

TUESDAY, JULY 27, 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 5:38 p.m. by Mrs. Ramos, Mayor.

CLOSED SESSION

Present- - - - Council Members Campbell (arrived at 5:40 p.m.), Golonski, Murphy, Vander Borcht and Ramos.

Absent - - - - Council Members None.

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

Oral Communications Mayor Ramos called for oral communications on Closed Session matters at this time.

Citizen Comment Appearing to comment was Mike Nolan, on employee contract negotiations.

5:42 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 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.
- b. Conference with Legal Counsel – Anticipated Litigation (City as possible plaintiff):  
Pursuant to Govt. Code §54956.9(c)  
**Number of potential case(s):** 1

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:50 p.m. by Mrs. Ramos, Mayor.

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

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Flag Salute           The pledge of allegiance to the flag was led by Corinthia Celis.

ROLL CALL

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

Absent - - - -       Council Members None.

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

301-1  
Sister City  
Student  
Exchange  
Program               Mrs. Cohen, Library Services Director, gave a brief overview of the Sister City Student Exchange Program and recognized a delegation from Ota, Japan, who will be visiting Burbank for the next two weeks. She thanked the members of the Sister City Committee who coordinated the visit and the 15 host families. She then introduced Shogo Takezawa and Marie Murata, chaperones, who addressed the Council. The following students also introduced themselves: Eiju Ogihara; Hiroki Saotome; Azusa Tabei; Mari Ikeda; Kazuya Otani; Shun Okamoto; Ayaka Kemmochi; Marie Sanda; Tomo Jajima; Taiki Takasaki; Chihiro Fujisaki; and, Yasuhiro Masuda. Mayor Ramos presented a proclamation to the delegation in honor of the Sister City Program.

301-1  
Donation to  
Police Dept. for  
DARE Program       Chief Hoefel expressed appreciation to Jin and Rebekah Lee, owners of Ultimate Tae Kwon Do Academy, for their generous donation of \$600 to the Drug and Alcohol Resistance Education Program. Chief Hoefel presented Mrs. Lee with a plaque of appreciation from the Burbank Police Department.

Reporting on  
Closed Session       Mr. Barlow reported on the items considered by the City Council 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 Tony Hannoun, in support of a view protection ordinance; R. C. "Chappy" Czapiewski, on flag protocol; William Rowland, in opposition to mansionization and in support of a view protection ordinance; Eden Rosen, on the West Nile Virus; Don Elsmore, on comments made by staff at a prior Council meeting regarding the Airport; Mark Stebbeds, in opposition to the proposed Airport Development

Agreement; Carolyn Berlin, citing a letter published in the Burbank Leader from Charles Lombardo, President of the Burbank-Glendale-Pasadena Airport Authority; Phil Berlin, stating Measure B applies to the proposed Airport Development Agreement and requesting the issue be decided in court and on the ballot; David Piroli, on litigation threats by the Airport Authority and on the implications of not selling the B-6 property; Howard Rothenbach, on Measure B's application to the proposed Airport Development Agreement; Mark Barton, on interruptions during oral communications and expressing disagreement with comments made at a previous Council meeting with regard to the conduct of Burbank Police officers; and, Theresa Karam, commending Mayor Ramos for reviewing billing documents in the case of Karam v. City of Burbank.

Staff Response	Members of the Council and staff responded to questions raised.
Agenda Item Oral Communications	Mrs. Ramos called for speakers for the agenda item oral communications at this time.
Citizen Comment	Appearing to comment were Morris I. Urish; Brad Ward; Alexis Dellar-Hanson; Dave Hanson; and, Casimiro Hernandez, in support of a view protection ordinance; Sako Semizyan, stating that his ability to add a second story to his home would be impacted if the Council enacted a view protection ordinance; Wayne Kline, inquiring what can be done under the present law to prevent a property owner from building a three-story home; Don Elsmore and Mark Barton, on the terms of the proposed Airport Development Agreement; Mike Nolan and Howard Rothenbach, on the application of Measure B to the proposed Airport Development Agreement; Gladys Tomas, stating her neighbor is adding a roof onto a patio which will block her view and inquiring whether the City reviews homeowner association rules prior to issuing building permits.
Staff Response	Members of the Council and staff responded to questions raised.
Motion	It was moved by Mr. Vander Borcht and seconded by Ms. Murphy that "the following items on the consent calendar be approved as recommended."

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Minutes Approved The minutes for the regular meetings of June 22, June 29, July 6 and July 13, 2004 were approved as submitted.

1211 Weed Abatement RESOLUTION NO. 26,759:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK CONFIRMING THE ITEMIZED WRITTEN REPORT OF THE AGRICULTURAL COMMISSIONER/DIRECTOR OF WEIGHTS AND MEASURES FOR THE COUNTY OF LOS ANGELES FOR THE ABATEMENT OF WEEDS AND PUBLIC NUISANCES, AND CONFIRMING THE COSTS OF SUCH ABATEMENT AND ASSESSING SUCH COSTS AGAINST CERTAIN REAL PROPERTY.

203 Amend Composition of Downtown Pkg. Mgmt. Comm. RESOLUTION NO. 26,760:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE COMPOSITION AND QUORUM REQUIREMENT FOR THE DOWNTOWN PARKING MANAGEMENT COMMITTEE.

1702 Amend PSA's w/ Impact Sciences And Kaku Assoc. for PD No. 2003-1 (North Triangle/ Media Center) RESOLUTION NO. 26,761:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND IMPACT SCIENCES AND APPROVING THE FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND KAKU ASSOCIATES.

304-1 Donation to Police Dept. for DARE Program RESOLUTION NO. 26,762:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING FISCAL YEAR 2004-2005 BUDGET AND ACCEPTING JIN AND REBEKAH LEE'S DONATION OF \$600 FOR BURBANK POLICE DEPARTMENT'S DRUG AND ALCOHOL RESISTANCE EDUCATION PROGRAM (D.A.R.E.).

Adopted The consent calendar was adopted by the following vote:

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

1704  
 View Protection  
 In the Hillside  
 Area

Mr. Forbes, Senior Planner, Community Development Department, stated that pursuant to Council direction, staff completed the community outreach phase of the hillside area view protection study. He explained that cities have varying interpretations of view protection but noted that the community input indicated that the key issue was the view from private properties, as opposed to public streets, parks or other areas. He added that views can be obstructed by buildings, walls, fences, trees or other vegetation from hillside properties to the areas below or vice versa. He noted that although the Burbank General Plan discusses the preservation of the view of the hillside from the rest of the City, this ordinance would focus on views from the hillside to the rest of the City. He then discussed the input received from the community meetings held in February and March 2004, and noted that the majority of the attendees supported substantial regulation for both structures and vegetation, and increased opportunity for public input on hillside projects. He also noted that some residents were opposed to any view protection regulations and expressed concern that the ordinance would be too costly for the City to enforce and would impede homeowners' ability to develop their properties to meet their family space needs.

Mr. Forbes then discussed the application of the current hillside development standards and the regulations regarding preservation of views from existing hillside developments. He noted that the regulation language does not provide adequate direction to staff or the Planning Board on how to determine what types of views are to be preserved or what degree of view obstruction is acceptable, and only applies in limited circumstances when a Conditional Use Permit is required.

Mr. Forbes noted that the view protection ordinance would have to define what view it is intended to protect, what views are the most important to protect and what degree of view obstruction should be allowed. He also stated that view protection ordinances can increase the level of project review or discretionary approval needed for a project. He noted the challenges associated with view definitions and stated that the ordinance must not only be reasonable to property owners, but must be practical to administer and enforce. He added that although vegetation can obstruct views in a similar way as structures, vegetation rules are more difficult to develop and

enforce due to the unpredictable nature of plant growth.

Mr. Forbes informed the Council that current City policy does not allow cutting, shaping or topping trees located in public parks or streets for the purpose of restoring a view, and added that considering the damage such activity poses to trees, this practice is not recommended for any privately-owned trees as well. He noted staff's recommendation that any view protection ordinance not include vegetation controls of any kind, since such regulations are very difficult to develop and enforce due to the unpredictable nature of plant growth. He added that regulating structures through standards and process was staff's recommended approach to view protection, and discussed the different options that could be used such as: limiting the location and placement of homes on lots; limiting the size and height of homes; design guidelines and design review, though not recommended by staff; expanding applicability of regulations to all projects; increasing the level of project review; requiring additional criteria for project approval; and, increasing notification requirements to nearby properties.

Mr. Forbes requested Council approval to proceed with developing the view protection ordinance and reiterated that staff did not recommend implementing design guidelines and design review which would require substantial City resources and would add to process time.

Staff was directed to pursue a three-phase approach as follows: Phase One, proceeding with preparing an ordinance to address the Floor Area Ratio, height and setbacks in conjunction with the ongoing R-1 development standards study; Phase Two, providing a detailed report on establishing limitations on new vegetation including height limits and species selection; and, Phase Three, begin studying options for a full view protection ordinance, including defining the views to be protected, project review process, limits on existing vegetation and other complex issues, including a mediation process.

201-2  
FY 2004-05  
Council Top Ten  
Goals and Work  
Program

Mr. Feng, Deputy City Manager/Capital Projects and Public Works, presented the work program goals and performance indicators for the Public Works Department.

Chief Hoefel presented the work program goals and performance indicators for the Police Department.

Ms. Wyatt, Information Technology Director, Ms. Ghazikhanian, Systems Manager; and, Mr. Jarvis, Network

Operations Manager, presented the work program goals and performance indicators for the Information Technology Department.

1602-7  
907  
Establishing  
Prima Facie  
Speed Limits on  
Various Streets

Mr. Johnson, Assistant Public Works Director/Traffic Engineer presented the proposed amendment to the Burbank Municipal Code with regard to establishing prima facie speed limits on various street segments within the City. He noted that the California Vehicle Code mandates that the City's speed limit system be reviewed every five to seven years to ensure that it reflects the conditions of the community. He added that this would also enable the Police Department to enforce the speed limits and conform to California law. With a visual aid, he identified the current and proposed speed limit changes.

Staff was directed to proceed with the revisions to the Burbank Municipal Code and to conduct further analysis of traffic patterns at Riverside Drive and Buena Vista Street, and on Pass Avenue between Verdugo Avenue and Alameda Avenue.

1503  
1504  
BWP Monthly  
Operating  
Report

Mr. Davis, General Manager, Burbank Water and Power, presented the monthly water and power operating report for the month of July 2004. He noted that drinking water quality continues to meet or exceed State, Federal and the Council's administrative standards. He reported that water sales performed according to forecast and reclaimed water sales were 20 percent better than budget. He noted that the reclaimed water system has been extended to the Chandler Bikeway and beyond the Empire Center.

Mr. Davis noted that despite a few outages, electric reliability and response times exceeded the Department's goals and national averages. He added that electric revenue is in excess of \$10 million better than budget due to reduced retail power supply costs and the power hedge. He also gave an update of the progress of the Magnolia Power Project.

The Council noted and filed the report.

Final Open  
Public Comment  
Period of Oral  
Communications  
Citizen  
Comment

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

Appearing to comment was Mike Nolan, inquiring as to why the B-6 property has not been sold.

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Staff  
Response

Members of the Council and staff responded to questions raised.

Adjournment

There being no further business to come before the Council, the meeting was adjourned at 11:12 p.m.

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Margarita Campos, City Clerk