



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, JUNE 15, 2004
4:00 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 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 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: Current Contracts and Retirement Issues.
- b. Conference with Real Property Negotiator:
Pursuant to Govt. Code §54956.8
Agency Negotiator: Community Development Director/Susan Georgino
Property: Southwest corner of Hollywood Way, the Airport access road and Thornton Avenue.
Parties with Whom City is Negotiating: Zelman Industrial Partners Inc.
Name of Contact Person: Michael Bates
Terms Under Negotiation: Easement Acquisition.
- c. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):
Pursuant to Govt. Code §54956.9(b)(1)
Number of potential case(s): 2

- d. Conference with Legal Counsel – Anticipated Litigation (City as possible plaintiff):
Pursuant to Govt. Code §54956.9(c)
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.

5:30 P.M.

UNDERGROUNDING UTILITY OVERHEAD LINES - STUDY SESSION:

Staff will present policy issues and initial implementation steps for undergrounding overhead lines along major view corridors. The experiences of nearby municipal utilities suggest that there may be broad public support for undergrounding along view corridors. About 12 street miles of overhead power lines are along major thoroughfares that are arguably view corridors. At present, Burbank Water and Power has an annual budget of \$360,000 for undergrounding for aesthetics. Absent a change in current policy and funding levels, overhead power lines will persist for several decades (if not forever) in these and other areas where they continue to have considerable visual impact.

Recommendation:

Staff recommends that the Council accelerate the pace of undergrounding utility overhead lines by deferring part of any rate decreases on a phased-in basis (equivalent to a one percent rate decrease per year for two years), beginning July 2005. In the meantime, staff could focus on undergrounding those view corridors where there are only street light conductors, and getting the administrative machinery in place for implementing undergrounding of all overhead lines along the other view corridors.

6:30 P.M.

INVOCATION:

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.

PRESENTATION: LIBRARY ESSAY CONTEST WINNERS.

PRESENTATION: BOYS 8TH GRADE BASKETBALL TEAM RECOGNITION.

PRESENTATION: TORCHIERE EXCHANGE PROGRAM.

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. PUBLIC HEARINGS:

1. ZONE TEXT AMENDMENT REGARDING EXPANSIONS AND ADDITIONS TO NON-CONFORMING STRUCTURES; STANDARDS FOR REBUILDING OF PARTIALLY DAMAGED OR DEMOLISHED STRUCTURES; AND PROVISIONS FOR MINOR EXCEPTIONS TO SIDE-YARD SETBACK STANDARDS FOR SINGLE-FAMILY RESIDENTIAL STRUCTURES:

On March 23, 2004, the Council directed staff to bringback a Zone Text Amendment to delete or amend provisions in the zoning Code that allow non-conforming residential structures to be added to, expanded or substantially rebuilt at existing substandard setback lines. The Council has also directed a more general review of single-family residential development standards in response to numerous complaints regarding mansionization, but requested this particular revision be introduced as soon as practical.

The proposed Zone Text Amendment will remove the zoning Code provision that allows structures built at non-conforming setbacks to be expanded along the existing substandard setback line. It will require that henceforth, all enlargements and additions to non-conforming structures must meet current Code standards. The proposed amendments also clarify standards for when a structure that is partially destroyed or demolished may be rebuilt to its previous configuration, and when it must be rebuilt to current Code standards. Finally, the proposed amendments provide a method for allowing the City Planner or Building Official to allow minor exceptions to the side yard setback standards for single-family residences in situations where rigidly enforcing current zoning standards would: cause health or safety problems; be structurally or architecturally unviable; or, cause unreasonable financial hardship. The amended section provides specific guidance to the officials for allowing such exceptions, and emphasizes that such exceptions should be allowed only to the minimum extent

necessary to alleviate the situation.

Recommendation:

Introduction of proposed ordinance entitled: (motion and voice vote only)

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING CHAPTER 31 OF THE BURBANK MUNICIPAL CODE RELATING TO ENLARGEMENTS AND RESTORATIONS OF NON-CONFORMING STRUCTURES, EXCEPTIONS FOR SIDE YARD SETBACKS.

2. ZONE TEXT AMENDMENT NO. 2004-75 – DOWNTOWN RESTAURANTS:

The purpose of this report is for the Council to consider a proposed Zone Text Amendment regarding the requirement for an Administrative Use Permit (AUP) for new restaurants in the Downtown area. Downtown Burbank is an eight-block area bounded by Angeleno Avenue on the south, First Street on the west, Magnolia Boulevard on the north and Third Street on the east.

The AUP process would allow the City to carefully consider new restaurants in order to promote a diverse and vibrant downtown economy and to also determine if the parking demand for the restaurant would impact and/or contribute to the shared parking concept of the Downtown Parking District. The proposed ordinance would allow new restaurants to occupy a space of the previously existing restaurant without the AUP requirement if the new restaurant provided the same or improved type of service as the existing restaurant.

The intent of the ordinance is to provide an additional level of scrutiny in situations when retail space is being converted to restaurant space which may affect the balance of uses that are important to the shared parking concept in the Downtown.

The Planning Board voted unanimously to recommend approval of the ordinance at their special meeting of May 17, 2004. The Downtown Burbank Partnership, Inc. (Property-based Business Improvement District) Board of Directors voted 9-0 to recommend approval of the ordinance at their special meeting of June 2, 2004.

Recommendation:

Introduction of proposed ordinance entitled: (motion and voice vote only)

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTIONS TO CHAPTER 31 OF THE BURBANK MUNICIPAL CODE RELATING TO THE CENTRAL BUSINESS DISTRICT DOWNTOWN PARKING AREA AND PERMITTING DOWNTOWN RESTAURANT USES WITH AN ADMINISTRATIVE USE PERMIT.

REPORTING ON CLOSED SESSION:

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:

JOINT MEETING WITH THE REDEVELOPMENT AGENCY:

3. AFFORDABLE HOUSING AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY AND THE BURBANK HOUSING CORPORATION AND RELOCATION PLAN FOR 2321 NORTH FAIRVIEW STREET AND 2321-2323 NORTH CATALINA STREET:

The purpose of this item is to request: Redevelopment Agency (Agency) Board approval of an Affordable Housing Agreement with the Burbank Housing Corporation (BHC) to finance the BHC's acquisition and rehabilitation of rental units at 2321 North Fairview Street and 2321-2323 North Catalina Street (Properties) in the Golden State Focus Neighborhood as a mixed-income, affordable housing project inclusive of an activity center; and, City Council approval of a Relocation Plan for the Properties.

Acquisition and rehabilitation of the Properties is predicated upon a proven strategy for upgrading a neighborhood in decline. In each focus neighborhood, such as Elmwood and Peyton-Grismer, the approach is to assist the BHC acquire and rehabilitate deteriorated properties, operate them as mixed-income properties with an affordability component and to develop an activity center to provide services that will help integrate tenants into the community.

Located in an R-4 medium density residential neighborhood in the Golden State Focus Neighborhood, the Properties are comprised of three parcels at two separate sites. Combined, the two locations encompass 18 residential units; 14 one-bedroom units (two of which are studio units) and four two-bedroom units. The property at 2321 North Fairview Street contains a two-story apartment building constructed in 1963 and includes six one-bedroom units on a 6,795 square foot lot. The two parcels at 2321-2323 North Catalina Street include two one-bedroom detached single-family dwellings, a duplex comprised of studio units and an eight-unit apartment building with four one-bedroom and four two-bedroom units built in 1941 on a 13,595 square foot lot.

Under the terms of the Affordable Housing Agreement, the Agency would lend the BHC \$3.143 million in Low and Moderate-Income Housing Funds. The amount of the loan is tantamount to 95 percent of the \$3.315 million development cost and comprises three major components:

- 1) The purchase price of \$2.494 million represents approximately 75 percent of the total cost of development and, when coupled with estimated relocation costs, totals \$2.599 million or 78 percent of development costs;
- 2) Direct costs for building rehabilitation of \$701,000 or 21 percent of the total development cost composed of the following key elements:
 - Building rehabilitation of \$373,000 or \$26,600 per unit for 14 units;
 - Lead-based paint and asbestos remediation estimated at \$114,000;
 - Demolition and site work costing \$104,000; and,
 - Conversion and expansion of a single-family dwelling into an activity center at a cost of \$110,000; and,
- 3) Indirect costs are estimated at \$15,000 for closing costs, permits and fees.

Financing for the acquisition of the Properties and any remaining funds to facilitate rehabilitation will be provided through a first trust deed with the Agency. The Agency loan of up to \$3.143 million will be amortized at three percent simple interest and repaid annually through residual receipts shared equally with the BHC from the Properties' net profits, beginning April 1, 2006. Any remaining loan balance will be due and payable on

April 1, 2061. At the time of rehabilitation completion, any remaining loan balance will be applied towards reducing the Agency loan principal.

In addition to describing the terms of sale and subsequent rehabilitation of the Properties, the Affordable Housing Agreement also governs key conditions for the long-term operation of the Properties that extend into perpetuity defined as the useful life of the land use controls but not less than 55 years.

Structured as a mixed-income project, the BHC is to restrict occupancy and rent one apartment unit at an affordable rate to a very low-income household, six apartment units to lower-income households and seven apartment units to moderate-income households.

A Relocation Plan is required for the Properties because of the necessity to relocate tenants for the conversion of a renter-occupied, single-family unit into a new activity center and for the demolition of three other units. The Agency's relocation consultants, Overland, Pacific and Cutler (Consultant), prepared a Draft Relocation Plan for the Properties, which was available for a 30-day public review period before initiating any relocation activities, including issuance of 90-day notices to vacate. No public comment was received. Staff requests that the Council approve the Relocation Plan following the end of the 30-day public review period.

The Relocation Plan notes that "there are eight adults and three children occupying the four households", and that these "households reported income levels that fall within the area's extremely low, very low and median income categories."

The Relocation Plan notes that the Consultant is to provide the following relocation assistance: distribute a general information notice to all tenants; provide a minimum of three referrals to displacees of comparable replacement units; and, assist with the completion and filing of relocation claims, rental applications and, if necessary, appeals forms. Relocation benefits will include payment for moving expenses, either a fixed payment allowance or actual moving expenses, as well as Rental Assistance Payments computed under State Relocation Law.

Recommendation:

Adoption of proposed Redevelopment Agency resolutions entitled:

1. A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2003-2004 BUDGET TO APPROPRIATE FUNDS FROM THE 20% SET-ASIDE AFFORDABLE HOUSING ACCOUNT.
2. A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK APPROVING AN AFFORDABLE HOUSING AGREEMENT BETWEEN THE AGENCY AND THE BURBANK HOUSING CORPORATION (2321 NORTH FAIRVIEW STREET AND 2321-2323 NORTH CATALINA STREET).

Adoption of proposed City Council resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A RELOCATION PLAN FOR THE RELOCATION OF RESIDENTS AND OCCUPANTS DISPLACED AT 2321 NORTH FAIRVIEW STREET AND 2321-2323 NORTH CATALINA STREET.

RECESS for the Redevelopment Agency meeting.

RECONVENE for the City Council meeting.

CONSENT CALENDAR: (Items 4 through 7)

The following items may be enacted by one motion. There will be no separate discussion on these items 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.

4. MINUTES:

Approval of minutes for the regular meetings of April 27, May 3, and May 4, 2004, the adjourned meeting of May 8, 2004, and the regular meetings of May 11 and May 18, 2004.

Recommendation:

Approve as submitted.

5. REVIEW OF THE CITY'S CONFLICT OF INTEREST CODE:

The purpose of this report is to request the Council direct staff to review the City's Conflict of Interest Code.

Government Code Section 87306.5 requires that in each even-numbered year, the Council, as the Code reviewing body for the City Departments, must review the Conflict of Interest Code, and if necessary, amend the Code by October 1 of the same year. The City has adopted by reference the standard Conflict of Interest Code as promulgated by the Fair Political Practices Commission as its Conflict of Interest Code. Employees who must comply with the provisions of the Conflict of Interest Code are designated by resolution.

At the Council's direction, staff will review the Conflict of Interest Code to determine whether or not all classifications of positions that must comply with this Code are included in the resolution. Once this review is completed, staff will report back to the Council.

Recommendation:

It is recommended that the Council direct staff to review the City's Conflict of Interest Code and classifications of positions subject to reporting requirements and return with a resolution for Council adoption prior to October 1, 2004.

6. APPROVAL OF FINAL TRACT MAP 53810:

Staff is requesting Council approval of Final Tract Map No. 53810. The property covered on Final Tract Map No. 53810 is a one-lot subdivision totaling 17,680 square feet located at 565 East San Jose Avenue. The property is in the R-4 Multiple Family Medium Density Residential Zone. The property is owned by Ron J. Insalaco, RT Holdings, LLC, a California Limited Liability Company.

The existing property had seven single-family units and the proposed development consisted of constructing a three-story 20-unit condominium complex. Final Tract Map No. 53810 finalizes the conversion of the existing property to the condominium subdivision.

All Conditions of Approval and requirements of the State Subdivision Map Act have been met. The following is a summary of information pertinent to the approval of Final Tract Map No. 53810:

1. The tentative tract map was conditionally approved by the Community Development Director on July 18, 2002 pursuant to Burbank Municipal Code (BMC) Section 27-323 (Director's Decision on Tentative Map).
2. The Final Tract Map contains 20 condominium units at 565 East San Jose Avenue, which is located in the R-4 Multiple Family Medium Density Residential Zone.
3. Conditions of Approval will be satisfied when the applicant submits two recorded copies of the Covenants, Conditions and Restrictions to the Planning Division. All other requirements as set forth in the tentative tract map conditions have cleared the Planning Division for purposes of Final Tract Map No. 53810 approval.
4. The Public Works Engineering Division has cleared all conditions for the approval of Final Tract Map No. 53810.
5. This project is Statutorily Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15268(b)(3) relating to approval of final subdivision maps.

According to the State Subdivision Map Act, Chapter 3, Article 4, Section 66458, and the provisions of Chapter 27 of the BMC, the Council must approve Final Tract Map No. 53810 if it conforms to all the requirements. If such conformity does not exist, the Council must disapprove the map at the meeting it receives the map, or at its next regular meeting. If the Council has not authorized an extension to allow more time to disapprove the map, and the map conforms to all requirements, the map shall be deemed approved by operation of law.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING FINAL MAP OF TRACT NO. 53810 (565 East San Jose Avenue).

7. APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BURBANK AND THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS AND AUTHORIZING THE FINANCIAL SERVICES DIRECTOR TO MAKE THE NECESSARY REVISIONS TO THE FISCAL YEAR 2004-05 BUDGET UPON ADOPTION:

Staff requests that the Council approve a one-year Memorandum of Understanding (MOU) from July 1, 2004 through June 30, 2005 between the City and Local 18, Unit 50 of the International Brotherhood of Electrical Workers (IBEW). The basic package includes salary adjustments effective July 1, 2004. Salaries for the Unit as a whole were increased by an average of 3.25 percent (\$323,902) to be consistent with the salary survey. In addition, the City agreed to reimburse the IBEW for the Retiree Medical Trust start up cost. The amount of this one time reimbursement is \$2500. The City also agreed to provide \$50,000 in Accidental Death and Dismemberment insurance to IBEW represented employees. The cost for this additional insurance is minimal. The City and the IBEW further agreed to minor language changes which had no economic impact. Funds are available through the Burbank Water and Power's retained earnings account. The total cost of the package is 3.25 percent (\$323,902) plus \$2500 for the Medical Trust start-up fee.

By approving this resolution, the Council authorizes the Financial Services Department to make the appropriate financial changes necessary to implement the IBEW MOU for Fiscal Year 2004-05.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BURBANK AND THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS (IBEW), AND AUTHORIZING THE FINANCIAL SERVICES DIRECTOR TO MAKE THE NECESSARY REVISIONS TO THE FISCAL YEAR 2004-2005 BUDGET ONCE IT HAS BEEN ADOPTED.

END OF CONSENT CALENDAR

REPORT TO COUNCIL:

8. SENIOR CITIZEN BOARD VACANCY APPOINTMENT:

The purpose of this report is to request the Council consider making one appointment to an unexpired term on the Senior Citizen Board ending June 1, 2006.

The Senior Citizen Board was established by Burbank Municipal Code Section 2-415 and consists of seven members. All Committee members are appointed to four-year terms.

Currently, there is one vacancy of an unexpired term ending June 1, 2006. On May 21, 2004, the City Clerk's Office began advertising and accepting applications for the unexpired term. This vacancy was advertised in the local newspapers, posted on the City Website and notices were run on the Channel 6 scroll in order to obtain qualified candidates. As of the established deadline of Friday, June 4, 2004 at 5:00 p.m., six applications have been received from: Donna S. Worley; Libby Nardo; William B. Smith; John Milton Wolcott; Douglas Cartwright Halter; and, Jenice D. McGlynn. Staff also included two applications from Francine Lockett and Robert C. Jones which had been previously submitted for the vacancies created by the June 1, 2004 term expirations. These applications are kept for a period of one year for consideration for any vacancies that may occur.

It should be noted that all Board, Commission and Committee members serve without compensation from the City and no person shall serve on more than one Board, Commission, or Committee (established by the Burbank Municipal Code) at the same time. In addition, any person appointed to be a member of a Board, Commission or Committee must be an elector of, and actually reside in, the City of Burbank.

Following is the random order of the applicants in which the Council will be asked to vote:

- | | |
|----------------------|------------------------------|
| 1) Francine Lockett | 5) Libby Nardo |
| 2) Robert C. Jones | 6) John Milton Wolcott |
| 3) William B. Smith | 7) Donna S. Worley |
| 4) Jenice D. McGlynn | 8) Douglas Cartwright Halter |

Recommendation:

Staff recommends that the Council consider making one appointment to the Senior Citizen Board to fill one unexpired term ending June 1, 2006.

ADOPTION OF PROPOSED ORDINANCES:

9. AMENDING THE BURBANK MUNICIPAL CODE TO AUTHORIZE TEMPORARY "OPEN HOUSE" SIGNS TO BE PLACED IN THE PUBLIC RIGHT-OF-WAY WITH CERTAIN STANDARDS, RESTRICTIONS AND REQUIREMENTS:

At the November 4, 2003 Council meeting, staff was directed to return with an ordinance

allowing the posting of real estate "Open House" signs within the public right-of-way. Over the past months staff has been working with the Burbank Association of Realtors to formulate two ordinances which address the restrictions, standards and requirements as follows:

The only difference between the two ordinance options is the requirement in Option No. 1 for insurance, permits and permit fees. Most cities surveyed, including Glendale, which allow temporary "Open House" signs within the public right-a-way, do so by a matter of right and therefore do not require insurance, permits or permit fees.

Staff estimates that if the Council adopts ordinance Option No. 1, because of insurance and a permit system requirement, the estimated cost of administration and enforcement of this option for the first year will be \$13,629. Staff and the Burbank Association of Realtors estimate that approximately 1,200 "Open House" sign permits may be applied for annually. If the City were to recover costs associated with an "Open House" sign permit program, appropriate permit fees are recommended to be \$10 per sign, per year (fee to be prorated on a fiscal year basis).

This ordinance was introduced at the June 8, 2004 Council meeting.

Recommendation:

Adoption of proposed ordinance entitled:

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.

10. AMENDING BURBANK MUNICIPAL CODE CHAPTER 21, ARTICLE 2, DIVISION 2, SECTION 21-213.5 RELATING TO RADIOS, TELEVISION SETS AND SIMILAR DEVICES IN AND ADJACENT TO PARK FACILITIES:

Burbank is fortunate to possess high quality park facilities. They are used by a large number of individuals especially during the summer months. Some park users bring personal Compact Disc/tape players for their own or their party's enjoyment. Periodically, this has created some disturbances, however, during the past couple of years these musical amplification devices have increasingly created problems with residential neighborhoods immediately adjacent to park facilities.

The current BMC Section 21-213 uses language which makes enforcement difficult. This is frustrating to the complainant and the responding officer. During Fiscal Year 2002-03 staff received a number of complaints from neighbors of individual parks concerning excessive use of amplified sound devices. A number of meetings were held to discuss specific concerns and potential solutions.

This ordinance establishes a provision that prohibits unreasonable noise generated from radios, musical instruments, television sets or other machines or devices for the production or reproduction of sound in parks or on the right-of-way adjacent to park facilities. The ordinance creates a presumption that a sound amplification system which can be heard 75 feet away from the source of noise as measured from the closest boundary of the park is unlawful. This ordinance is limited to noise when generated in parks or in the right-of-way adjacent to park facilities. An exception to this presumption is if the noise is authorized by a park permit or other City approval.

It is anticipated that the City will not have a significant fiscal impact due to the adoption of this amendment. There will be need to post signs noting the new regulations.

This ordinance was introduced at the June 8, 2004 Council meeting.

Recommendation:

Adoption of proposed ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK ADDING SECTION 21-213.5 OF THE BURBANK MUNICIPAL CODE RELATING TO NOISE FROM RADIOS AND OTHER DEVICES FOR PRODUCING OR REPRODUCING SOUND.

RECONVENE the Redevelopment Agency meeting for public comment.

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.

**For a copy of the agenda and related staff reports,
please visit the
City of Burbank's Web Site:**

www.ci.burbank.ca.us