

**MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF BRADBURY,
HELD ON TUESDAY, NOVEMBER 17, 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 7:07 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, Steve Lorizo (RKA Consulting Group), and City Clerk Saldana

**APPROVAL OF THE
AGENDA:**

Councilmember Guthrie made a motion to approve the agenda to proceed with City business. Mayor Pro-Tem Hale seconded the motion which carried unanimously.

PRESENTATION:

Mayor Barakat presented a Proclamation to Royal Oaks Manor in honor of its 50th Anniversary. Melody Mitchell was present to receive the Proclamation.

**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:

Kim Milweed, 2232 Glendora Avenue, introduced herself as a representative of Visiting Angels, an organization which provides non-medical services to seniors.

Daniel Garcia introduced himself as a Systems Change Advocate with Community Rehabilitation Services, Inc., an organization which empowers persons with disabilities to become more independent. Mr. Garcia addressed the Council regarding ADA compliance and paratransit services. Mr. Garcia inquired if the City had an ADA compliance officer. City Manager Keith replied that the City of Bradbury does not have a specified ADA compliance officer and informed Mr. Garcia that the City contracts with the City of Monrovia for paratransit services (dial-a-ride program). Mayor Barakat added that the City just donated \$1,000 to the AYSO Region 2 VIP (soccer) Program, which also provides paratransit services for its disabled players.

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 to waive the reading and adopt.

- A. Minutes: Regular City Council Meeting of October 20, 2009
- B. Financial Statement for the month of October 2009
- C. Resolution No. 09-36: Demands & Warrants for November 2009
- D. Resolution No. 09-37: Adoption of the Sewer System Management Plan (SSMP)
- E. Second Reading of Ordinance No. 312 amending the Bradbury Municipal Code to establish an administrative enforcement process and adoption with Resolution No. 09-41 setting forth administrative fees and penalties for the violations of the Bradbury Municipal Code
- F. Second Reading of Ordinance No. 310 amending the Bradbury Municipal Code changing the time of the Planning Commission meetings to 7:00 p.m.
- G. Acceptance of Measure R Funds
- H. Release of cash bond posted to guarantee the installation of landscaping as a condition of approval of Architectural Review AR 06-1955 and AR 07-223 for 2228 & 2232 Oak Shade Road (Bitonti)
- I. Adoption of the City's Personnel Rules and Regulations and Personnel Policies
- J. Resolutions regarding Election Matters – General Municipal Election Tuesday, April 13, 2010

ELECTION RESOLUTIONS:

Resolution No. 09-38: A Resolution of the City Council of the City of Bradbury, California, calling and giving notice of the holding of a General Municipal election to be held on Tuesday, April 13, 2010, for the election of certain officers as required by the provisions of the laws of the State of California relating to General Law Cities

Resolution No. 09-39: A Resolution of the City Council of the City of Bradbury, California, requesting the Board of Supervisors of the County of Los Angeles to Render Specified Services to the City relating to the conduct of the General Municipal Election to be held on Tuesday, April 13, 2010

Resolution No. 09-40: A Resolution of the City Council of the City of Bradbury, California, adopting regulations for candidates for elective office pertaining to candidates statements submitted to the voters at an election to be held on Tuesday, April 13, 2010

**ITEM # I PULLED FROM
CONSENT CALENDAR:**

City Manger Keith stated that the City Attorney has requested to pull item # I "Adoption of the City's Personnel Rules and Regulation for Personnel Policies" from the Consent Calendar and postpone it to the December meeting. The City Council concurred.

**ITEMS # A & D PULLED FOR
DISCUSSION:**

Councilmember Lathrop had a correction to the October minutes on page 8. Mr. Lathrop stated that he did not turn down Royal Oaks Elementary School for a donation, rather informed them that the City had limited resources for donations this year.

Councilmember Lathrop also inquired if the changes discussed at the last Council meeting had been incorporated into Ordinance No. 312 amending the Municipal Code. City Manager Keith confirmed that the changes had been incorporated.

**MOTION TO APPROVE
CONSENT CALENDAR:**

Councilmember Lathrop moved to approve the Consent Calendar, as amended. 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

**EXTENSION OF URGENCY
ORDINANCE NO. 311 BY
ORDINANCE NO. 314
EXTENDING A TEMPORARY
MORATORIUM ON THE
ESTABLISHMENT AND
OPERATION OF
MEDICAL MARIJUANA
DISPENSARIES:**

City Manager Keith stated that at the October 20, 2009 meeting the City Council adopted Ordinance No. 311, imposing a 45-day moratorium of the establishment of medical marijuana dispensaries and directed the Planning Commission to initiate a study regarding development of appropriate zoning regulations governing such uses. The City Manager stated that the City Council should consider an Ordinance extending for 10 month and 15 days a temporary moratorium on the establishment and operation of medical marijuana facilities until October 2, 2010 and recommended that the City Council open a public hearing, waive reading and adopt Ordinance No. 314.

**PUBLIC HEARING OPENED
AND CLOSED:**

Mayor Barakat opened the public hearing and invited those wishing to speak to come forward and be heard. There being no public testimony, Mayor Barakat declared the public hearing closed.

**MOTION TO ADOPT
URGENCY ORDINANCE
NO. 314:**

Mayor Pro-Tem Hale made a motion to adopt and waive further reading of Urgency Ordinance No. 314, extending a temporary moratorium on the establishment and operation of medical marijuana dispensaries. 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

**ORDINANCE NO. 313
AMENDING THE MUNICIPAL
CODE BY ADDING
CHAPTER 1A TO ARTICLE II
RELATING TO THE
CONDUCT OF ALL-MAILED
BALLOT ELECTIONS:**

City Manager Keith stated that at request of the City Council, staff has been working with the City Attorney and Martin & Chapman Co. (the City's election consultant) regarding the feasibility of an all-mailed ballot election for the City. Staff determined that the Election Code does allow for such an event in non-charter cities if the precincts have fewer than 250 registered voters. After checking with the County Registrar-Recorder it was confirmed that this is the case for Bradbury. Therefore, if the City Council wishes to conduct an all-mailed ballot election it may do so by adopting the proposed Ordinance. According to both the Elections Code and the Government Code, Ordinances pertaining to the Elections Code go into effect immediately and do not have the 30-day waiting period.

DISCUSSION:

City Manager Keith stated that an all-mailed ballot election should save the City money, but we don't know how much yet.

City Attorney Reisman stated that the Council does not need to adopt the Ordinance as the City Clerk has the discretion to conduct an all-mailed ballot election without the ordinance.

Mayor Barakat felt that people like to come to City Hall and vote in person.

The City Clerk explained that the reason staff is proposing to conduct an all-mailed ballot election is not so much to save money, but to better comply with the Voting Rights Act, which is closely monitored by the Department of Justice (DOJ). The DOJ is focusing on polling places having bilingual poll workers for each required language at each poll at all times. Cities that have been found to be in non-compliance (i.e. Rosemead & Walnut) have had to deal with costly litigation and consent decrees.

PUBLIC HEARING:

Mayor Barakat opened the public hearing and invited those wishing to speak to come forward and be heard.

Daniel Garcia with Community Rehabilitation Services, Inc. inquired about paratransit services to polling places.

There being no further public testimony, Mayor Barakat declared the public hearing closed.

CITY TO HOLD FIRST ALL-MAILED BALLOT ELECTION IN APRIL 2010:

Following discussion, the City Council decided not to adopt Ordinance No. 313 but gave the City Clerk verbal consent to conduct the April 13, 2010 General Municipal Election as an all-mailed ballot election.

CONSIDERATION OF ALLOCATION OF COMMUNITY SUPPORT:

City Manager Keith stated that the City Council has allocated \$5,000 for Community Support this fiscal year, 50% less than last year, due to the economic climate. Thus far, the City Council has allocated \$1,000 for AYSO Region 2 VIP Program, bringing the balance of the Community Support account down to \$4,000.00.

City Manager Keith provided a breakdown of the donations provided during 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.

DISCUSSION:

The City Council discussed the background and purpose of the various organizations and agreed that all of them were worthy of support. Councilmember Guthrie questioned whether it was appropriate for the Council to donate tax dollars for charitable organizations of their choice.

MOTION:

Following discussion, Mayor Pro-Tem Hale made to motion to appropriate \$2,000 to the Pasadena Ronald McDonald House and \$2,000 to Royal Oaks Elementary School. Councilmember Lathrop seconded the motion which was carried by the following roll call vote:

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

NOES: None

ABSENT: None

DISCUSSION RE: HOLIDAY RECOGNITION DINNER:

City Manager Keith stated that at the request of Mayor Barakat the City Council will reconsider sponsoring the unbudgeted holiday recognition dinner for volunteers and staff. Mayor Pro-Tem Hale reminded everyone that the Council had made a decision to forego the annual holiday dinner this year because of budget constraints. The City Council had discussed during the budget study session to have a barbecue in the spring. Councilmember Lewis volunteered to hold the Spring BBQ at his residence. The Council agreed with this plan and Mayor Barakat directed staff to send a holiday card to all volunteers and contract staff thanking them for their time and effort and explaining the reasons for not having a holiday dinner this year. No motion was necessary.

MATTERS FROM THE CITY MANAGER:

City Manager Keith stated that Temple Station has a new captain, Joseph Fernell. The City Manager reported that she met with him prior to his appointment and no staffing changes are expected at this time, meaning Lt. Denise Harshman will remain the City's liaison.

Ms. Keith reported that 30 traffic tickets have been issued by the Sheriff's Department during the month of October 2009.

Ms. Keith also reported that the Mount Olive Drive Pedestrian Pathway and Traffic Calming Projects are underway and are expected to be completed by mid-December.

The City Manager reported that the City received over 80 applications and that an outside panel of three city government professionals would interview the top 10 applicants for the Management Analyst position on Friday, December 20th. The panel will then narrow down the field to three finalists to meet with the City Manager and City Clerk.

The City Manager reminded everyone of the "Holiday of Promise" bin at City Hall to collect food, personal items, toys and other donations to be distributed as part of the Duarte Community Services Council and Foothill Unity Center. The bin will be at City Hall from November 17th to December 10th.

MATTERS FROM THE CITY COUNCIL:

MAYOR PRO-TEM HALE:

Mayor Pro-Tem Hale wanted to know what happened to the topic about water at City Hall. City Manager Keith stated that she didn't have all the facts for this meeting and that this item would be on the December agenda.

COUNCILMEMBER LATHROP:

Councilmember Lathrop talked about the Duarte Community Education Council's (CEC) Wishing Well to raise funds for a computer program called "World Book."

COUNCILMEMBER GUTHRIE:

Councilmember Guthrie inquired about the Lemon trail. City Manager Keith stated that staff is trying to get permission from the property owners of 1426 Lemon Avenue to relocate two pine trees.

COUNCILMEMBER LEWIS:

Councilmember Lewis had nothing to report.

MAYOR BARAKAT:

Mayor Barakat had nothing to report.

5-MINUTE RECESS:

The Mayor called for a five-minute recess before going into Closed Session.

CLOSED SESSION:

Mayor Barakat adjourned the meeting to a Closed Session regarding conference with legal council to discuss existing litigation (Cal-Am Rate Case) pursuant to California Government Code Section 54956.9(A).

**RECONVENE OPEN
SESSION AND ANNOUNCE
ANY ACTION TAKEN:**

The open session was reconvened and City Attorney Reisman reported that the City Council met in Closed Session to discuss existing litigation (Cal-Am Rate Case). No action was taken.

ADJOURNMENT:

At 9:00 p.m. Mayor Barakat adjourned the meeting to a Regular Meeting on December 15, 2009 at 7:00 p.m.

MAYOR – CITY OF BRADBURY

ATTEST:

CITY CLERK – CITY OF BRADBURY