



COUNCIL AGENDA - CITY OF BURBANK
 TUESDAY, JANUARY 20, 2004
 5:30 P.M.

CITY COUNCIL CHAMBER – 275 EAST OLIVE AVENUE

This agenda contains a summary of each item of business which the Council may discuss or act on at this meeting. The complete staff report and all other written documentation relating to each item on this agenda are on file in the office of the City Clerk and the reference desks at the three libraries and are available for public inspection and review. If you have any question about any matter on the agenda, please call the office of the City Clerk at (818) 238-5851. This facility is disabled accessible. Auxiliary aids and services are available for individuals with speech, vision or hearing impairments (48 hour notice is required). Please contact the ADA Coordinator at (818) 238-5021 voice or (818) 238-5035 TDD with questions or concerns.

CLOSED SESSION ORAL COMMUNICATIONS IN COUNCIL CHAMBER:

Comments by the public on Closed Session items only. These comments will be limited to **three** minutes.

For this segment, a **PINK** card must be completed and presented to the City Clerk.

CLOSED SESSION IN CITY HALL BASEMENT LUNCH ROOM/CONFERENCE ROOM:

- a. Conference with Legal Counsel – Anticipated Litigation (City as possible plaintiff):
 Pursuant to Govt. Code §54956.9(c)
Number of potential case(s): 1

- b. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):
 Pursuant to Govt. Code §54956.9(b)(1)
Number of potential case(s): 1

When the Council reconvenes in open session, the Council may make any required disclosures regarding actions taken in Closed Session or adopt any appropriate resolutions concerning these matters.

6:30 P.M.

INVOCATION: Reverend Larry Stamper, Burbank First United Methodist Church.
 The Courts have concluded that sectarian prayer as part of City Council meetings is not permitted under the Constitution.

FLAG SALUTE:

ROLL CALL:

ANNOUNCEMENT: WEDNESDAY NIGHT PRIME TIME PROGRAMS.

COUNCIL COMMENTS: (Including reporting on Council Committee Assignments)

INTRODUCTION OF ADDITIONAL AGENDA ITEMS:

At this time additional items to be considered at this meeting may be introduced. As a general rule, the Council may not take action on any item which does not appear on this agenda. However, the Council may act if an emergency situation exists or if the Council finds that a need to take action arose subsequent to the posting of the agenda. Govt. Code §54954.2(b).

6:30 P.M. CONTINUED PUBLIC HEARING:

1. MODIFICATIONS TO THE DEVELOPMENT REVIEW PROCESS FOR MULTI-FAMILY RESIDENTIAL PROJECTS (CONTINUATION OF INTERIM DEVELOPMENT CONTROL ORDINANCE HEARING):

On January 13, 2004, the Council held a public hearing to consider adoption of an Interim Development Control Ordinance (IDCO) that would temporarily restrict the development of certain types of multi-family residential projects. The Council did not adopt the proposed IDCO, continued the public hearing and directed staff to return with options for adopting an ordinance to modify the existing Development Review (DR) process by adding required compatibility findings.

For most multi-family development, the Community Development Director has no discretion when reviewing a project, and no ability to require design changes other than those needed to ensure Code compliance. Although the scope of the Director's review is somewhat broader for those projects in proximity to R-1 properties, the review is still restricted to specific criteria and the amount of discretion is limited. On January 13, 2004 the Council directed staff to return with options for an ordinance that would modify the existing DR process to provide the Director with the discretion to review a project, and require changes to a project's design, to ensure compatibility with surrounding development. In addition to the current findings and criteria for approval, the Director would be required to make additional findings that a project would be consistent with existing development in the neighborhood.

Amendments to the Zoning Ordinance are usually adopted by the Council following a noticed public hearing, preceded by a Planning Board hearing. The ordinance then follows the typical adoption process consisting of introduction followed by a second reading and newspaper publication. The ordinance becomes effective on the 31st day after newspaper publication. This process takes several months to complete. As an alternative to this process, the Burbank City Charter includes a provision for the adoption of an emergency ordinance that would become effective immediately upon adoption. Such an ordinance may be adopted by a four-fifths vote of the Council upon a finding that the measure is necessary for the preservation of the public peace, health, safety, or welfare. This allows the Council to adopt a Zone Text Amendment as an emergency ordinance that would be effective immediately, rather than going

through the normal process. In such a situation, a public hearing would not be held by the Planning Board.

The Council has the option of directing staff to return with an emergency ordinance that would become effective immediately upon adoption, or directing staff to initiate a Zone Text Amendment to be processed pursuant to the normal procedure, including separate public hearings with the Planning Board and Council. If so desired by the Council, staff would be prepared to present an emergency ordinance for the Council's consideration at the next regular meeting on January 27, 2004.

Whether or not adopted as an emergency measure, the proposed ordinance could be drafted so as to apply to any project that does not already have vested rights following the issuance of a building permit. The Council could require projects that have already received DR approval to be reviewed again for a compatibility determination. In light of the concerns expressed by the Council on January 13, 2004 regarding project design and compatibility, and the number of projects with DR approval that might be allowed to go forward, staff believes that this proposed ordinance should be applied retroactively to all projects that do not yet have vested rights, whether or not they have received DR approval.

The amount of staff resources and time to be devoted to implementing the proposed ordinance could be substantial. The proposed ordinance would require staff to review all multi-family DR applications for compatibility with the surrounding neighborhood in addition to standard Code compliance. This process would necessitate additional staff time and would likely lengthen the amount of time required to process a DR application, particularly in the initial implementation period.

On January 13, 2004 the Council indicated support for retaining a consultant to conduct a comprehensive study of the current densities and design standards. The estimated cost for the initial phase of the study needed this fiscal year is \$71,500, including a ten percent contingency. There is currently \$21,000 available in the Planning Division budget for this project. Funding for this effort would therefore require a budget amendment to allocate an additional \$50,500 to the Planning Division budget. Funding for the next phase of the project is not anticipated to be needed until the next fiscal year, and staff will include that funding request as part of the Community Development Department budget proposal for the next fiscal year. Staff recommends that the Council approve the requested budget amendment of \$50,500 to fund this effort.

Recommendation:

Staff recommends Council direction to:

1. return with an emergency ordinance or initiate a Zone Text Amendment to modify the DR process as directed;
2. draft the ordinance to retroactively apply to all projects that do not yet have a building permit, whether or not DR approval has been granted; and,

3. Adoption of proposed resolution entitled:
(4/5 vote required)
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING
THE FY 2003-2004 ANNUAL BUDGET IN THE AMOUNT OF \$50,500.

REPORTING ON CLOSED SESSION:

AIRPORT AUTHORITY MEETING REPORT:

2. AIRPORT AUTHORITY COMMISSIONER REPORT:

At the request of the Burbank representatives to the Airport Authority, an oral report will be made to the City Council following each meeting of the Authority.

The main focus of this report will be issues which were on the Airport Authority meeting agenda of January 20, 2004. Other Airport related issues may also be discussed during this presentation.

Recommendation:

Receive report.

INITIAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS: (Two minutes on any matter concerning City Business.)

There are four segments of Oral Communications during the Council Meeting. The first precedes the Closed Session items, the second and third segments precede the main part of the City Council's business (but follow announcements and public hearings), and the fourth is at the end of the meeting following all other City business.

Closed Session Oral Communications. During this period of oral communications, the public may comment only on items listed on the Closed Session Agenda(s). A **PINK** card must be completed and presented to the City Clerk. Comments will be limited to **three** minutes.

Initial Open Public Comment Period of Oral Communications. During this period of Oral Communications, the public may comment on any matter concerning City Business. A **BLUE** card must be completed and presented to the City Clerk. NOTE: Any person speaking during this segment may not speak during the third period of Oral Communications. Comments will be limited to **two** minutes.

Agenda Item Oral Communications. This segment of Oral Communications immediately follows the first period, but is limited to comments on agenda items for this meeting. For this segment, a **YELLOW** card must be completed and presented to the City Clerk. Comments will be limited to **four** minutes.

Final Open Public Comment Period of Oral Communications. This segment of oral communications follows the conclusion of agenda items at the end of the meeting. The public may comment at this time on any matter concerning City Business. NOTE: Any member of the public speaking at the Initial Open Public Comment Period of Oral Communications may not speak during this segment. For this segment, a **GREEN** card must be completed and presented to the City Clerk. Comments will be limited to **two** minutes.

City Business. City business is defined as any matter that is under the jurisdiction of the City Council. Although other topics may be of interest to some people, if those topics are not under City Council jurisdiction, they are not City business and may not be discussed during Oral Communications.

Videotapes/Audiotapes. Videotapes or audiotapes may be presented by any member of the public at any period of Oral Communications or at any public hearing. Such tapes may not exceed the time limit of the applicable Oral Communications period or any public comment period during a public hearing. The playing time for the tape shall be counted as part of the allowed speaking time of that member of the public during that period.

Videotapes must be delivered to the Public Information Office by no later than 10:00 a.m. on the morning of the Council meeting in a format compatible with the City's video equipment. Neither videotapes nor audiotapes will be reviewed for content or edited by the City prior to the meeting, but it is suggested that the tapes not include material that is slanderous, pornographic, demeaning to any person or group of people, an invasion of privacy of any person, or inclusive of material covered by copyright.

Printed on the videocassette cover should be the name of the speaker, the period of oral communication the tape is to be played, and the total running time of the segment. The Public Information Office is not responsible for "cueing up" tapes, rewinding tapes, or fast forwarding tapes. To prevent errors, there should be ten seconds of blank tape at the beginning and end of the segment to be played. Additionally, the speaker should provide the first sentence on the tape as the "in cue" and the last sentence as the "out cue".

As with all Oral Communications, videotapes and audiotapes are limited to the subject matter jurisdiction of the City and may be declared out of order by the Mayor.

Disruptive Conduct. The Council requests that you observe the order and decorum of our Council Chamber by turning off or setting to vibrate all cellular telephones and pagers, and that you refrain from making personal, impertinent, or slanderous remarks. Boisterous and disruptive behavior while the Council is in session, and the display of signs in a manner which violates the rights of others or prevents others from watching or fully participating in the Council meeting, is a violation of our Municipal Code and any person who engages in such conduct can be ordered to leave the Council Chamber by the Mayor.

Once an individual is requested to leave the Council Chamber by the Mayor, that individual may not return to the Council Chamber for the remainder of the meeting. BMC §2-216(b).

Individuals standing in the Council Chamber will be required to take a seat. Also, no materials shall be placed in the aisles in order to keep the aisles open and passable. BMC §2-217(b).

Your participation in City Council meetings is welcome and your courtesy will be appreciated.

COUNCIL AND STAFF RESPONSE TO INITIAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS:

AGENDA ITEM ORAL COMMUNICATIONS: (Four minutes on Agenda items only.)

COUNCIL AND STAFF RESPONSE TO AGENDA ITEM ORAL COMMUNICATIONS:

CONSENT CALENDAR: (Item 3)

The following item may be enacted by one motion. There will be no separate discussion on this item unless a Council Member so requests, in which event the item will be removed from the consent calendar and considered in its normal sequence on the agenda. A **roll call** vote is required for the consent calendar.

3. MINUTES:

Approval of minutes for the regular meetings of December 16, December 23, December 30, 2003 and January 6, 2004.

Recommendation:

Approve as submitted.

END OF CONSENT CALENDAR *** *** ***

REPORTS TO COUNCIL:

4. REQUEST FOR AUTHORIZATION TO FILE AN ALCOHOL LICENSE PROTEST/ COMMENT LETTER FOR 260 EAST MAGNOLIA BOULEVARD (GITANA):

The purpose of this report is to request Council authorization for the City Manager to file protest or comment letters on behalf of the City to the California Department of Alcoholic Beverage Control (ABC) for any alcohol license applications at 260 East Magnolia Boulevard (Gitana) and specifically for a pending license transfer application.

When an operator wishes to sell alcoholic beverages within the City, ABC notifies the City of their pending application. On certain licenses, the City may comment on the pending license or transfer and even protest the license. The governing body, or their designee, however, is the only entity permitted to file a protest letter on behalf of the City. Therefore, if staff believes it necessary to file protest letters, authorization from the Council is necessary.

It is not often that the City protests or comments on alcohol licenses since the City controls the locations where alcohol may be sold through the Zoning Ordinance. The City's Conditional Use Permit (CUP) provisions usually enable the City to impose the necessary conditions on a particular business to ensure that it is not detrimental to the public health, safety and welfare. Gitana's situation is different in that the CUPs have already been revoked and there are no pending CUP applications. The City's concerns are primarily with Gitana's apparent operation in direct violation of the Burbank Municipal Code (BMC) and other State penal statutes. Staff believes that Gitana's disregard for Code requirements should be considered by the ABC in its evaluation of any alcohol license transfer. This process provides an additional avenue for ensuring that Gitana comes into compliance with the BMC and State law.

Recommendation:

Staff recommends that the Council authorize the City Manager or her designee to send protest or comment letters to ABC for alcohol licenses at 260 East Magnolia Boulevard when determined appropriate by the City Manager. The Community Development Department and Police Department are working together to determine the appropriate language and requested conditions to be included in a protest or comment letter.

5. APPROVAL OF COMMUNITY DEVELOPMENT BLOCK GRANT CAPITAL PROJECTS FOR FISCAL YEAR 2004-05:

The City submits an Annual Plan and applications for Federal funds, including those from the Community Development Block Grants (CDBG), pursuant to regulations dated January 5, 1995, covering 24 CFR Part 91, Consolidated Submissions for Community Planning and Development Programs. Both the Annual Plan and the Final Statement describe activities/projects planned to accomplish goals and objectives stated in the Consolidated Plan (Fiscal Years (FY) 2003-08). Activities eligible under the CDBG program must principally benefit persons of low and moderate income, aid in the prevention or elimination of slums and blight, or address community development needs having a particular urgency. For Burbank, CDBG funds are used for capital improvement projects, public services and program administration.

The Annual Plan and Final Statement of Community Development Objectives and Projected Use of Funds are scheduled for formal submission in May 2004. However,

capital project requests are accepted earlier for City approval to allow sufficient lead time for completing pre-development tasks such as project design, preparation of specifications and bid scheduling. This advanced implementation process permits projects to go forward immediately when Federal applications are approved and funds are budgeted by the United States Department of Housing and Urban Development (HUD).

For FY 2004-05, CDBG capital funding is estimated at \$1,104,242 based on last fiscal year's entitlement. When the Annual Plan and Final Statement are approved in April 2004, capital project approvals will be amended to equal the actual entitlement and other fund sources. At that time, appropriations for program administration and public services will be approved at the statutory limits of 20 percent and 15 percent, respectively. CDBG funds are expected to total approximately \$1.7 million.

Capital project fund availability and a request for proposals was advertised and noticed to departments/agencies on October 4 and October 8, 2003, with proposals accepted until November 7, 2003. Six City departments/organizations submitted 13 projects totaling \$2.1 million in requests.

The Community Development Goals Committee met on November 20, 2003, to review proposals and make recommendations. The Committee's rationale for project approvals is predicated on creating a direct/visual impact, benefiting the appropriate citizenry, or providing funds where resources are limited or non-existent. Consistent with this methodology is a non-recommendation for the City's Code Enforcement program and only a partial recommendation for infrastructure improvements. The partial funding recommended for Public Works is to be utilized by the Department on priority projects that can be quickly implemented and spend funds. Other projects are recommended at the proposal amount:

1. Public Works Department (All Projects)	\$328,242
2. Washington Elementary School Exterior Lighting and PA System	\$ 41,500
3. Washington Elementary School Fencing and Security Gate	\$ 18,000
4. Disney Elementary School Exterior Lighting and PA System	\$ 33,500
5. Burbank Center for the Retarded – Utility/Storage Cabinets	\$ 15,000
7. Build Rehabilitation Industries – Facility Improvements	\$ 70,000
8. Burbank Temporary Aid Center –	\$598,000
Two-Story Addition/Building Renovation	\$598,000
Total:	\$1,104,242

Burbank Temporary Aid Center's (BTAC) proposal is a two-year project with an amended total construction cost estimated at \$924,000 to \$960,000, and a CDBG share totaling \$832,000 to \$868,000 (BTAC's share: \$92,000). Phase 1 of the project entails demolishing the existing rear structure and constructing a new two-story addition, with the core elements (certificate of occupancy) completed the first year. BTAC estimates that Phase 1 can be completed for approximately \$575,000 to \$598,000. CDBG funds required for Phase 2 to complete improvements to the addition and renovate/improve the front building of the facility would total \$257,000 to

\$293,000. BTAC will submit its CDBG proposal for Phase 2 next year. (Note: Above costs do not include any temporary relocation and professional services projected to be \$69,500).

Executive Staff met on November 19 and December 3, 2003 to review proposals and finalize their recommendation listed below:

1. Public Works Department (All Projects)	\$273,958
2. CDD-License and Code Services Code Enforcement	\$147,284
3. Washington/Disney Elementary Schools (All Projects)	\$ 50,000
4. Burbank Center for the Retarded – Utility/Storage Cabinets	\$ 15,000
5. Build Rehabilitation Industries – Seismic Retrofitting, New Roof	\$ 43,000
6. Burbank Temporary Aid Center – Two-Story Addition/Building Renovation	\$575,000
Total:	<hr/> \$1,104,242

Compared with the recommendations of the Community Development Goals Committee, there is one major difference in the recommendation for the Code Enforcement program in the amount of \$147,284, which staff believes is crucial in maintaining the viability and integrity of neighborhoods in CDBG areas and cannot be presently funded with other resources. To fund the Code Enforcement program, other projects are recommended at lesser amounts when compared to the Community Development Goals Committee's recommendation. Differences include: \$54,284 less for Public Works; \$43,000 less for Burbank Schools; \$27,000 less for Build Rehabilitation Industries; and, \$23,000 less for Burbank Temporary Aid Center.

The partial funding recommended for Public Works is to be utilized by the Department on priority projects while School District projects are left to their discretion, although staff prefers the recommendation that \$50,000 be utilized for the exterior lighting projects. In recommending school projects, staff gave preference to joint-use projects that benefit schools and the City, and/or schools and surrounding area residents.

Staff's recommendation for Build Rehabilitation Industries (\$43,000) is to cover seismic retrofitting of the facility and a new roof, while the recommendation for BTAC covers their Phase 1 estimated cost.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING CAPITAL PROJECT USES TO BE FUNDED WITH COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR FISCAL YEAR (FY) 2004-5 AND AUTHORIZING THEIR INCLUSION IN THE FY 2004-05 ANNUAL PLAN AND FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USES OF FUNDS.

6. REVIEW OF PROVISIONS FOR COMPACT CAR PARKING SPACES:

On October 28, 2003, the Council discussed compact car parking spaces and asked staff to provide a first-step report on the history of Zone Text Amendment (ZTA) No. 99-6 that had been prepared by staff in response to a City Planning Board directive in 1999.

The Planning Board conducted a public hearing for ZTA No. 99-6 on September 25, 2000, and voted to recommend elimination of all provisions for compact parking spaces from the Burbank Municipal Code (Code). The Planning Board also voted to establish a minimum width of nine feet for all full-size parking spaces. On December 12, 2000, the Council considered ZTA No. 99-6, but did not approve it. The Council directed staff to look into the feasibility of eliminating the existing Code provisions for compact car parking spaces for multi-family uses only.

A draft staff report dated June 26, 2001, was prepared for Council consideration which addressed the feasibility of eliminating the existing Code provisions for compact car parking spaces in new multi-family residential developments. However, staff was directed to stop the process until further direction was provided by the Council.

Recommendation:

If the Council wishes to reconsider a ZTA to modify or eliminate the existing Code provisions for compact car parking spaces, staff recommends Council direction to prepare an amendment to modify the existing Code provisions for compact car parking spaces.

7. CITY'S EFFORTS REGARDING AIR QUALITY ISSUES:

The Council requested staff prepare a first-step report on air quality issues, including: identifying the sources of air pollution within the City that affect air quality; what police powers the Federal, State, and regional governmental agencies have to enforce the requirements they establish; what police powers the City has via the General Plan and Municipal Code to establish local requirements that would affect the sources of air pollution within the City; and, a list of the recommendations the Air Quality Management District and the Air Resources Board have identified that could be incorporated into the General Plan and Municipal Code to mitigate exposure of residents to local sources of air pollution.

Air pollution within the City is comprised of two primary sources; fixed (e.g. gas stations, auto body shops, etc.) and mobile (vehicle emissions). The City's police powers regarding emission standards are very limited; however, the General Plan and zoning regulations enable cities to properly site uses in order to minimize or avoid air quality impacts such as disallowing the placement of an auto body shop next to a school.

Recommendation:

Should the Council wish to place this matter on a future agenda for further discussion, staff recommends that the Council identify specific issues for staff to investigate and prepare a detailed report.

8. AFTER-ACTION REPORT ON THE OCTOBER 21, 2003 COUNTRY CLUB FIRE AND RECOMMENDATIONS FOR FUTURE FIRE PREVENTION AND DAMAGE MITIGATION MEASURES:

The After Action Report is a summary of the events which took place during the brush fire in the Country Club Drive area beginning on October 21, 2003 at approximately 4:00 p.m. and ending on October 22, 2003 at approximately 6:00 p.m. The report's main purpose is to highlight the strong points and identify the weak points in the operational planning, management and recovery of this incident.

Staff's presentation will highlight a number of recommendations for Council approval. These range from updating the City's current wood shingle roof ordinance to increasing the setback for vegetation management from 100 feet to 200 feet from any structure.

Recommendation:

Staff recommends the Council adopt those measures that will best protect the community.

FINAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS: (Two minutes on any matter concerning the business of the City.)

This is the time for the Final Open Public Comment Period of Oral Communications. Each speaker will be allowed a maximum of **TWO** minutes and may speak on any matter concerning the business of the City. However, any speaker that spoke during the Initial Open Public Comment Period of Oral Communications may not speak during the Final Open Public Comment Period of Oral Communications.

For this segment, a **GREEN** card must be completed, indicating the matter to be discussed, and presented to the City Clerk.

COUNCIL AND STAFF RESPONSE TO THE FINAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS:

ADJOURNMENT. The Burbank City Council and the Burbank Unified School District Board of Education will hold a Joint Meeting on Thursday, January 22, 2004, at 6:00 p.m., at the Buena Vista Library, 300 North Buena Vista Street, to discuss the following items: 1) Collaborative Cost-Saving Ventures Update; 2) Report on Sub-committee Fundraising Efforts; 3) Burbank Unified School District Report on Energy Conservation Efforts; 4) Status of Joint Use Agreement; 5) Mayor's Youth Task Force Recommended Programs; and, 6) Library Grant Update.

**For a copy of the agenda and related staff reports,
please visit the
City of Burbank's Web Site:
www.ci.burbank.ca.us**