

TUESDAY, MAY 20, 2003

A regular meeting of the Council of the City of Burbank was held in the Council Chamber of the City Hall, 275 East Olive Avenue, on the above date. The meeting was called to order at 6:35 p.m. by Ms. Murphy, Mayor.

Invocation The invocation was given by Pastor Ron White, American Lutheran Church.

Flag Salute The pledge of allegiance to the flag was led by Teri Bastian, Burbank Tournament of Roses Association.

ROLL CALL

Present- - - - Council Members Campbell, Golonski, Ramos, Vander Borcht and Murphy.

Absent - - - - Council Members None.

Also Present - Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

301-1
2004
Tournament of
Rose Float
Rendering Teri Bastian, President, Burbank Tournament of Roses Association, expressed appreciation to the community for their support of the Burbank Tournament of Roses Association, noting Burbank's 2003 entry, "Bathtime Friends", received the Founder's Trophy, and presented the award to Mayor Murphy. Ms. Bastian then presented the 2004 float rendering, entitled "Moosic, Moosic, Moosic."

301-1
Science
Scholarship
Awards Mr. Soghomonian, Burbank Water and Power, and Mr. Fischer, Public Works Department, presented the Service Recognition and Science Scholarship Awards. Mr. Fischer invited Mayor Murphy to present awards to the recipients of the Service Recognition Awards, noting the participation of Burbank, John Burroughs, Monterey and Providence High Schools. Following were the recipients: Elizabeth Ann Coleman, Monterey High School; Kristin Nicole Talamantes, Burbank High School; Alicia Joe, John Burroughs High School; and Santosh Desai, Providence High School, who was not able to attend.

Mr. Soghomonian briefly explained the Science Scholarship Award criteria, and presented scholarship awards to the following students: Kelsey Browne, Justin Borah, Burbank High School; and Alicia Joe, John Burroughs High School.

301-1
National Public
Works Week Mayor Murphy presented a proclamation to Public Works Director Bruce Feng in honor of Public Works Week.

301-1
Citizen Police Captain Stehr presented a commendation to Paul Pak, a Glendale resident, for his courageous actions in dealing with

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Commendation an armed suicidal distraught man at Saint Finbar Church and preventing a possible hostage situation.

406
Airport
Authority
Report

Commissioner Brown reported on the Airport Authority meeting of May 19, 2003. He stated in the absence of Commissioners Wiggins and Streator, Resolution 383 on the draft budget was defeated by a 5 to 2 vote, and that a subsequent amended motion by Commissioner Lombardo was approved by a 6 to 1 vote. He also reported a schedule analysis estimated an eight-acre reduction in the 65 decimal Community Noise Equivalent Level (CNEL) noise contour due to a change in America West airplanes to newer and quieter planes, and that Alaska Airlines moved a 10:00 p.m. flight to comply with the voluntary curfew for a cumulative reduction of approximately 10 acres in the 65 decimal CNEL noise contour. He informed the Council the Authority received a letter from Mr. Costello, Council for the National Business Aviation Association, which raised several policy issues regarding the Part 161 Study, and that the letter had been referred to the Airport's attorneys and the Federal Aviation Administration (FAA) for comments, noting the Authority was seeking a reduced nighttime curfew. He also commented on a newspaper article regarding the sound insulation FAA grant, and clarified the FAA would release the hold on the grant to allow for the continuation of the program. He concluded with an invitation to the Council and public to attend the celebration commemorating the 73rd Anniversary of the Airport.

The Council noted and filed the report.

First Period of
Oral
Communications

Ms. Murphy called for speakers for the first period of oral communications at this time.

Citizen
Comment

Appearing to comment were Marie Paino in support of the Bow and Arrow Ordinance; Peter Davis, in support of the City's lap swim program; Howard Rothenbach, commenting on a remark made at the Airport Authority meeting indicating the Authority was negotiating with the City Manager on the sale of the B-6 Property, including the potential relocation of the armory; C.L. Stack, inquiring as to former Mayor Laurell's vote and subsequent employment with the Burbank Boys and Girls Club; Ron Vanderford, commenting on the recent ruling on the invocation case; Stan Hyman, on management of the Community Development Department; Esther Espinoza, on the pronunciation of names during oral communications; and Mark

Barton, on the timeframe for implementation of the signage program.

Staff Response	Members of the Council and staff responded to questions raised.
Second Period of Oral Communications	Ms. Murphy called for speakers for the second period of oral communications at this time.
Citizen Comment	<p>Appearing to comment were Bob Olson, Chair, Burbank Water and Power (BWP) Advisory Board, reporting BWP's budget was unanimously approved by the Board, and noting the Board's confidence in and support of the leadership at BWP; Lowell Dosch, in opposition to the proposed Negative Declaration for the Bow and Arrows Ordinance, stating Burbank's ordinance is preempted by State law, and that no evidence has been presented to the Council with regard to any safety concerns in the Burbank hills, requesting that the Council withdraw the ordinance and proceed with an Environmental Impact Report (EIR); William Kughn, member of the Archery Association, repeating there has never been a safety issue with regard to bow hunting in the Burbank hills, stating he has practiced the sport safely for years, and noting mountain biking accidents are regular occurrences in the Burbank hills whereas there has never been a bow hunting accident.</p> <p>Craig Fritz, Second Vice President for California Bowman Hunters and State Archery Association, citing the potential for two lawsuits with regard to the ordinance, expressing his disagreement with regard to the environmental impact from the elimination of bow hunting in the Burbank hills, which will allow the coyotes to run wild, and noting larger deer herds will attract mountain lions to the area; Barbara Hupp, in support of the City's Aquatics Program, noting the problem of obesity and that physical activity is a solution to this problem, and distributing brochures from the Rose Bowl Swimming Pool Program; Connie Wilson, in support of the Negative Declaration for the Bow and Arrow Ordinance, citing the results of the EIR prepared for the development of homes in the Burbank Hills; Valerie Skeva, a competitive archer, noting she practices her sport in her own backyard in preparation for the Olympic Trials, noting passage of the Negative Declaration will prevent her from her daily practice, urging the Council not to pass the Negative Declaration, reiterating that the impetus of the ordinance was not a safety issue; Mark Barton, stating the bow hunting ordinance puts the Council in a no-win</p>

situation, and in support of the Negative Declaration; Ron Vanderford, requesting whether the ordinance can be revised to allow archery practice but not bow hunting, commenting on the acreage reduction with regard to the Community Noise Equivalent Level, inquiring whether the Burbank and Glendale City Managers are in negotiation with the Airport; Curtis Hermann, Director of Bowhunter Education for the State Wildlife Association, stating he found the Negative Declaration to be minimal at most and in disagreement with the City's findings, citing areas which he believes are not addressed by the report, and the constitutional issues raised by the Department of Fish and Game; Stan Hyman, commenting on the Public Works Department budget with regard to reduced fees and infrastructure subsidies.

Bob Kaczmarek, in opposition to the proposed Fire Department position upgrades at a time when other employees are being laid-off; Howard Rothenbach, commenting on the consequences of Assembly Bill (AB) 1890 and the importance of the input provided by Burbank citizens at the time the legislation was enacted, and on the proliferation of jay-walking tickets being written at the Airport; David Piroli, in opposition to the Negative Declaration prepared for the Bow and Arrow Ordinance, noting a problem in hillside neighborhoods with raccoons, commenting on the legality of jay-walking tickets being issued at the Airport, and inquiring as to the status of grandfathering in the curfew at Burbank Airport; Mike Nolan, in support of archery and in opposition to the Negative Declaration, stating staff is not accurately communicating to the Council on negotiations between the City and the Airport; Dr. Theresa Karam, commenting on Zone Text Amendment No. 2001-11; and Esther Espinoza, commenting on Council minutes, in opposition to the Bow and Arrow Ordinance, and commenting on the proposed Second Dwelling Unit Ordinance.

Staff Response	Members of the Council and staff responded to questions raised.
Motion	It was moved by Mrs. Ramos and seconded by Mr. Vander Borgh that "the following items on the consent calendar be approved as recommended."
Minutes Approved	The minutes for the regular meetings of February 11, February 18, February 25, the adjourned meeting of February 27, the regular meetings of March 4, March 11, and the adjourned meeting of March 15, 2003 were approved as submitted.

305-2
2004
Tournament of
Roses Float
Rendering

A report was received from Mr. Flad, Park, Recreation and Community Services Director, requesting Council approval of the 2004 Tournament of Roses Float rendering entitled "Moosic, Moosic, Moosic" and the Council approved, noted and filed the report.

Adopted The consent calendar was adopted by the following vote:

Ayes: Council Members Campbell, Golonski, Ramos,
 Vander Borght and Murphy.

Noes: Council Members None.

Absent: Council Members None.

907
206
Neg. Dec. for
Bow and Arrow
Ordinance

Mr. Ochsenbein, Senior Planner, requested Council adoption of a Negative Declaration relating to the Bow and Arrow Ordinance and recounted on January 21, 2003, the Council adopted Ordinance No. 3616 which extended a prohibition on shooting of bows and arrows within City limits, with limited exceptions. He added at the time of the adoption, the City found that the ordinance did not have any significant impacts on the environment. After the adoption of the ordinance, several members of the public expressed concerns regarding the potential environmental impacts of the ordinance resulting in the suspension of the enforcement of the ordinance on February 26, 2003 pending additional review pursuant to the California Environmental Quality Act (CEQA).

He reported staff was directed to conduct an assessment of the environmental impacts and prepare appropriate documentation for review and approval by the Council; that the Planning Division had conducted an initial study of the project pursuant to CEQA and determined that the ordinance will not have a significant impact on the environment; and, as such, a Negative Declaration was prepared for Council consideration.

He informed the Council as part of the environmental review process, staff contacted the Department of Fish and Game for additional information regarding biological resources in the City and that the Department of Fish and Game affirmed there would be no impact resulting from the proposed ordinance, noting the lack of a Habitat Conservation Plan in the area.

Mr. Campbell questioned staff and requested the ordinance not ban the practice of archery on private property.

Mr. Vander Borght noted the City's decision to increase hiking trails which would attract more people to the local mountains,

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and stated while there was no evidence of accidents, the potential would be increased by virtue of the fact that City programs would put more members of the public on the hillsides. He also indicated support of Mr. Campbell's request that the ordinance not apply to individuals who practice archery on private property.

Mrs. Ramos agreed with Mr. Campbell and Mr. Vander Borght's comments that the ordinance should not prohibit archery but bow and arrow hunting within City limits, and noted the incompatibility of hunting with the uses in the hillside area.

Mr. Golonski stated he continued to support the intent of the ordinance, affirmed that bow and arrow hunting was an incompatible use in the area and clarified the ordinance did not pertain to the practice of archery on private property.

Ms. Murphy inquired whether staff had any information on the impact of a similar ordinance in the City of Glendale. She requested staff contact the City of Glendale to ascertain whether there were any significant impacts in the deer population as a result of their ordinance.

Motion It was moved by Mr. Golonski and seconded by Mrs. Ramos that "the following resolution be passed and adopted:"

907 RESOLUTION NO. 26,488:
206 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Neg. Dec. for ADOPTING A NEGATIVE DECLARATION REGARDING THE
Bow and Arrow BOW AND ARROW ORDINANCE AND AUTHORIZING THE
Ordinance ENFORCEMENT OF ORDINANCE NO. 3616.

Adopted The resolution was adopted by the following vote:

Ayes: Council Members Campbell, Golonski, Ramos,
Vander Borght and Murphy.
Noes: Council Members None.
Absent: Council Members None.

8:53 P.M. The Council recessed at this time. The meeting reconvened at
Recess 9:05 p.m. with all members present.

801-2 Mr. Nicoll, Management Services Director, presented the
Budget Study proposed budget reduction for the Management Services

Session	Department.
Management Services Division	<p>Mr. Vander Borcht requested clarification on the increases in General Liability Funds and Mr. Nicoll responded last fiscal year reflected a budgeted cost of \$200,000 for the premium and that the actual cost was \$326,000. He added an additional \$100,000 was being budgeted for Fiscal Year 2003-04 and noted the possibility of up to a 40 percent increase in premium costs.</p> <p>Mr. Golonski requested a follow-up memo with regard to insurance in general, the current insurance rates, the components of the insurance coverage, and any possible alternatives.</p> <p>Mr. Vander Borcht requested that proposed position cuts that would result in laying-off employees be kept on the Council's reconsideration list.</p>
Public Works Department	<p>Mr. Feng, Public Works Director, presented the proposed budget reduction for the Public Works Department.</p> <p>Mr. Golonski requested staff present a three-year street resurfacing plan.</p> <p>Mr. Vander Borcht requested information on the multi-year plan for proposed alley improvements.</p>
Fire Department	<p>Chief Davis, Fire Chief, presented the proposed budget reduction for the Fire Department.</p> <p>Mrs. Ramos requested clarification on the position upgrades that would cost an additional \$94,000 to be off-set by revenues from Hazardous Material fees and Mr. Davis responded State law allowed for local agencies to recover 100 percent of the Hazardous Material Program costs from participating businesses.</p> <p>Mr. Golonski requested clarification on the savings realized from freezing 11 fire fighter positions and back-filling some of them with over-time.</p> <p>Mr. Vander Borcht requested clarification on the elimination of the Fire Recruit Academy and Chief Davis responded recruiting efforts would be eliminated for one year pending determination on whether a fire station would be closed or not.</p>

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Mr. Golonski requested staff provide more information regarding the impacts of eliminating the paramedic training program and Chief Davis stated the department would maintain the current number of paramedics and not rotate them out of the program to require training new paramedics. Mr. Golonski requested this item be placed on the Council's reconsideration list.

Burbank Water and Power

Mr. Davis, General Manager, Burbank Water and Power, presented the proposed budget reduction for Burbank Water and Power.

Mr. Golonski requested staff provide more information regarding the public benefit plan charge for Council discussion and consideration of the components of each plan.

Mr. Vander Borcht inquired as to the possibility of undergrounding utilities and Mr. Davis responded the department had over \$500,000 a year for undergrounding utilities and noted the issue would be presented to the Council for further consideration if any new opportunities arose.

Ordinance Submitted

It was moved by Mr. Golonski and seconded by Mrs. Ramos that "Ordinance No. 3622 be read for the second time by title only and be passed and adopted." The title to the following ordinance was read:

1701
Second Dwelling Units

ORDINANCE NO. 3622:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING CHAPTER 31 OF THE BURBANK MUNICIPAL CODE RELATED TO SECOND DWELLING UNITS IN SINGLE FAMILY RESIDENTIAL ZONES.

Adopted

The ordinance was adopted by the following vote:

Ayes: Council Members Campbell, Golonski, Ramos, Vander Borcht and Murphy.

Noes: Council Members None.

Absent: Council Members None.

Ordinance Submitted

It was moved by Mr. Golonski and seconded by Mr. Campbell that "Ordinance No. 3623 be read for the second time by title only and be passed and adopted." The title to the following ordinance was read:

