

TUESDAY, MARCH 23, 2004

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 5:02 p.m. by Ms. Murphy, Mayor.

CLOSED SESSION

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.

Oral Communications There was no response to the Mayor's invitation for oral communications on Closed Session matters at this time.

5:03 P.M. Recess The Council recessed at this time to the City Hall Basement Lunch Room/Conference Room to hold a Closed Session on the following:

- a. Conference with Real Property Negotiator:
Pursuant to Govt. Code §54956.8
Agency Negotiator: Community Development Director/ Susan M. Georgino.
Property: 1250 Harvard Road.
Parties With Whom City is Negotiating: The Castaway Restaurant is owned and operated by Specialty Restaurants Corporation. Negotiations are with John D, Tallichet, President and David Tallichet, Chief Executive Officer, 8191 East Kaiser Boulevard, Anaheim, California 92808.
Name of Contact Person: Susan Georgino, Community Development Director and Barbara Lazar, Senior Planner, Community Development Department.
Terms Under Negotiation: Extension of lease with the City of Burbank.
- 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
- c. Conference with Labor Negotiator:
Pursuant to Govt. Code §54957.6
Name of the Agency Negotiator: Management Services Director/Judie Sarquiz.
Name of Organization Representing Employee:
Represented: Burbank City Employees Association, Burbank Management Association, International

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Brotherhood of Electrical Workers, Burbank Firefighters Association, Burbank Firefighters Chief Officers Unit, and Burbank Police Officers Association; Unrepresented, and Appointed Officials.

Summary of Labor Issues to be Negotiated: Contracts for Fiscal Year 2004-05.

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:37 p.m. by Ms. Murphy, Mayor.

Invocation The invocation was given by Mr. Kramer, Community Assistance Coordinator.

Flag Salute The pledge of allegiance to the flag was led by Mr. Feng, Deputy City Manager/Public Works and Capital Projects.

ROLL CALL

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

Absent - - - - Council Members None.

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

301-1 Police Dept. Professional Esteem Award Captain Stehr presented a Professional Esteem Award to Lieutenant John Dilibert for his years of dedicated service as a host of the Street Beat cable television program.

301-1 Trust for Public Land Larry Kaplan, representing the Trust for Public Land, made a PowerPoint presentation illustrating the mission and achievements of the organization.

6:58 P.M. Hearing 501-1 Revision to the Wood Shake/Shingle Ord. Mayor Murphy stated that "this is the time and place for the hearing on amendments to the Burbank Municipal Code relating to Wood Roof, Wood Exterior Siding and Brush Clearance."

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

Staff
Report

written communications had been received.

Chief Davis presented a report on proposed amendments to the Burbank Municipal Code relative to wood roofs, wood exterior wall coverings and brush clearance of homes located in the Mountain Fire Zone. With the aid of a PowerPoint presentation, he illustrated that the Mountain Fire Zone includes all properties to the east or hill side of Sunset Canyon from Thurber Place to Walnut Drive; continues along Bel Aire Drive to Cambridge Drive; and, continues north on Kenneth Road to Scott Road and ends at Naomi Street.

Chief Davis recounted that in October and November of 2003, the largest and deadliest wildfires in California history charred approximately 740,000 acres from San Diego County to the suburbs of Los Angeles County, killing 22 people and destroying more than 4,500 homes. He stated that in light of that catastrophic event, the proposed ordinance updates existing Codes which regulate wood roofs, exterior wood finishes and brush clearance requirements. He explained that the proposed ordinance requires that all exposed wood roofs in the Mountain Fire Zone be removed by August 14, 2005. He noted that there are approximately 30 such homes and added that all other homes outside of the Mountain Fire Zone, must comply by August 14, 2012, a date required by previously-adopted Ordinance No. 3296. He also stated that no additional permits would be issued for any covering over a roof with wood shingles.

Chief Davis further stated that the proposed ordinance prohibits the use of wood exterior wall coverings in the Mountain Fire Zone and modifies the brush clearance requirement for all properties from 100 feet to 200 feet to provide a larger defensible space. He added that the additional 100 feet will be a modified clearance with the native brush reduced by 50 percent and the sumac clusters reduced "leopard spot" style.

Chief Davis informed the Council that every home located in the Mountain Fire Zone will receive an information packet explaining the new clearance requirements on April 15, 2004, and that the ordinance will also require a special local real estate disclosure obligation with regard to the removal of wood roofs.

Citizen
Comment

Appearing to comment were David Hackett, property owner in the Mountain Fire Zone, inquiring as to the criteria for measuring the 200-yard clearance; and, Ron Vanderford, inquiring as to whether the ordinance will only apply to homes located in the Mountain Fire Zone and commenting on

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covering plywood or wood shingles with asphalt.

Hearing
Closed

There being no further response to the Mayor's invitation for oral comment, the hearing was declared closed.

In response to public comment, Chief Davis responded that the ordinance will apply to all wood shake and shingle roofs citywide.

Ms. Murphy expressed concern with regard to moving the compliance date closer for the Mountain Fire Zone and inquired if financial assistance will be made available to homeowners who may have financial hardship. Chief Davis responded that he was not aware of any such arrangement. She also inquired if all residents in the Mountain Fire Zone received notice of the public hearing. Mr. Lim, Principal Plan Check Engineer, Building Division, responded that 70 households in the realigned area were notified, including the 30 households that would be affected by the ordinance.

Mr. Golonski expressed concern with across-the-board prohibition of wood siding material in the Mountain Fire Zone. He requested that staff develop fire resistance standards and that the ordinance be modified to prohibit all wood shake and shingle roofs but require specific fire resistance standards for wood siding material.

Mr. Campbell requested that staff provide information on the options for homeowners who replace their roofs with regard to disposing or recycling of their own wood shakes or shingles.

Ordinance
Introduced

It was moved by Mr. Vander Borght, seconded by Mr. Golonski and carried that "the following ordinance be introduced and read for the first time by title only with staff being directed to return with an amendment with regard to fire resistance standards for wood siding material." The ordinance was introduced and the title read:

501-1
Revision to the
Wood Shake/
Shingle Ord.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING VARIOUS SECTIONS OF THE BURBANK MUNICIPAL CODE RELATING TO WOOD ROOF, WOOD EXTERIOR WALL COVERINGS, AND BRUSH CLEARANCE.

Reporting on Closed Session	Mr. Barlow reported on the items considered by the City Council and the Redevelopment Agency during the Closed Session meetings.
406 Airport Authority Meeting Report	<p>Commissioner Brown reported on the Airport Authority meeting of March 18, 2004. He stated that the Authority reviewed and adjusted the noise violation fines, and approved Work Order 2A in the amount of \$47,500 to the Landrum and Brown Part 161 Professional Service Agreement for a community outreach and communications component. With regard to the airline schedule analysis, he reported that United Airlines and Federal Express have requested to enter into in-depth studies on the voluntary curfew to evaluate whether they can comply. He also made further clarifications on the criteria for the safety award received by the Airport from the Federal Aviation Administration.</p> <p>The Council received the report.</p>
Initial Open Public Comment Period of Oral Communications	Ms. Murphy called for speakers for the initial open public comment period of oral communications at this time.
Citizen Comment	<p>Appearing to comment were Les Hammer, on the Home Depot day laborer center with regard to illegal immigrants; Edward Guerrero, on alleged police misconduct; John Sorrell, expressing opposition to the construction of sidewalks on Ontario Street; Theresa Karam, on alleged double billing as a result of the verdict in the case of Karam v. City of Burbank; Ron Vanderford, on the case of Karam v. City of Burbank; Laurie Feig, on an attack on her dogs by other dogs in her neighborhood and the hearing conducted by the City Attorney's Office; Stan Hyman, on the Home Depot project; and, Mark Barton, on a newspaper article regarding alleged misconduct by a City employee.</p>
Staff Response	Members of the Council and staff responded to questions raised.
Agenda Item Oral Communications	Ms. Murphy called for speakers for the agenda item oral communications at this time.

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Citizen Comment	Appearing to comment were Ron Vanderford, on the deadline for implementation of the proposed wood shake/shingle ordinance, and on the Southern California Association of Government's projections relative to Bob Hope Airport; David Piroli, on passenger security concerns at Los Angeles International Airport and the safety award recently presented to Bob Hope Airport; and, Theresa Karam, on the financial impact to homeowners relative to the proposed wood shake/shingle ordinance.
Staff Response	Members of the Council and staff responded to questions raised.
Motion	It was moved by Mr. Campbell and seconded by Mrs. Ramos that "the following items on the consent calendar be approved as recommended."
Minutes Approved	The minutes for the regular meetings of February 10 and February 17, 2004 were approved as submitted. The minutes for the regular meeting of February 3, 2004 were approved as amended.
1007-1 1009-1 Equipment Maint. Supervisor to Fleet Manager/ BWP	<u>RESOLUTION NO. 26,681:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING AND RE-TITLING THE SPECIFICATION OF EQUIPMENT MAINTENANCE SUPERVISOR/BWP (CTC No. 0321) TO FLEET MANAGER/BWP (CTC No. 0365).
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.
604 Amend Chair Massage Ord.	Ms. Pease, Senior License and Code Services Inspector, Community Development Department, requested that the Council consider an amendment to the Burbank Massage Ordinance. She reported that the amendment will accommodate the request that tub or shower facilities not be required to be on the premises of businesses whose primary business is not massage, but want to provide the additional

service of chair massage; such as beauty salons, shopping malls, airports, sporting events and similar locations. She also added that the amendment defines "chair massage" and "fully clothed", and includes the following restrictions as part of the Burbank Massage Ordinance: at all times during the massage both the massage technician and the person receiving the chair massage shall remain fully clothed in non-revealing opaque clothing; at all times during the massage, the massage must take place within public view in a well lit area and shall not take place in a private area of any building, structure or room; at no time may any part of the massage technician's body or any mechanical device or apparatus operated by the massage technician touch any specified anatomical areas, as defined in Burbank Municipal Code Section 8-2201(j); and, chair massage may not take place in any business establishment which has as a primary business activity the serving of food, alcoholic beverage or entertainment.

Ms. Pease also added that the Code would still stipulate that all licensing requirements of the massage technician as well as the facility have proper City business licensing.

Ordinance
Introduced

It was moved by Mr. Campbell, seconded by Mr. Golonski and carried that "the following ordinance be introduced and read for the first time by title only and be passed to the second reading." The ordinance was introduced and the title read:

604
Amend Chair
Massage Ord.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTION 8-2201 AND 8-2205(B)(2) OF CHAPTER 8, ARTICLE 22 OF THE BURBANK MUNICIPAL CODE TO DEFINE CHAIR MASSAGE AND EXEMPT CHAIR MASSAGE FROM CERTAIN REQUIREMENTS OF MASSAGE ESTABLISHMENTS AND MASSAGE TECHNICIANS.

1507
Fiber Optic
Agmts.

Mr. Cassidy, Telecommunications Manager, Burbank Water and Power, requested Council authorization for the General Manager of Burbank Water and Power to execute five new fiber optic service agreements with TVN Entertainment Inc.; Modern Videofilm; Foto-Kem Industries Inc.; Plus 8 Digital; and, OnFiber Communications, Inc. He stated that each agreement will lease unused fiber optic strands (dark fiber) that are part of the Burbank Fiber Optic Network. He reported that the agreements with TVN Entertainment Inc., Modern Videofilm, Foto-Kem Industries Inc. and Plus 8 Digital are for a one-year period and will thereafter be extended annually for successive one-year terms. He added that the agreement with OnFiber is for a five-year period and will thereafter be extended

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annually for successive one-year terms. He informed the Council that the agreements will yield an annual revenue of \$951,264, and will increase the City's customer base from eight to 13 and the number of buildings with fiber service to 60.

Mr. Golonski suggested that in the future, fiber optic service agreements not require Council approval prior to being executed.

Motion It was moved by Mr. Golonski and seconded by Mr. Vander Borcht that "the following resolutions be passed and adopted:"

1507 RESOLUTION NO. 26,682:
Fiber Optic A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Agmt. with TVN APPROVING AND AUTHORIZING EXECUTION OF THE FIBER
Entertainment OPTIC CABLE SERVICE AGREEMENT BETWEEN THE CITY OF
BURBANK AND TVN ENTERTAINMENT, INC.

1507 RESOLUTION NO. 26,683:
Fiber Optic A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Agmt. with APPROVING AND AUTHORIZING EXECUTION OF THE FIBER
Modern OPTIC CABLE SERVICE AGREEMENT BETWEEN THE CITY OF
Videofilm BURBANK AND MODERN VIDEOFILM.

1507 RESOLUTION NO. 26,684:
Fiber Optic A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Agmt. with APPROVING AND AUTHORIZING EXECUTION OF THE FIBER
Foto-Kem OPTIC CABLE SERVICE AGREEMENT BETWEEN THE CITY OF
Industries, Inc. BURBANK AND FOTO-KEM INDUSTRIES, INC.

1507 RESOLUTION NO. 26,685:
Fiber Optic A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Agmt. with APPROVING AND AUTHORIZING EXECUTION OF THE FIBER
Plus 8 Digital OPTIC CABLE SERVICE AGREEMENT BETWEEN THE CITY OF
BURBANK AND PLUS 8 DIGITAL.

1507 RESOLUTION NO. 26, 686:
Fiber Optic A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK

Agmt. with OnFiber Communications Inc. APPROVING AND AUTHORIZING EXECUTION OF THE FIBER OPTIC CABLE SERVICE AGREEMENT BETWEEN THE CITY OF BURBANK AND ONFIBER COMMUNICATIONS, INC.

Adopted The resolutions were adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Members None.

Final Open Public Comment Period of Oral Communications There was no response to the Mayor's invitation for speakers for the final open public comment period of oral communications at this time.

Adjournment There being no further business to come before the Council, the meeting was adjourned at 8:43 p.m. to Monday, March 29, 2004 at 6:00 p.m. in the Council Chamber for a Joint Council/ Board of Education meeting to discuss the following items: 1) Collaborative Cost-Saving Ventures Update; 2) Report on Subcommittee Fundraising Efforts; and, 3) Facilities Update/ Memorial Field.

Margarita Campos, City Clerk