

TUESDAY, APRIL 20, 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 4:07 p.m. by Ms. Murphy, Mayor.

CLOSED SESSION

Present- - - - Council Members Campbell, Golonski, Vander Borght and Murphy.

Absent - - - - Council Member Ramos.

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.

4:08 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 Legal Counsel – Anticipated Litigation (City as possible plaintiff):

Pursuant to Govt. Code §54956.9(c)

Number of potential case(s): 1

b. 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, Burbank Firefighters Chief Officers Unit, and Burbank Police Officers Association; Unrepresented, and Appointed Officials.

Summary of Labor Issues to be Negotiated: Current Contracts and Retirement Issues.

5:09 P.M. Code Enforcement Study Session Mr. Ochsenbein, Senior Planner, Community Development Department, gave a brief overview of the Department's Code Enforcement program. He reported that Code Enforcement is a proactive process which begins with activities that occur before and continue beyond construction or operations, and includes: enforcing laws and regulations; monitoring Conditions of Approval; and, ensuring Code compliance. He informed the Council that the Department's Code Enforcement activities are governed primarily by prior policy decisions, and fiscal and legal limitations. He noted that generally, Code Enforcement is initiated by the public, either through filing for

permits or making complaints and staff focuses on responding in a timely manner. When violations are noted, he stated that the program aims to achieve voluntary compliance wherever possible and staff will suspend enforcement to provide an opportunity for the violation to be remedied. He added that in situations where voluntary compliance cannot be achieved, revocation of entitlements and ultimately legal action may be taken. He noted that the program focuses on four areas of enforcement, including: zoning regulations; building regulations; business regulations; and, property maintenance.

The following staff members discussed specific Code Enforcement activities related to their divisions: Mr. Hirsch, Assistant Community Development Director/License and Code Services, for the License and Code Services Division; Mr. Sloan, Deputy Building Official, for the Building Division; and, Mr. Ochsenbein, Senior Planner, for the Planning Division.

Mr. Vander Borght noted prior Council efforts to fund an additional staff position to develop and implement an on-going process of tracking Conditions of Approval, especially for Conditional Use Permits and Planned Developments. He noted that funding was eliminated in the Fiscal Year 2003-04 budget process and staff suggested completing the process in-house. He requested that staff provide a status update on the process and Mrs. Georgino, Community Development Director, responded that the Building Division has acquired the technology necessary for the process and that the Department's Fiscal Year (FY) 2004-05 proposed budget includes a recommendation for instituting a five percent fee on the Development Impact Fee, which will allow the Department to acquire the necessary funds to install the technology in the other two divisions.

Mr. Vander Borght also requested clarification on the property maintenance enforcement program and Mrs. Georgino responded that the program is reactive rather than proactive, but noted that the Department's FY 2004-05 proposed budget includes a recommendation for instituting a re-inspection fee that will provide more funding for the program and probably deter the necessity for re-inspections.

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 Rabbi Mervin Tomskey, Rabbi Emeritus, Burbank Temple Emanu El.

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Flag Salute The pledge of allegiance to the flag was led by John Brady, Burbank Human Relations Council.

ROLL CALL

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

Absent - - - - Council Member Ramos.

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

301-1
Plant-A-Tree
Donation Ms. Meyer, Chair of the Civic Pride Committee, and Shelley Davies, Chair of the Plant-A-Tree Program, presented a check in the amount of \$4,470 to be used for planting ornamental trees at Ralph Foy Park, raised through the Civic Pride Committee's Plant-A-Tree Program.

301-1
Earth Day
Proclamation Mayor Murphy presented a proclamation in honor of Earth Day to Mr. Feng, Deputy City Manager, Capital Projects/Public Works.

301-1
National Library
Week Mayor Murphy presented a proclamation in honor of National Library Week to Dorie Beaumont, Chair, Board of Library Trustees.

301-1
Holocaust
Remembrance Mayor Murphy invited members of the public to join the Council in commemoration of the Annual National Days of Remembrance, established by the United States Congress, noting services were being conducted in the rotunda of the Capitol in Washington, D.C., and in Council Chambers and State Capitols throughout the United States. She presented a Proclamation in recognition of the 2004 Days of Remembrance of the victims of the Nazi Holocaust to Sylvia Sutton, Chairperson for the Days of Remembrance of the City of Burbank Committee. Mrs. Sutton conducted a ceremony in commemoration of the National Days of Remembrance, the theme of which was "For Justice and Humanity."

John Brady, President of the Burbank Human Relations Council, outlined the events leading up to the Holocaust and commented on the experience in Hungary, noting the courage of those who took up arms against the Nazis. Helen Tomsy and Elaine Rosenberg introduced the memorial candle-lighting ceremony by briefly remarking on its significance and the importance of remembering the Holocaust. The following survivors of the Holocaust lit candles in remembrance: Ebi

Gabor; Jenő Gabor; Ida Halperin; Rosa Treibach; Edith Frankie; and, George Frankie. Mrs. Tomskey remarked the survivors had lit six candles in memory of the six million Jews who were killed, and invited Rudy Diaz to light the seventh candle in honor of all who perished as a result of the planned exterminations and ethnic cleansings. Cantor Mark Goodman performed a special song, Ani Ma'amin.

In conclusion, Mayor Murphy expressed her appreciation to the survivors as well as the members of the Commemoration Committee.

7:07 P.M.
Hearing
1703
602
Appeal of DR
2003-27
(637 N. Fairview
St.)

Mayor Murphy stated that "this is the time and place for the continuance of the hearing on the appeal of the Planning Board's decision affirming Development Review No. 2003-27. The Applicant, August Bacchetta, applied for Development Review No. 2003-27 requesting authorization to construct a four unit residential building at 637 North Fairview Street. Development Review No. 2003-27 was approved by the Community Development Director on August 18, 2003, which was affirmed by the Planning Board on November 10, 2003."

"This public hearing was opened on March 9, 2004 with presentations by staff and the applicant, and comments from the public. The public comment portion of the hearing was closed and this hearing was continued to this date. Staff was directed to review original plans and develop alternatives more compatible with the neighborhood. It was continued to April 13th and again to April 20th."

Notice
Given

The City Clerk was asked if any new written communications had been received. She replied that no information had been received by the City Clerk's Office.

Staff
Report

Mrs. Forbes, Principal Planner, Community Development Department, requested that the Council consider an appeal of the Planning Board's decision to conditionally approve Development Review (DR) No. 2003-27. She reported that on March 9, 2004, the Council held a public hearing on the appeal, at which time the public testimony of the majority of the neighborhood was concerned with the issue of density, among other concerns. She added that the Council continued the hearing to April 13, 2004 to allow the developer time to redesign his project in an effort to meet the concerns of the neighborhood. She reported that subsequently, the appellants and applicant had two meetings which were also attended by Mayor Murphy and staff. She stated that a compromise was

achieved at the second meeting for a three-unit project with stipulations of eliminating the semi-subterranean garage and setting back the second floor further from the first floor on three of the four elevations. She noted that the applicant submitted revised plans to staff and the appellants incorporating the new setbacks.

Mrs. Forbes noted a correction in Condition of Approval No. 4 which was revised to eliminate the requirement of a wall along the property line outside of the northerly easement. She noted the private easement between the two properties and stated that the City Attorney's Office determined that the City could not place a condition on a private easement, and that it will be up to the applicant as to how he satisfies the requirement. She also noted that the applicant had no intention of placing any structure in the ten-foot easement.

Mrs. Forbes also noted a revision to the Code requirement that the parking area be enclosed with a six-foot-high block wall to serve as the enclosure of the common open space on the southern side and identified that a separate common open space enclosure for the northern side was still required. She explained that staff suggested a modification to require that the applicant enclose that common open space as well. She reiterated that although the applicant had no intention of placing any structure in the ten-foot easement, the condition would require that a wall or fence be built to surround the parking area and the common open space, providing the applicant with the option of putting the fence at the easement line.

Mrs. Forbes informed the Council that the submitted plans do not completely comply with Code and that any approval is conditioned upon the project fully complying with Code. She also noted that the Code requires findings, including compatibility, to be made prior to approving the project and that staff believed that the project as currently proposed and conditioned is reasonably compatible with the neighborhood, given the allowances in the zoning Code and goals identified in the General Plan. She added that the Council could require further design changes as necessary to achieve compatibility in accordance with the compatibility ordinance.

Mrs. Forbes recommended that the Council approve the subject DR as proposed with the conditions, and deny the appeal.

Ms. Murphy noted that the Council had the discretion to reopen the public hearing portion for public comment and inquired as to the Council's pleasure. It was the Council's

consensus to re-open the public hearing.

Appellant

Mr. Jones referenced a meeting held on April 1, 2004 attended by Mayor Murphy, Planning Division staff, appellants and applicant, to achieve a compromise on the project. He noted the neighborhood's desire for a compatible project. He added that subsequently, a neighborhood meeting was held to review the revised plans and that the neighborhood still concurred that the project is too large. He provided the Council with copies of flyers previously distributed to the neighborhood and notes from previous meetings. He commended the Mayor for attending another meeting on March 21, 2004 at the property with the appellants, Senior Planner, and architect, to review the supposedly-revised plans per directions from the Council and staff. He added that after reviewing the plans, it was determined that the plans were still unacceptable and the Mayor directed that the developer provide another set of plans. He stated that staff informed him that an arbitration meeting was arranged to meet with the Mayor, City staff and the owner and architect to review the new set of plans and be able to reach a compromise. He noted that the appellants are willing to allow the developer to proceed with no more delays as long as it is understood that the appellants will be amenable, as long as what was discussed and accepted is honored. He noted that yet another set of plans was presented and after review, some concerns were expressed to City staff. After contacting the applicant, he stated that City staff informed him that the applicant would not comply with the requests although prior information had indicated that the applicant had initially agreed to the changes. He reiterated the desire for a compatible project to preserve the quality of life and protect the health, welfare and safety of the neighborhood. He then presented a letter from the appellants' attorney to the City and expressed opposition to the applicant utilizing the easement as indicated in a letter dated June 4, 2003. He reiterated the massiveness of the project, the potential traffic impacts and parking problems, and requested that the Council uphold the appeal and deny the project.

Applicant

Mr. Lotka stated that he was of the opinion that a compromise was reached at a meeting held with the appellants and attended by Mayor Murphy. He noted that the project meets all Code requirements and that the concerns of the neighborhood were incorporated into the changes to the project. He reiterated that given the current building Code and parking requirements, the project was compatible and urged the Council to approve the project.

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Mr. Bacchetta, Architect, also stated that he thought a compromise was reached with the appellants following several design changes even prior to the compatibility ordinance. He then discussed several design changes that the project has undergone.

Citizen
Comment

Appearing to comment in opposition to the project were: Brenda Willits; Carlton Russell; Armand Mardrossian; Tommie Minard; Ken Scher; Jeana Adair and Sharon Perkins; Leota Bancroft; Veronica Share; Phyllis Kofoed; Dave Tavitian; Kenny Herring; and, Karen MacNeill. Also, Mark Barton, noting that the outrage expressed by neighbors has decreased and expressing support for the work done to date by Mr. Bachetta; and, David Piroli, commenting on reasonable compatibility and citing complaints expressed by the neighbors.

Hearing
Closed

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

Rebuttal by
Mr. Jones

Mr. Jones expressed disappointment with the comments made by the developer and architect, and stated that at the meeting held with Mayor Murphy concerns were raised regarding the project.

Rebuttal by Mr.
Lotka

In response to public comment, Mr. Lotka noted the changes in the project's design, including: the elimination of the subterranean parking garage; change from four units to three units; and, reiterated that the easement is not proposed for use as a parking area. He added that the project would increase the property values of the neighborhood and urged that his property rights be considered as well. He reiterated that the project meets all Code requirements and stated that low cost affordable housing would be provided.

Rebuttal by Mr.
Baccheta

Mr. Bachetta noted the lack of clarity in the compatibility ordinance and stated that compatibility does not mean similarity for all buildings. He added that the project was a reasonable compromise on compatibility and noted that there are two-story buildings in the neighborhood. He also noted that the property owners should have realized they bought R-3 properties at the time of purchase.

Rebuttal

by In response to public comment, Mrs. Forbes stated that

Staff although the plans are currently not up to Code, the rear portion of the property has the accurate turning radius according to the City's Traffic Engineer. She also noted that a compromise was reached with the three neighborhood representatives but not with the entire neighborhood.

Council
Deliberation Ms. Murphy noted that at a meeting she attended with the appellants, the concerns of the three neighborhood representatives were addressed but it was understood that the representatives could not make a decision on behalf of the entire neighborhood. She added that she personally expressed concern with inadequate parking.

Mr. Vander Borcht mentioned that he held a meeting with Mr. Lotka and Mr. Bacchetta following the last public hearing at which they presented the four-unit proposal.

Mr. Campbell also stated that he met with Mr. Lotka on the four-unit proposal.

Mr. Golonski clarified that the private easement was not proposed for use as a parking area and that based on the projected rents, the project would not provide affordable housing. He then noted that the project has undergone significant changes but it was still too dense compared to the surrounding neighborhood. He noted that in order to protect the neighborhood, clear density standards had to be established. He expressed sympathy for Mr. Lotka but noted that approving the project would permanently change the nature of the neighborhood. He also suggested adopting an Interim Development Control Ordinance (IDCO) for the neighborhood and initiating a down zoning process.

Mr. Campbell emphasized the need for preserving the character of neighborhoods. He expressed disappointment with comments made by Mr. Baccheta and noted the lack of adequate open space in the project design. He added that the project is still too dense, lacks uniformity and is clearly trying to maximize density. He also requested clarification on the provision of an additional guest parking space.

Mr. Vander Borcht expressed concern with the density as defined by the amount of floor area space. He stated that the applicant is proposing three units with a total of approximately 4,000 square feet, with a coverage of under 40 percent of lot area, a density that is being taken advantage of by many single-family residences. He noted that if only the number of units is addressed, the applicant could build two 2,000 square foot units and the project would look about the same and not

have any setbacks. He suggested finding a solution that addresses all density issues. He noted the need to hold a public hearing prior to adopting an IDCO for the area or initiating a down zoning process, to solicit input from the property owners.

Ms. Murphy stated that she could not make the finding for preserving the character and integrity of the neighborhood, and noted that the project had inadequate open space and parking. She was not in favor of the IDCO as it would necessitate discretionary approval for every project and expressed support for down zoning the neighborhood. She noted her prior concern with down zoning the neighborhood due to lack of housing, but noted that the City is meeting its housing needs by providing dense housing in the downtown area in order to preserve neighborhood character. She also acknowledged the applicant's property rights.

Mr. Golonski clarified that it is the intensity of the use that makes the density incompatible with the neighborhood and not the square footage and lot coverage. He acknowledged the possibility of the neighborhood changing to two-story structures but stated that the Council would have to make a determination as to whether the intensity of use will be increased. He added that the neighborhood is at an R-2 intensity and that the R-3 density is twice the R-2 intensity.

Mr. Golonski further stated that an IDCO is designed to be utilized during the period when standards are changing and suggested an expedited notice on the potential zoning changes. He also stated that an IDCO would require a real estate disclosure by which any potential property buyers in the neighborhood would be notified of the pending changes.

Ms. Murphy requested clarification on the difference between discretionary approval and an IDCO and Mrs. Georgino, Community Development Director, responded that the compatibility ordinance did not grant the Council discretionary approval, but a requirement for compatibility. She stated that a ministerial process exists by which staff determines project compatibility. She added that within the determination is the ability for an appeal within 15 days and as a result, more appeals are being filed due to the ambiguity in the compatibility standards. She further stated that the projects are appealed to the Planning Board but since the Planning Board has no standard for compatibility, the projects are further appealed to the Council. She also stated that depending on how the IDCO is drafted, no plans can be processed during the IDCO period.

Mr. Golonski noted the option of adopting a discretionary process with an IDCO so that all projects are not halted.

Mr. Barlow, City Attorney, clarified that an IDCO would halt all development although some exceptions could be made. He cautioned that providing too many exceptions defeated the purpose of an IDCO.

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| Motion | It was moved by Mr. Golonski, seconded by Mr. Campbell and carried with Mrs. Ramos absent that "the appeal be upheld and the project be denied on the grounds that its not compatible with the surrounding neighborhood." |
| Motion | It was moved by Mr. Golonski, seconded by Mr. Campbell and carried with Mrs. Ramos absent that "staff be directed to initiate action necessary to hold a public hearing on down zoning the area." |
| Reporting on Closed Session | Mr. Barlow reported on the items considered by the City Council and the Redevelopment Agency during the Closed Session meetings. |
| 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 | Appearing to comment were Sue Boegh, in support of the Burbank Unified School District's application for Community Development Block Grant funding; Eden Rosen, on a fee increase and change of billing date by Charter Communications; Howard Rothenbach, expressing appreciation to the Council for postponing the Home Depot public hearing, announcing a Friends of the Burbank Library meeting on April 28, 2004 and the Library's semi-annual book sale; and, Mark Barton, commenting on alleged misconduct by a City official. |
| 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	Comments were received from the following individuals in support of their Community Development Block Grant (CDBG) funding applications: Dr. Lauren Fox, Schutrum-Piteo Foundation; Bud Alleman, Burbank Noon Lions Charity, Inc.; Laurie Bleick, Family Service Agency; Barbara Howell, Burbank Temporary Aid Center; Alex Fey, Burbank Boys and Girls Club; Sona Zinzalian, Armenian Relief Society; Bill Augustyn, Build Rehabilitation; and, Annie Chalian, social worker and member of the Armenian Relief Society. Comments were also received from Chris Carson, President, Glendale/Burbank League of Women Voters, in support of the mail ballot election ordinance; Garen Yegparian, stating that code enforcement is not a capital expenditure and in opposition to the mail ballot election ordinance; Eden Rosen, commenting on adult care giving and in support of the Schutrum-Piteo Foundation application for CDBG funding; David Piroli, commenting on the Fairview public hearing and in opposition to the mail ballot election ordinance; Howard Rothenbach, in support of the mail ballot election ordinance; and, Mark Barton, commenting on the Fairview project.
Staff Response	Members of the Council and staff responded to questions raised.
Motion	It was moved by Mr. Vander Borcht and seconded by Mr. Campbell that "the following items on the consent calendar be approved as recommended."
304-1 Plant-A-Tree Donation from The Civic Pride Committee	<u>RESOLUTION NO. 26,699:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING FISCAL YEAR 2003-2004 BUDGET FOR THE PURPOSE OF ACCEPTING BURBANK CIVIC PRIDE COMMITTEE'S PLANT-A-TREE DONATION OF \$4,470.
1301-3 CDBG Street, Alley, Sidewalk And Ped. Ramp Project (BS 1154)	<u>RESOLUTION NO. 26,700:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND ADOPTING CONTRACT DOCUMENTS, PLANS AND SPECIFICATIONS, AND DETERMINING THE LOWEST RESPONSIBLE BIDDER, ACCEPTING THE BID, AND AUTHORIZING EXECUTION OF A CONTRACT FOR THE 2003/2004 CDBG STREET, ALLEY, SIDEWALK, AND PEDESTRIAN RAMP PROJECT, BID SCHEDULE NO. 1154.

1204-1 RESOLUTION NO. 26,701:
 Approval of A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
 Final Tract Map APPROVING FINAL MAP OF TRACT NO. 53742 (711-737 East
 No. 53742 Olive Avenue).

1503 RESOLUTION NO. 26,702:
 Amend. No. 1 to A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
 Burbank APPROVING AND AUTHORIZING EXECUTION OF
 Interconnection AMENDMENT NO. 1 TO THE BURBANK INTERCONNECTION
 Agmt. with AGREEMENT BETWEEN THE SOUTHERN CALIFORNIA PUBLIC
 SCPPA POWER AUTHORITY AND THE CITY OF BURBANK.

1503 RESOLUTION NO. 26,703:
 Amend. No. 2 to A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
 Magnolia Power APPROVING AND AUTHORIZING EXECUTION OF
 Project Site AMENDMENT NO. 2 TO THE MAGNOLIA POWER PROJECT
 Lease with SITE LEASE AND SERVICES AGREEMENT BETWEEN THE
 SCPPA SOUTHERN CALIFORNIA PUBLIC POWER AUTHORITY AND
 THE CITY OF BURBANK.

1503 RESOLUTION NO. 26,704:
 Reimbursement A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
 Agmt. for GIS APPROVING A REIMBURSEMENT AGREEMENT FOR GIS
 Expansion at EXPANSION AT OLIVE SWITCHING STATION BETWEEN THE
 Olive Switching CITY OF BURBANK AND THE SOUTHERN CALIFORNIA PUBLIC
 Station with POWER AUTHORITY AND DIRECTING THAT CERTAIN FUNDS
 SCPPA BE APPROPRIATED IN THE FY 2004-2005 BUDGET.

Adopted The consent calendar was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Member Ramos.

804-3 Mr. Yoshinaga, Grants Coordinator, Community Development
 FY 2004-05 Department, requested that the Council approve/file the Fiscal
 Consolidated Year (FY) 2004-05 Annual Plan of the Consolidated Plan (2003-
 Plan 08) submission involving community planning and

development programs and activities pursuant to Federal regulations dated January 5, 1995, including: 1) filing Federal fund applications for the Community Development Block Grant (CDBG) and HOME Investment Partnerships Programs (HOME); 2) filing the Final Statement of Community Development Objectives and Projected Use of Funds for FY 2004; and, 3) authorizing the City Manager to execute United States Department of Housing and Urban Development (HUD) funding agreements for CDBG and HOME; act as the City's Certifying Officer under 24 Code of Federal Regulations, Part 58 – Environmental Review Procedures, and execute sub-recipient contracts with organizations utilizing CDBG and HOME funds, as applicable.

Mr. Yoshinaga stated that the Consolidated Plan includes, but is not limited to: a needs assessment of housing/community development and the homeless; housing market analysis; strategic plan; annual plan; monitoring plan; program certifications; and, description of the citizen participation and consultation process undertaken. He added that the Consolidated Plan is required every five years and was last submitted for the period 2003-08. He explained that the Consolidated Plan's strategy describes a general assessment of needs for all households, and particularly very low and low-income households at or below 80 percent of median family income, including minorities, elderly, disabled and large families. He added that the strategy details Federal, State, local and private programs and resources available to meet eight priority needs, including: housing; homeless and special populations programs; community facilities and infrastructure; economic development; and, community services.

Mr. Yoshinaga stated that the Annual Plan details the resources available to address strategy goals and describes the programs and activities which meet Consolidated Plan goals, and unit objectives by fund resource and must be submitted no later than 45 days prior to the start of the fiscal year, or on or about May 15, 2004.

Mr. Yoshinaga reported that capital projects as recommended by the Community Development Goals Committee and the City's Executive Staff were considered and approved by the Council on January 20, 2004. He noted that the approval was based on an estimated 2004 capital fund total of \$1,104,242; however, after receiving formal notification from HUD, actual capital project funds available are \$1,085,392, or a shortage of \$18,850. He stated that both the Community Development Goals Committee and the Executive Staff have revised their original recommendation based on the Council's approval of January 20, 2004.

Following Council deliberation CDBG funding was recommended as follows: Salvation Army, \$18,000; Family Service Agency, \$43,000; Burbank Temporary Aid Center, \$35,000; Burbank Boys and Girls Club, \$35,000; Youth Employment, \$70,000, Build Rehabilitation, \$7,500; Burbank Family YMCA, \$15,000; Burbank Center for Retarded, \$9,000; Partners in Care, \$1,975; Burbank Noon Lions Charity, Inc., \$2,000; Schutrum-Piteo Foundation, \$10,000; and, Library, \$4,000.

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

804-3
FY 2004-05
Consolidated
Plan

RESOLUTION NO. 26,705:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING THE FILING OF THE FISCAL YEAR 2004-05 ANNUAL PLAN UNDER THE CONSOLIDATED PLAN SUBMISSION (FISCAL YEARS 2003-08) FOR COMMUNITY PLANNING AND DEVELOPMENT PROGRAMS AND AUTHORIZING THE EXECUTION OF RELATED AGREEMENTS.

Adopted The resolution was adopted by the following vote:

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

204
All Mail Ballot
Elections

Mrs. Campos, City Clerk, reported that on October 8, 2002, the Council directed that an advisory Ballot Initiative amending the Burbank Municipal Code (BMC) to allow for conducting Primary Nominating Elections and General Municipal Elections wholly by mail ballots beginning in 2005, be placed on the ballot as soon as practicable. She stated that subsequently, Measure M, the Advisory Vote on Mail Ballot Elections, was put on the ballot for voter consideration at the February 25, 2003 Primary Nominating Election, and 63.7 percent of the votes cast were in favor of the Measure. She noted that Chapter 11 of the BMC authorizes the conduct of polling place municipal elections and also authorizes special municipal elections to be conducted wholly by mail ballots.

Mrs. Campos explained the mail ballot process and recounted

that the first mail ballot election in the City was the Restore Our Airport Rights Initiative (Measure A) Special Election conducted on October 9, 2001, which yielded a 34.8 percent voter turnout. She noted that this represents the highest voter turnout ever in a City municipal election.

Mrs. Campos informed the Council that the mail ballot option has several benefits, including increased voter turnout. She noted that the City has continuously struggled with low voter turnout in municipal elections, averaging a 19.2 percent voter turnout rate in the last four municipal elections. She further stated that while the number of total votes cast remains constant, the percentage of absentee voters is steadily increasing and that with nearly half of the electorate voting absentee, the mail ballot option will eliminate the process of conducting two types of elections simultaneously; an absentee and polling place election.

Mrs. Campos also reported that another benefit of the mail ballot election option is decrease in the cost per voter. She noted that the cost per voter in the 2003 Primary Nominating Election (\$12.59) was almost twice the amount of the 2001 mail ballot election (\$6.57). With regard to increasing the integrity of elections, she stated that voters at polling places are not required to show identification, nor are their signatures checked against original registration affidavits. In mail ballot elections, she noted that signatures are required on all returned ballots, and voter registration and signatures are verified before the ballots are counted to eliminate any possibility of duplicate votes.

Mrs. Campos reported that another benefit was the elimination of facilities and poll worker recruitment problems which are especially time and labor intensive, and involve polling location changes which confuse many voters. She further stated that staff also increasingly faces the challenge of recruiting qualified election officers since the BMC requires that election officers be residents and registered voters of Burbank, further limiting the pool from which the City can recruit.

Also, Mrs. Campos stated that mail ballot elections improve the quality of voter records since mail ballots are non-forwardable and copies of undelivered ballots are sent to the Los Angeles County Registrar-Recorder/County Clerk to purge the records of voters who have moved or are deceased. She noted that an up-to-date voter registration list decreases the cost of printing and postage for ballots.

Mrs. Campos then discussed the concerns associated with mail ballot elections. She reported that voter fraud is the largest

concern and that strong safeguards such as performing a signature identification and residential address check have been put in place. With regard to loss of secrecy, she explained that polling places were established specifically to provide a safeguard against undue influence and to ensure the voter's privacy. However, since State law allows a voter at a polling site to receive assistance from a person of the voter's own choosing, the possibility of undue influence may very well exist in these situations at polling sites. In a mail ballot election, she noted that the high voter turnout would dilute any efforts of undue influence much more than in low turnout regular precinct elections, when the absentee voters may have much greater influence on the outcome. She also stated that Burbank's experience with both absentee ballots and the mail ballot election has not yielded evidence of problems in these areas.

Mrs. Campos also noted that concerns have been expressed regarding voters returning a ballot which clearly displays their signature through the mail and noted that voters who prefer to return their ballots in person may do so at the City Clerk's office during regular business hours, or to a designated ballot drop-off site on a pre-scheduled Saturday and on Election Day.

Mrs. Campos then discussed the estimated mail ballot election costs and stated that regardless of the voting option, election costs will continue to increase. She concluded that the mail ballot option attempts to achieve one of the primary objectives of the election process, which is greater civic participation, while significantly decreasing the cost per vote cast.

Mr. Golonski suggested that the ordinance mandate that all municipal elections be conducted wholly by mail.

Ordinance
Introduced

It was moved by Mr. Golonski, seconded by Mr. Campbell and carried with Mrs. Ramos absent 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:

204
All Mail Ballot
Elections

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTION 11-608 OF THE BURBANK MUNICIPAL CODE TO MANDATE CONDUCTING PRIMARY NOMINATING ELECTIONS, GENERAL MUNICIPAL ELECTIONS AS WELL AS SPECIAL ELECTIONS WHOLLY BY MAIL BEGINNING IN 2005.

Final Open

There was no response to the Mayor's invitation for speakers

4/20/04

Public Comment for the final open public comment period of oral
Period of Oral communications at this time.
Communications

Adjournment There being no further business to come before the Council,
the meeting was adjourned at 10:36 p.m.

Margarita Campos, City Clerk

APPROVED JUNE 1, 2004

Mayor of the Council
of the City of Burbank