

TUESDAY, JUNE 8, 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 5:00 p.m. by Mrs. Ramos, Mayor.

CLOSED SESSION

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

Absent - - - - Council Members None.

Also Present - 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.

5:01 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): 3
- b. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):
Pursuant to Govt. Code §54956.9(b)(1)
Number of potential case(s): 2
- 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, 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.

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:41 p.m. by Mrs. Ramos, Mayor.

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

Flag Salute The pledge of allegiance to the flag was led by Sam Engel, Sr., Chair of the Kiwanis Pause for the Pledge of Allegiance Committee.

ROLL CALL

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

Absent - - - - Council Members None.

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

301-1
Burbank All
Stars Mr. Bratton, Park, Recreation and Community Services Director, recognized the Burbank All Stars and Teens In Action Media Communication Team whose activities have made a positive impact on the community and their peers. Mrs. Stein, Deputy Director, Park Recreation and Community Services (PRCS)/Recreation Services, gave a brief description of the Burbank All Star program which airs on Channel 6 and highlights individuals and/or groups of teens making an impact through volunteer efforts or who have overcome obstacles to achieve success. She introduced the following Burbank All Star Award recipients: Jennifer Farah, Providence High School, for outstanding volunteerism; Siobhan O'Connel, Monterey High School, for her outstanding artistic contributions; Amanda Montei, for being an individual that has overcome obstacles to achieve success; Burbank Youth Board, for the Pack for Success Project; and, the Best Buddies Program at John Burroughs High School, for volunteer commitment to enrich lives of students with disabilities.

301-1
Teens in Action
Communication
Team Video
Award Mrs. Stein also recognized the Teens In Action Media Communication Team which is comprised of middle and high school students who produced a series of video productions addressing issues that affect youth in Burbank. She noted that their first show, Teens in Action Confronts Discrimination and Prejudice, won a 2003 WAVE Award of Excellence in the category of programming for youth, by the Western Region of the Alliance for Community Media; and the second show, Teens in Action Presents the Truth About Drugs and Alcohol, received a second place Star Award in the category of special audience, by the California and Nevada Chapter of the National Association of Telecommunications Officers and Advisor's Inc. She then introduced Ms. O'Neal, Youth Resource Coordinator, and Ms. Duffy-Felix, Senior Video Production Associate, who work with the teens. Mayor Ramos presented the awards to Crystal Rachal on behalf of the team.

301-1
Pause for the Mayor Ramos presented a proclamation in honor of National Flag Day to Bob Pemrod, President of the Burbank Noon

6/8/04

Pledge of
Allegiance

Kiwanis, and Sam Engel, Sr., Chair of the Kiwanis Pause for the Pledge of Allegiance Committee.

406
Airport
Authority
Meeting

Commissioner Brown reported on the Airport Authority meeting of June 7, 2004. He stated that the Authority held an appeal hearing of a Rule 9 Noise Violation which occurred on January 5, 2004; approved an increase in parking rates effective July 1, 2004; and, received a presentation on the letter from the Federal Aviation Administration indicating a denial of some parts of the Part 161 Study. He introduced Mr. Allen, Special Projects Manager, who was available to answer any questions. He also announced that the next Airport Authority meeting would be held on June 17, 2004 at the Burbank Hilton Hotel due to remodeling activities at the Airport Sky Room.

The Council received the report.

7:19
Mr. Golonski
Left the meeting

Mr. Golonski left the meeting at this time due a potential conflict as he is pursuing a real estate license.

7:19 P.M.
Hearing
604
Amend BMC to
Allow Open
House Signs to
be Placed in the
Public Right-of-
Way

Mayor Ramos stated that "this is the time and place for the hearing on amending Chapter 20 of the Burbank Municipal Code to authorize temporary "Open House" real estate signs to be placed in the public right-of-way."

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. Hirsch, Assistant Community Development Director/ License and Code Services, requested that the Council consider two ordinance options which would allow the posting of real estate Open House signs within certain public rights-of-way. He reported that at the November 4, 2003 Council meeting, staff was directed to work with the Burbank Association of Realtors to formulate an ordinance allowing the posting of Open House signs within the public right-of-way.

He noted that staff's main concerns at that time included: First Amendment issues which have been addressed by a finding that real estate sales generate revenues to the City through Property Taxes; and, the Equal Protection issue with regard to only allowing professional real estate brokers the right to place signs which has been addressed by providing for the ability of any residential property owner to place signs as well. He also stated that staff expressed other concerns related to liability and safety issues, aesthetics and staffing issues relative to initiating a new ordinance.

Mr. Hirsch informed the Council that the two proposed ordinance options are similar; however, Option No. 1 differs from Option No. 2 in that it requires a permit, permit fees and liability insurance. He then discussed the following restrictions and standards:

1. Size of sign - face of sign may be no larger than 24" X 24"
2. Height of sign - total height, including frame, not to exceed three feet
3. Local address - only a Burbank residence may be advertised on the Open House sign
4. Limit in number - no more than four signs per property advertised may be posted on public property
5. Sign types - stake-type or A-frame signs may be used and no attachments such as balloons, pennants or flags may be added to the sign. Furthermore, all signs must be made of quality materials and maintained in good condition at all times
6. Location - Open House signs may not be posted on:
 - Trees, traffic signs or utility poles, or obstruct any official public sign
 - Signs may not obstruct the safe and convenient use by the public of any street, sidewalk or curbside parkway areas
 - Signs may not be placed in any roadway area or center median area
 - Placement of signs may not in any manner violate the American with Disabilities Act (curb cuts blocking disabled access)
 - Signs may not be within 18" from the face of the curb
 - Signs may not be on streets undergoing construction, nor on streets with special events
 - Signs may not be within five feet of the beginning of the curb return of any two intersections
 - Signs may not be within five feet of any driveway, traffic signal, traffic sign, designated bus stop, bus bench or any other bench on the sidewalk
7. Time - Signs may only be displayed during an open house on Saturdays, Sundays, and Federal and State holidays

between 8:00 a.m. and dusk or 6:00 p.m., and Thursdays between 8:00 a.m. to 2:00 p.m.

8. Permit - A permit shall be obtained from the Public Works Department which includes: fees paid; insurance (combined single limit of at least \$1,000,000 for each permit); indemnification; and, decal application onto the Open House sign
9. Identification required - Each sign shall have affixed to it, in an area not to exceed 2" X 3", the name, address, and telephone number of the person responsible for the placing of maintaining the sign within the public right-of-way.

Mr. Hirsch also noted that both ordinances have a one-year sunset clause and that staff will provide a report prior to that time. He added that staff estimates that if the Council adopts ordinance Option No. 1, because of the insurance and permit system requirement, the estimated cost of administration and enforcement for the first year will be \$13,629. He stated that staff and the Burbank Association of Realtors estimate that approximately 1,200 Open House sign permits may be applied for annually. He added that if the City were to recover costs associated with an Open House sign permit program, appropriate permit fees are recommended to be \$11 per sign per year, with the fee prorated on a fiscal year basis. He informed the Council that staff will undertake an elaborative educational process including brochures, presentations and a video to inform the public of the new ordinance. He also noted that the Burbank Association of Realtors will educate their membership on the ordinance. He concluded with staff's recommendation that the Council select Option No. 1.

Citizen
Comment

Appearing to comment were Minnie Lush, Director of the 550-member Burbank Association of Realtors, expressing appreciation to the Council for consideration of the proposed ordinance and stating that the Association is committed to educating their membership on the Open House sign regulations; Shelley Rizzotti, Board of Directors, Burbank Association of Realtors, expressing appreciation to the Council, clarifying the permit process and number of decals which will be required, noting the ordinance sunsets after one year and requesting that a monthly report on signs which have been removed due to non-compliance be provided to the Association so that those members will be educated on the sign ordinance; Mike Nolan, in opposition to the proposed permit fees and the City paying for costs for an educational video; Eden Rosen, on enforcing the ordinance on weekends and requesting that the signs do not impede individuals in wheelchairs or be placed near handicapped ramps; Howard Rothenbach, requesting that the signs be closely monitored to

ensure that only permitted signs are placed; Mike Napolitano, expressing support for Option No. 2; Mark Barton, recommending that the ordinance provide criteria for the signage material; and, Yasmine Wolfe, Board Member, Burbank Association of Realtors, noting that the Board did not express preference for any option and that the Association would meticulously follow the adopted ordinance.

Staff Rebuttal In response to public comment, Mr. Hirsch clarified that staff is regularly scheduled for weekend enforcement assignments and will not be paid at an overtime rate.

Mr. Campbell expressed concern with the finding of interest addressing the First Amendment issue and requested further clarification on the proposed fees, enforcement procedure and liability issues. Mr. Barlow, City Attorney, Mr. Hirsch and Mrs. Georgino, Community Development Director, responded.

Ms. Murphy expressed support for Option No. 1 and requested that staff present a report on the ordinance prior to the sunset date to allow for corrective action and to prevent a lapse of time without a sign ordinance in place.

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

Deliberations Mr. Vander Borcht and Mrs. Ramos concurred with Ms. Murphy and expressed support for Option No. 1.

Ordinance Introduced It was moved by Mr. Vander Borcht, seconded by Ms. Murphy and carried with Mr. Campbell voting no and Mr. Golonski 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:

604 Amend BMC to Allow Open House Signs to be Placed in the Public Right-of-Way AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING CHAPTER 20 OF THE BURBANK MUNICIPAL CODE TO AUTHORIZE TEMPORARY "OPEN HOUSE" REAL ESTATE SIGNS TO BE PLACED IN THE PUBLIC RIGHT-OF-WAY BY PERMIT.

8:22 P.M. Mr. Golonski returned at this time.
Mr. Golonski

6/8/04

Returns

8:23 P.M.
Hearing
801-2
804-2
804-5
Proposed FY
2004-05 Budget

Mayor Ramos stated that "this is the time and place for the joint hearing on the proposed budget for the fiscal year 2004-05 for the City, Redevelopment Agency, Housing Authority, Parking Authority, and Youth Endowment Services Fund budgets and the proposed increase of the Transient Parking Tax."

Notice
Given

The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that two pieces of correspondence had been received from Carters Inc. and the Burbank Chamber of Commerce in opposition to increasing the Transient Parking Tax.

Staff
Report

Mr. Hanway, Financial Services Director, acknowledged receipt of a letter from the Burbank Hilton Hotel in opposition to the Transient Parking Tax (TPT) increase. He then presented the proposed Fiscal Year (FY) 2004-05 Annual Budget, Citywide Fee Schedule including an increase in the TPT, and Appropriations Limit to the Council, Redevelopment Agency Board, Housing Authority, Parking Authority and Youth Endowment Services Fund Board for a public hearing.

He stated that all resources for FY 2004-05 totaled \$474,636,370 of which the General Fund is \$117,015,848. He also reported that all appropriations total \$466,101,030 of which \$115,006,841 is General Fund. He then discussed the appropriations by fund type and entity and noted that the main components of the proposed growth or changes in the FY 2004-05 budget include: additional Public Employee Retirement System (PERS) costs in the amount of \$2.8 million; a net increase of \$1.8 million for Memoranda of Understanding (MOU) costs; \$1,069,058 increase in Internal Service Funds; \$2 million in savings realized from frozen positions; an increase in the amount of \$416,918 in Material Supplies and Services; and, new capital outlay items.

With regard to revenue adjustments, Mr. Hanway stated that the City lost additional revenue in the amount of \$730,461 related to the Governor's May Revision to the State Budget; staff proposed an increase in the TPT from 10 to 12 percent for an additional \$330,000 in revenue; \$1,104,000 related to recognizing recurring revenues from the Burbank Water and Power (BWP) Utility Users Tax (UUT) In-Lieu Set-Aside Account; and, \$22,252 in other net changes for a total

increase in revenue in the amount of \$725,791. On the appropriations side, Mr. Hanway stated that the net appropriations decrease in the General Fund was \$88,703 and that staff proposed using \$274,457 from the BWP UUT In-Lieu Set-Aside Account to balance the FY 2004-05 recurring deficit.

Mr. Hanway stated that the Redevelopment Agency would fund the \$50,000 for Burbank Boulevard enhancements and that the Governor's May Revision required an additional \$1,134,010 to be shifted to the Educational Reimbursement Augmentation Fund for a total shift of \$2,477,103 for FY 2004-05.

Mr. Hanway then discussed the main components of the Fee Schedule, including: an increase in the TPT from 10 to 12 percent; a 4.8 percent water rate increase; a seven percent sewer rate increase; safety personnel rate increase based on MOUs; Emergency Medical Services membership fee increases; traffic plan check and study fees; planning and building permit fees; License and Code Services fees; and, a \$4 increase in the monthly parking permit fee.

Mr. Hanway informed the Council that for FY 2004-05, the City has a significant gap between its legal limit and the actual appropriations subject to the limit. He noted that the appropriations limit is estimated to be \$121,877,315, the actual amount of the appropriations subject to the limit is \$89,250,018 with a \$32,627,297 difference between the City's appropriations limit and the amount subject to it.

Mr. Hanway stated that staff required further direction with regard to the TPT small lot exemption; reinstating the Police Department Kennel Attendant position; broadcasting Council meetings on the internet; and, maintenance costs of the Chandler bikeway which will be discussed at mid-year.

Citizen
Comment

Appearing to comment were Mike Nolan, in opposition to the Transient Parking Tax (TPT) hearing being held jointly with the budget hearing, raising the TPT, transferring costs between departments, combining the Burbank Water and Power Utility Users Tax In-Lieu Set-Aside Account with the Budget Stabilization Fund and commenting on the National Day of Mourning; Scott Haberman, contract Probation Officer at the Burbank Outreach Center, urging the Council to continue funding the City's contract with Los Angeles County; Christine Krohn, Director of the Community Day School, in support of maintaining the Probation Officer contract; Don Elsmore, requesting that Burbank Water and Power revenues be used to defer rate increases, commending the employees of the Burbank Transportation Service and commenting on

6/8/04

resurfacing Olive Avenue and Buena Vista Streets; Scott Wilson, commending the services provided by the Burbank Outreach Center and stating that eliminating funding for the Center will affect the quality of life for Burbank residents and urging the Council to fund the Probation Officer position; Eden Rosen, requesting that water rates be lowered, in opposition to increased fees for the Emergency Medical Services program and in support of funding the Probation Officer position; Howard Rothenbach, commenting on safety personnel benefits and City employee salary increases and requesting that utility rates be lowered; and, David Piroli, in opposition to the proposed utility rate increases as they affect senior citizens and in opposition to the TPT increase.

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

Deliberations Mr. Golonski responded to public comment with regard to: the proposed Fee Schedule increases for Police and Fire services; usage of the Burbank Water and Power (BWP) Utility Users Tax (UUT) In-Lieu Set-Aside Account; and, utility rate increases.

Ms. Murphy expressed support for the proposed fee increases and funding the Probation Officer position at the Burbank Outreach Center.

Following Council deliberation, Mr. Vander Borght, Mrs. Ramos and Mr. Campbell expressed opposition to funding the Kennel Attendant position in the Police Department.

It was the Council's consensus to use the BWP UUT In-Lieu Set-Aside Account to balance the budget and to fund the Probation Officer position at the Outreach Center.

The Council also directed that staff proceed with broadcasting Council meetings on the internet with funds from the Public Information Office's Capital Budget.

Mr. Vander Borght, Mr. Campbell and Mr. Golonski expressed support for increasing the TPT.

Mr. Hanway stated that in light of the increase in the Airport's parking rates, staff will utilize the increased parking tax revenue to balance the deficit and that the TPT revenues will be re-estimated at the mid year.

Mrs. Ramos requested further clarification on freezing the Police Officer position at the Outreach Center and information

on the number of senior citizens at the low income level.

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| Motion | Following Council deliberation, it was moved by Mr. Vander Borcht, seconded by Mr. Campbell and carried with Ms. Murphy and Mrs. Ramos voting no that "the TPT be increased by 10 percent to an 11 percent rate." |
| 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 | Mrs. Ramos called for speakers for the initial open public comment period of oral communications at this time. |
| Citizen Comment | Appearing to comment were Mark Barton, on wayfinding signage; Laverne Thomas, on private use of Police and Fire services; Eden Rosen, requesting enforcement of traffic at the intersection of Clark Street and Victory Boulevard; and, David Piroli, referencing a memorandum generated by the City Attorney's Office on Council decorum. |
| Staff Response Agenda Item Oral Communications | Members of the Council and staff responded to questions raised. Mrs. Ramos called for speakers for the agenda item oral communications at this time. |
| Citizen Comment | Appearing to comment were Mike Nolan, in opposition to painting logos on curbs and shifting expenses from the General Fund to the utility, and commenting on the National Day of Mourning in honor of President Reagan; John White, in support of the noise ordinance; David Piroli, in opposition to painting logos on curbs and commenting on the proposed noise ordinance; Eden Rosen, on parking fee increases at the Airport and noise issues; Mark Barton, on real estate signage and in opposition to painting logos on curbs; Howard Rothenbach, on the Media City Center Mall property and in opposition to painting logos on curbs; and, Laverne Thomas, on increases in fees for safety services to outside entities. |
| Staff | Members of the Council and staff responded to questions |

6/8/04

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| Response | raised. |
| Motion | It was moved by Mr. Campbell and seconded by Ms. Murphy that "the following items on the consent calendar be approved as recommended." |
| 911 2 nd Amend. to Agmt. with Pasadena and Glendale for Sewer TV Equipment and Van | <u>RESOLUTION NO. 26,725:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE SECOND AMENDMENT TO THE AGREEMENT BY AND AMONG THE CITIES OF BURBANK, GLENDALE AND PASADENA FOR THE ACQUISITION AND OPERATION OF SEWER TV EQUIPMENT AND VAN. |
| 1204-1 Approval of Final Tract Map No. 60332 | <u>RESOLUTION NO. 26,726:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING FINAL MAP OF TRACT NO. 60332 (4123 Hood Street). |
| 1007-1 1009-1 Establish Spec. and Salary for Police Admin. | <u>RESOLUTION NO. 26, 727:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF POLICE ADMINISTRATOR (CTC No. 0638) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF. |
| 1007-1 Revise Spec. for Supervising Construction Inspector | <u>RESOLUTION NO. 26,728:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SPECIFICATION OF SUPERVISING CONSTRUCTION INSPECTOR (CTC No. 0932). |
| 1507 2 nd Amend. to the ICG Fiber Optic Cable Service Agmt. | <u>RESOLUTION NO. 26,729:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A SECOND AMENDMENT TO THE OPTICAL FIBER USE AGREEMENT BY AND AMONG THE CITY OF BURBANK, ICG TELECOM GROUP, INC., AND ICG HOLDINGS, INC. |
| 213 Retain Outside Counsel for Civil Service Board Appeal | <u>RESOLUTION NO. 26,730:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE CITY ATTORNEY TO RETAIN OUTSIDE COUNSEL FOR A CIVIL SERVICE BOARD APPEAL AND AMENDING THE FISCAL YEAR 2003-2004 BUDGET BY APPROPRIATING FUNDS IN THE AMOUNT OF \$40,000. |

6/8/04

Relating to
Radios, TV Sets
and Similar
Devices in and
Adjacent to Park
Facilities

CODE RELATING TO NOISE FROM RADIOS AND OTHER
DEVICES FOR PRODUCING OR REPRODUCING SOUND.

206
Amend BMC
Relating to
Painting
Addresses with
Logos

Ms. Dolan, Administrative Analyst II, City Manager's Office, reported that at the May 25, 2004 Council meeting, Council Member Golonski requested that staff place an item on the agenda to amend the Burbank Municipal Code to allow nonprofit organizations to paint addresses with organizational logos on curbs. She added that Council Member Golonski indicated that his request stems from his communication with Burbank Priority in Education (BPIE), a foundation recently established to raise money for Burbank schools, which would like to begin a program to raise funds by offering to paint address numbers with a BPIE logo on curbs. She stated that prior to expending any significant staff effort, this item has been placed on the agenda as the first step, in what is referred to as the "one-step, two-step process", for additional Council discussion and consideration.

Mr. Golonski reiterated that BPIE suggested painting curbs as an annual project to raise funds. He noted that curbs would be painted only when the homeowners indicate their interest. He requested that if approved, the amendment only allow organizations supporting schools and that the design and procedure for painting the logos be subject to approval by the Public Works Director.

Staff was directed to return with a report.

11:19 P.M.
Reconvene
Redev. Agency,
Housing
Authority,
Parking
Authority and
YES Fund Board
Meetings

The Redevelopment Agency, Housing Authority, Parking Authority and Youth Endowment Services Fund Board meetings were reconvened at this time.

Final Open
Public Comment
Period of Oral

Mrs. Ramos called for speakers for the final open public comment period of oral communications at this time.

Communications

Citizen Comment Appearing to comment was Mike Nolan, on the street resurfacing project on Olive Avenue.

Staff Response Members of the Council and staff responded to questions raised.

301-3 Memorial Adjournment There being no further business to come before the Council, the meeting was adjourned at 11:23 p.m. in memory of President Ronald Reagan and to Monday, June 14, 2004 at 6:00 p.m. for 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 Legal Counsel – Anticipated Litigation (City as potential defendant):
Pursuant to Govt. Code §54956.9(b)(1)
Number of potential case(s): 1

Margarita Campos, City Clerk

APPROVED JULY 13, 2004

Mayor of the Council
of the City of Burbank