

TUESDAY, JUNE 24, 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. Mrs. Campos, City Clerk, called the roll at 5:30 p.m.

TRAFFIC AND TRANSPORTATION STUDY SESSION

Present- - - - Council Members None.
Absent - - - - Council Members Campbell, Golonski, Ramos, Vander Borgh
and Murphy.
Also Present Mrs. Campos, City Clerk.

Due to a lack of quorum, the Traffic and Transportation Study Session was not held.

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:36 p.m. by Ms. Murphy, Mayor.

Invocation The invocation was given by Reverend Roby Correa, Magnolia Park United Methodist Church.

Flag Salute The pledge of allegiance to the flag was led by Police Lieutenant Dilibert.

ROLL CALL

Present- - - - Council Members Campbell, Golonski, Ramos, Vander Borgh
and Murphy.
Absent - - - - Council Members None.
Also Present - Ms. Alvord, City Manager; Ms. Scott, Chief Assistant City
Attorney; and, Mrs. Campos, City Clerk.

301-1 Rex Andrews Police Scholar Award Captain Bowers introduced the recipient of the 2003 Annual Rex Andrews Police Scholar Award, Lieutenant (Lt) John Dilibert. Captain Bowers noted the achievements of former Police Chief Rex Andrews, in whose memory the award was established to honor officers for their integrity, professionalism and scholarship. He recognized the many achievements of Lt. Dilibert, and invited Mayor Murphy and Chief Hoefel to assist in presenting the award. On behalf of the Burbank Rotary Foundation, Captain Bowers presented a check to Lt. Dilibert in the amount of \$500.

Reporting on Council Liaison Committees Mayor Murphy reported on the Community School Center Subcommittee meeting she attended and stated the project's architect was pursuing LEEDS certification.

6/24/03

6:58 P.M.
Hearing
1702
ZTA 2001-11
Second Dwelling
Units

Mayor Murphy stated that "this is the time and place for the public hearing on the proposed ordinance on the application procedure and a notice and appeal procedure for Second Dwelling Units."

Notice
Given

The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that no written communications had been received.

Staff
Report

Mr. Bowler, Planner, Community Development Department, requested Council approval of recommendations regarding second dwelling unit approval procedures for noticing and appeals. He stated on May 13, 2003, the Council adopted Ordinance No. 3622 which eliminated the previous requirement for a Conditional Use Permit (CUP) for a second dwelling unit, and also made changes to the development standards for second dwelling units, including requiring a 300 foot (ft) separation between lots with approved second units. In addition, he reported the Council also directed staff to develop procedures for ministerial review and approval of second dwelling unit permits, including provisions for public notification and appeals.

He explained the proposed procedures were similar to the existing procedures in the Burbank Municipal Code (BMC) for other staff-approved permits such as administrative use permits and development review procedures. He added the proposed procedures also provide for notice of the decision to adjacent and nearby property owners within 300 ft as required by other permits, coincide with the separation radius required by Ordinance No. 3622, and provide for appeal of the Director's decision to the Planning Board and Council. He advised since Assembly Bill (AB) 1866 directs that after July 1, 2003 second dwelling unit approvals must be approved without discretionary review or hearings, the grounds for appeal of second dwelling unit permits will be very limited, restricted essentially to applications which violate a specific development standard for second dwelling units in the Burbank Municipal Code.

He added the City Attorney's office provided a separate memo discussing the potential for problems with hearings for second unit appeals and that staff was recommending several time limits. He stated the provision for a 300 ft separation poses possible competition for a limited number of available permits on a neighborhood level and staff would eliminate undue

delays in processing and construction of second units to provide preference for individuals in a position to complete the units. He also stated staff anticipated fine tuning of the procedures would be necessary as applications were received.

Mr. Bowler also stated Ordinance No. 3622 would become effective on June 28, 2003 and noted if the subject ordinance was adopted using ordinary procedures for introducing, adopting and publishing Council Ordinances, it would not go into effect until August 6, 2003 leaving a period from June 28 to August 6, 2003, in which a CUP would not be required for a second dwelling unit, but during which time there would not be any other officially-adopted procedures for accepting, processing, noticing and appealing such applications. To avoid unnecessary confusion, delays and expenditure of staff time and resources, he stated staff was recommending adopting the ordinance as an urgency ordinance at the next Council meeting, so that it would become effective immediately upon adoption.

Citizen Comment	Appearing to comment were David Piroli, requesting a copy of the memorandum from the City Attorney's office referenced in Mr. Bowler's presentation as it was not provided with the agenda packet; and Esther Espinoza, commenting on State law with regard to second dwelling units, and in support of second dwelling units.
Hearing Closed	There being no further response to the Mayor's invitation for oral comment, the hearing was declared closed.
Motion	It was moved by Mr. Golonski and seconded by Mr. Campbell that "this item be brought back as an urgency item at the July 1, 2003 Council meeting."
Carried	<p>The motion carried by the following vote:</p> <p>Ayes: Council Members Campbell, Golonski, Ramos, Vander Borght and Murphy.</p> <p>Noes: Council Members None.</p> <p>Absent: Council Members None.</p>
First Period of Oral	Ms. Murphy called for speakers for the first period of oral communications at this time.

6/24/03

Communications

Citizen Comment Appearing to comment were Gary Garrison, on the importance of music, inquiring as to any plans for public music programs; Troy Swezey, suggesting the open space across the street from Costco be used to plant a pine tree as the City's Christmas Tree, rather than purchasing a tree to put in front of City Hall; Esther Espinoza, commenting on institutional racism; Mark Barton, on Caltrans traffic sign criteria, and displaying a prototype sign he created; and Howard Rothenbach, on renewable energy resources, suggesting residents sign up for the extra \$5 monthly fee to help clean up the environment.

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 Appearing to comment were Barbara Landsman, commending the WorkForce Connection for their assistance in her successful search for employment; James Jensen, Director of Operations for the Work Training Program, in support of the WorkForce Connection, noting their collaboration has been instrumental in providing services to many of their clients who are developmentally disabled; Pat and Erika Marquet, mother and daughter, a family who has participated in the Work Training Program, noting the importance of the program to the community, expressing appreciation for the Council's support of the program; Nicole Diller, a participant in Teens in Action, expressing appreciation for the opportunity to participate in the programs, and noting the value of a teen website; Esther Espinoza, in support of the Mayor's Youth Task Force recommendations, suggesting the participating students represent all segments of the community.

Eden Rosen, stating there will be no available funding for the proposed new armory due to the State's budget crisis, and in opposition to the Council considering an additional income tax for the purpose of supplementing safety services as taxes are already too high; Mark Barton, in support of the Mayor's Youth Task Force recommendations; Howard Rothenbach, on renewable energy resources and the benefits of green power, inquiring whether the foul weather shelter provided by the Glendale Armory will be opened in the potential Burbank

Armory, commenting on the reduction of programs at the libraries and Starlight Bowl, and in opposition to an additional tax for the purpose of supplementing safety services; David Piroli, in opposition to some of the Mayor's Youth Task Force recommendations, in opposition to Assembly Bill (AB) 1690 and the implementation of another income tax, and requesting the Council oppose it, and noting he requested the memorandum regarding second dwelling units because it was referenced by a staff member during public presentation and as such it should be released to the public; Mike Nolan, on staff's comments with regard to the confidential memorandum regarding second dwelling units, stating the Fire Fighters Union sponsored AB 1690 because they were not sure the City could pay their salaries, requesting the Council oppose AB 1690, in opposition to the combined Burbank-Glendale Armory because it is not economically prudent; and Jeannette Diller, commending the City for the Teens in Action program, noting the diversity among the participants, expressing support for the continuance of the program and the proposed teen website.

Staff Response	Members of the Council and staff responded to questions raised.
7:54 P.M. Recess	The Council recessed to permit the Redevelopment Agency to hold its meeting. The Council reconvened at 8:11 p.m. with all members present.
Motion	It was moved by Mr. Vander Borght, seconded by Mr. Campbell and carried that "the following item on the consent calendar be approved as recommended."
Minutes Approved	The minutes for the regular meetings of May 1, 2003, the adjourned meeting of May 3, 2003, and the regular meeting of May 6, 2003 were approved as submitted.
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.
1503 Renewable Energy Resources	Mr. Fletcher, Assistant General Manager, Burbank Water and Power, presented BWP's Renewable Energy Resources. He discussed Senate Bill (SB) 1078, the legislation on the renewable energy portfolio standards, which was passed in 2002 setting targets for the development of renewable energy.

He stated SB 1078 provided for the State to set the standards and schedule for the implementation of renewable energy, while city councils set and adopted the Municipal Electric Systems standards and schedules, including rate impacts and resource eligibility. He noted for Investor Owned Utilities, the legislation set a target of 20 percent by December 31 2017, without any electric rate increases, and with Public Benefits Charge expenditures limited to renewables rather than conservation efforts.

Mr. Fletcher then discussed BWP's energy resources which comprise of 35 percent natural gas, 45 percent coal, 6 percent nuclear and 14 percent hydro. He added renewable resources could be used to replace the fuel used at the existing resources; opportunistically replace existing resources; or serve new load requirements with an on-going effort to seek additional benefits. He also explained the load growth which identified how much power would be absorbed from renewable resources over the next several years as well as the renewable opportunity forecast. Further, he explained the current renewables; the potential projects being considered; the renewable strategy; and stated the next steps included developing a renewable resource standard which will be presented to the Council for approval; developing potential projects; and, developing economic ramp-in of renewable resources or purchases.

The Council noted and filed the report.

700
203
Mayor's Youth
Task Force
Recommended
Youth Program

Mr. Flad, Park, Recreation and Community Services Director, presented the Council with an overview of past youth programs, an update on current programs, and new program recommendations of the Mayor's Youth Task Force. He reported past programs included: Peace Builders which was implemented in 1999 with start-up funding in the amount of \$150,000, expanded in 2000 and in 2001; the Got Wheels! program also implemented in 1999 with \$580,000 in start-up costs and an annual allocation of \$225,000; employment programs including Burbank Employment Student Training (BEST) program, City Resources Employing Students Today (CREST) program, Severely Emotionally Disabled (SED) program, and the Painters Apprentice Program; the Positive Alternatives for Youth (PAY) grant programs implemented in 1999 with a total appropriations of about \$100,000 annually; employment of the Middle School Resource Coordinator; the completion of the Middle School Resource Guide; and the Democracy in Action process which started in 2001 to receive input from the teens regarding their concerns and coming up

with solutions to address them.

He also reported current programs included the Middle School Grant Program with a \$150,000 budget, and the Teens in Action Committee which is comprised of the Communications Team and Police/Youth Relations Team.

Regarding proposed programs, Mr. Flad stated the Mayor's Youth Task Force together with the Teens in Action Committee, the Youth Board, the Park, Recreation and Community Services Board, and the Burbank Youth for Youth recommended continued funding for the following programs: Peace Builders; Middle School Grants; Communications/Media Team; We Care For Youth program as facilitators/consultants; Police/Youth Relations and a new counseling program.

With regard to funding, he requested a one-time appropriation in the amount of \$185,000 from the Fiscal Year (FY) 2002-03 Non-Departmental Holding Account of the Mayor's Youth Task Force programs to continue funding the recommended programs as follows: \$5,000 for the Peace Builders program; \$75,000 for the Middle School Grant Program; \$100,000 for the Community/Media programs; \$25,000 for Police Youth Relations; \$30,000 for facilitating We Care For Youth program; \$50,000 for Counseling; and stated staff would solicit on-going feedback from the youth to ensure the success of the programs.

After considerable discussion, the Council recommended funding in the amount of \$60,000 for the Peace Builders program; Police/Youth Relations program; and We Care For Youth program, with the possibility of reconsidering the counseling program at a future date.

703
Proposed
Armory
Consolidation
and Relocation
Project Update

Mr. Flad, Park, Recreation and Community Services Director, presented a report updating the Council on the proposed consolidation, relocation and renovation of the Burbank and Glendale National Guard Armories. He reported as part of the Council-adopted 10-Year Strategic Plan, Park, Recreation and Community Services staff was directed to explore the acquisition of the National Guard Armory for the expansion of Pacific Park for recreational purposes.

He explained the consolidation project included demolishing the Burbank and Glendale armories to build one new armory and would necessitate three land sale transactions to provide for the possible expansion of Pacific Park. He noted the project was also incorporated into the Fiscal Years 2002-03 and 2003-04 Work Program Goals; newspaper articles have

6/24/03

been published regarding the proposal; and the proposal has been presented to the Park, Recreation and Community Services Board and is in the State legislative process.

He further reported a meeting arranged by Assembly Member Frommer was held in 2001 and included staff from the cities of Burbank and Glendale, City Managers Ovrom and Starbird, Assembly Member Dario Frommer, Major General Paul Monroe and other representatives from the California National Guard to establish each entity's interest in pursuing a consolidated National Guard Armory serving both Burbank and Glendale and to consider the relocation of this joint facility to a site at the Burbank-Glendale-Pasadena Airport. Subsequent to this initial meeting, staff from the cities of Burbank and Glendale conducted additional staff level meetings, telephone conversations and e-mails with the California National Guard, Airport staff and legislators in an effort to further refine the proposed consolidation, but noted no further action on the proposed future site has been taken. He also reported Senate Bill 1607 was passed, granting the State of California authorization to sell and buy armory property and noted the finding that homeland security would be improved with a more modern and consolidated armory. With a visual aid, he identified the current locations of both armories and the proposed site for the consolidated armory.

Regarding project funding, he noted staff was considering a combination of grant, State and Federal funding as well as Homeland Security funding as it becomes available. He also noted additional funding would be required for the expansion of Pacific Park.

The Council noted and filed the report.

401-2
Request to
Consider AB
1690

Ms. Wolfe, Administrative Analyst, City Manager's office, stated the matter of Assembly Bill (AB) 1690 was placed on the agenda at Council Member Campbell's request. She explained AB 1690 would change existing law by authorizing local government agencies to form a public safety finance agency to levy a local general income tax, if that tax is approved by a majority of the voters. She stated the bill would require the Franchise Tax Board to administer and collect these local income taxes and transmit the revenues to the local agencies within 60 days of collection. She added AB 1690 has been referred to the Senate Committee on Revenue and Taxation and is scheduled for a hearing on July 9, 2003. She concluded with staff recommendation that the Council discuss the matter and direct staff as desired.

- Motion It was moved by Mr. Golonski, seconded by Mr. Vander Borgh and carried that "the report be noted and filed."
- 10:42 P.M.
Reconvene
Redev. Agency
Meeting The Redevelopment Agency meeting was reconvened at this time.
- Third Period of
Oral
Communication Ms. Murphy called for speakers for the third period of oral communications at this time.
- Citizen
Comment Appearing to comment were Mark Friedman, on an incident with a truck which was thought to contain explosives ending up in Burbank, noting law enforcement failure to stop the truck before reaching Burbank, and commenting on the change in traffic signalization in his neighborhood; Eden Rosen, commenting on the subsidy given to AMC Theatres to develop the new theater complex, on affordable housing and rent increases, in opposition to the BWP architectural improvement plans; Mike Nolan, in disagreement with the Council's decision to take no action on Senate Bill (SB) 1690; and David Piroli, expressing appreciation to Council Member Campbell for his position on SB 1690, and inquiring whether the document provided to the Council by the City Attorney's office with regard to second dwelling units influenced the Council's decision.
- Staff
Response Members of the Council and staff responded to questions raised.
- 301-2
Memorial
Adjournment There being no further business to come before the Council, the meeting was adjourned at 10:56 p.m. in memory of Hazel Walker.

Margarita Campos, City Clerk

APPROVED AUGUST 12, 2003

Mayor of the Council
of the City of Burbank