been issued this month with our additional enforcement patrols. Ms. Keith stated the City was awarded the AQMD grant to plant 40 Engelmann Oaks along the Bradbury Channel.

**MATTERS FROM THE CITY COUNCIL:**

**MAYOR PRO-TEM HALE:**

None.

**COUNCILMEMBER LATHROP:**

Councilmember Lathrop stated by virtue of running for the SCAG position he was able to make some contacts with other neighboring foothill cities in an effort to possibly move forward in unison on common issues.

**COUNCILMEMBER GUTHRIE:**

Councilmember Guthrie stated that there are still some irrigation leaks along the trail from Braewood Drive to the Manor.

Councilmember Guthrie stated that the tree trimming for our City trees should extend over the Duarte side of the trail.

**COUNCILMEMBER LEWIS:**

None.

**MAYOR BARAKAT:**

Mayor Barakat requested a Proclamation for the Royal Oaks Manor who will be celebrating their 50<sup>th</sup> anniversary next month.

Mayor Barakat inquired if our tree ordinance required tree replacement for properties that removed diseased or dead trees. City Manager Keith stated that the tree ordinance did not require the replacement of dead or diseased trees.

**CITY ATTORNEY**

City Attorney Reisman stated he had two open session reports on legal matters. The first is the Irvine case. The Supreme Court turned down the petition for a hearing, so the decision is final and the City lost.

City Attorney Reisman stated he filed his brief in the rate case with California American Water Company. Mr. Reisman stated that there is a scheduled hearing up in San Francisco that he is planning on attending. If the case does not get settled a trial will be set later this month or beginning of next month.

**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 to sign the tolling agreement with the County.

**ADJOURNMENT:**

At 9:00 PM Mayor Barakat moved to adjourn the meeting to a Regular Meeting on November 17, 2009 at 7:00 PM. The motion was seconded by Councilmember Lewis.

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**MAYOR – CITY OF BRADBURY**

ATTEST:

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**CITY CLERK – CITY OF BRADBURY**