



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, MARCH 8, 2005
5:00 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:

Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):

Pursuant to Govt. Code §54956.9(b)(1)

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.

LEGISLATIVE STUDY SESSION:

The purpose of this Study Session is to provide the Council with an opportunity to discuss the current State legislative session with Mr. David Jones of Emanuels Jones and Associates, the firm the City current contracts with for legislative advocacy and government relations services.

The City takes an active interest in the activities of the State Legislature and the impact those activities may have on the City. Staff uses several methods to follow and participate in legislative issues. Departments take an active role in identifying legislation that may have a positive or negative effect on the City. Often, legislation is identified by City staff through professional associations or publications and the staff's own independent research. The

League of California Cities also provides a significant amount of ongoing information throughout the State legislative session that keeps City staff up to date.

The City Manager’s Office coordinates the legislative activities of the departments and works with the Mayor or other interested Council Members to communicate the departments’ positions on various pieces of legislation. The City Manager’s Office also actively communicates on a regular basis with the City’s State and Federal representatives. Issues discussed with the City’s representatives often include specific pieces of legislation, federal funding requests for City projects, and the impact of the State budget.

Finally, staff also works closely with Emanuels Jones and Associates, a legislative advocacy and government relations firm. The City has contracted with Emanuels Jones and Associates since the establishment of the firm by Kenneth Emanuels in 1987. The firm is currently owned by David Jones, who is the City’s primary contact and service provider. Emanuels Jones and Associates also represents the cities of Glendale and Pasadena.

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.

PROCLAMATION: ADULT EDUCATION WEEK

RECOGNITION: FIRE REGIONAL OCCUPATIONAL PROGRAM.

RECOGNITION: COMMUNITY SPONSORS OF THE TEENS IN ACTION POLICE/YOUTH RELATIONS BALL-B-Q.

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).

AIRPORT AUTHORITY MEETING REPORT:

1. AIRPORT AUTHORITY COMMISSIONER REPORT:

At the request of the Burbank representatives to the Airport Authority, an oral report will be made to the City Council following each meeting of the Authority.

The main focus of this report will be issues which were on the Airport Authority meeting agenda of March 7, 2005. Other Airport-related issues may also be discussed during this presentation.

Recommendation:

Receive report.

6:30 P.M. PUBLIC HEARING:

2. APPEAL OF A DECISION TO DENY A COMMERCIAL APPLICATION FOR A PERMIT TO CONDUCT A RUNNING PROGRAM:

The purpose of this report is for the Council to consider an appeal of the Park, Recreation and Community Services Director's decision to deny a Commercial Application for a permit to conduct a running program. The request by Ms. Tina Castaldi, applicant and appellant, was to approve a class held in the parking lot adjacent to Wildwood Canyon Park and the roads around the DeBell Golf Course. It was to be held Monday through Friday from 5:00 a.m. to 6:30 a.m.

Staff received the Commercial Permit Application on December 6, 2004. The class was proposed to be conducted between January 24, 2005 and April 22, 2005. The anticipated enrollment was 50 individuals. The permit did not request to utilize an amplified sound system.

Upon receiving the Commercial Permit Application, a public notice was published in the Burbank Leader and notices were mailed to residents in the surrounding neighborhood. Any interested individual was requested to forward comments within a prescribed time frame. Over 2000 notices were mailed. Staff received 61 responses with 70 signatures which were opposed to granting the permit, and one response which was in favor.

The applicant anticipated 50 participants. This would create a significant increase in traffic in this area Monday through Friday. There are basically two access roads to the requested area. Even if the class participants were required to take various designated travel routes, potentially there could be as many as 25 vehicles stopping and starting at the Harvard Road and Sunset Canyon Drive intersection, as well as the Walnut Avenue and Sunset Canyon Drive intersection. Other streets leading to the access roads would

also encounter increased traffic.

The proposed class would commence at 5:00 a.m. This would result in vehicles driving through residential neighborhoods as early as 4:45 a.m. Generally, programs and services which could negatively impact residential neighborhoods do not start until 7:00 a.m. The exception to this policy is the DeBell Golf Course. The course has been in operation for over 45 years, and residents are aware of the need for early morning maintenance and starting times commencing at sunrise.

Given that during certain times of year it is still dark at 5:00 a.m., there would be potential safety issues. With limited light, it is difficult to see where one is running. In addition, there could be concerns with vehicle traffic as it approaches groups of runners. Also, this type of program is not compatible with the surrounding neighborhood and could create conflicts between program participants and the residents.

To mitigate some of the concerns, staff could be assigned to oversee the activity. The cost of one recreation leader working a two-hour shift would be \$150 per week. The staff member would ensure that class participants would not run through the adjacent residential neighborhood and that program leaders would not utilize an amplified sound device. However even with supervision, the neighborhood would still be negatively impacted at an unreasonable early morning hour and thus the permit was denied. Ms. Castaldi appealed the denial on December 22, 2004.

The approval of the appeal by the Council would allow the applicant to conduct the program for up to 50 participants, Monday through Friday, from 5:00 a.m. to 6:30 a.m., in the parking lot adjacent to Wildwood Canyon and the roads around DeBell Golf Course. The permit requested that the program begin January 24, 2005 thus the dates of the activity would be adjusted. Notice of the appeal hearing was mailed to Ms. Castaldi, as well as the residents who responded during the public input period.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AFFIRMING THE PARK, RECREATION AND COMMUNITY SERVICES DIRECTOR'S DECISION AND DENYING APPLICANT CASTALDI'S APPEAL.

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. NON-PROFIT ORGANIZATION FACILITY FUNDING PROGRAM:

The purpose of this report is to provide the Redevelopment Agency Board (Board) and the Council detailed information on potential programs to assist local community based non-profit organizations to purchase or build facilities. Two primary options include utilization of the Community Development Block Grant program, which is currently in place and funding this type of need; and the use of Redevelopment Agency (Agency) dollars as “matching” funds or leverage. Should the Council/ Board opt to use redevelopment funding, specific eligibility criteria is recommended. This criteria may include, but not be limited to: using Agency funds to leverage or match other funding; the history and successes of the non-profit organization; and, project feasibility (including budget, ongoing operations costs, and plan for construction management).

Recommendation:

Staff recommends the Redevelopment Agency Board and Council provide additional direction.

CONSENT CALENDAR: (Items 4 and 5)

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. V-370 RESOLUTION OF INTENTION TO VACATE A PORTION OF THE ALLEY ADJACENT TO THE FORMER BUENA VISTA LIBRARY LOCATED AT 401 NORTH BUENA VISTA STREET (APPLICANT – CITY OF BURBANK):

The purpose of this report is for the Council to consider adoption of a Resolution of Intention to set the hearing date to consider the Conditional Vacation of an alley adjacent to the former Buena Vista Library, located at the northwest corner of Buena Vista Street and Verdugo Avenue (401 North Buena Vista Street). The applicant, the City of Burbank, is requesting to vacate the alley to allow for construction of a proposed outdoor play area in conjunction with the proposed reuse of the former library as a single-story childcare and family resource center. If adopted, the Resolution of Intention will set the public hearing date for March 29, 2005.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DECLARING ITS INTENTION TO CONSIDER THE CONDITIONAL VACATION OF A PUBLIC ALLEY ADJACENT TO THE FORMER BUENA VISTA LIBRARY (V-370).

5. DECLARING THE RESULTS OF THE PRIMARY NOMINATING ELECTION HELD ON FEBRUARY 22, 2005:

Pursuant to the provisions of Section 28 of the City Charter, the purpose of this report is to present the results of the Primary Nominating Election held on February 22, 2005 to the Council for approval.

A Primary Nominating Election was conducted in the City of Burbank on February 22, 2005 for the purpose of nominating or electing candidates for three seats on the City Council, two seats on the Board of Education, one City Clerk and one City Treasurer. Following is the list of candidates who qualified for the ballot in ballot order:

City Council Candidates:

1. Dave Golonski
2. Marsha Ramos
3. Stacey Murphy
4. Claudia Bonis
5. Jesse Byers
6. Vahe Hovanessian
7. Michael Bergfeld

City Clerk Candidate:

Margarita Campos

City Treasurer Candidate:

Donna Anderson

Board of Education Candidates:

1. Susan Bowers
2. Karel Roland Armstorff
3. Debbie Kukta
4. Ira Lippman
5. Nikki Capshaw
6. Larry Applebaum

Notice of the Election was given, precincts established, election officers appointed, and the supplies furnished. The votes cast were received and canvassed as required by law. The canvass of the Election was completed on Monday, February 28, 2005 with the official results posted on the same day. The five-day protest period expires on Monday, March 7, 2005 at 5:00 p.m. No protests were received as of the printing of the agenda. A summary of the votes cast in each precinct indicates the following results:

Stacey Murphy was the only candidate to receive a majority of the votes cast for Member of the City Council and as such is duly elected to office for a full term of four years. The remaining two seats on the City Council will be filled in the General Municipal Election to be held on April 12, 2005 by two of the following four candidates: Dave Golonski, Marsha R. Ramos, Vahe Hovanessian and Michael Bergfeld.

No candidate received a majority of the votes cast for Member of the Board of Education and as such the two seats for the Board of Education will be filled in the General Municipal Election to be held on April 12, 2005 by two of the following four candidates: Susan Bowers, Debbie Kukta, Nikki Capshaw and Larry Applebaum.

The two candidates for the City Clerk (Margarita Campos) and City Treasurer (Donna E. Anderson) seats ran unopposed and were therefore duly elected to office for a full term of four years.

It is recommended that the Council accept the returns as submitted by the City Clerk and officially declare the results of the Primary Nominating Election held on February 22, 2005.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DECLARING THE RESULTS OF THE PRIMARY NOMINATING ELECTION HELD ON FEBRUARY 22, 2005.

END OF CONSENT CALENDAR

REPORTS TO COUNCIL :

6. DISASTER MITIGATION ACT OF 2000:

This is the first edition of the City of Burbank's All-Hazard Mitigation Plan, and through completion of this plan, the City continues many years of commitment to the reduction of risks through hazard mitigation planning. The Council has supported many major mitigation programs such as: the City's Emergency Operations Center renovation which was completed in 2003; the Burbank Community Disaster Volunteer program (an innovative and effective program which utilizes community volunteers to augment City resources); and, the recently-enhanced brush clearance requirements.

Section 203 of the Robert T. Stafford Disaster Assistance and Emergency Relief Act (Stafford Act), 42 USC, as amended by Section 102 of the Disaster Mitigation Act of 2000, requires all state and local governments to develop comprehensive mitigation plans as a condition of eligibility for future post-disaster mitigation grants after November 4, 2004. This plan complies with this law, subject to receipt and approval by the California Office of Emergency Services (OES) and the Federal Emergency Management Agency (FEMA).

This plan is the first compilation of future mitigation strategies and programs for the entire City. Information contained in the plan will provide a framework and a rich repository of resource information to support future mitigation grant applications from any City department.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADOPTING THE ALL-HAZARD MITIGATION PLAN AND AUTHORIZING THE CITY MANAGER TO IMPLEMENT THE PLAN.

7. LAND USE ELEMENT FOLLOW-UP: HOUSING GOALS AND PERFORMANCE AND THE R-5 MULTIPLE FAMILY RESIDENTIAL DENSITY:

At the December 14, 2004 meeting, the Council requested that staff return with additional information about the City's housing goals and obligations, the amount of new housing production in relationship to these goals and obligations, and with more detailed information about the areas currently designated for R-5 multiple-family densities and the new areas proposed for this highest density residential land use. Staff will discuss the proposed new multiple-family residential land use category called Very High Density which, as a result of the proposed reduction in multiple-family residential densities, would allow a multiple-family density that is lower than that for existing R-5 zoning or than that currently allowed in the existing Land Use Element High Density residential use category.

Staff will provide the Council with the information requested and explain the connection between the proposed residential densities and the City's ability to meet its housing needs and obligations. In response to the Council's request for more detailed information about the location and existing development in areas proposed for the Very High Density (comparable to the reduced R-5 zone density) residential land use, staff will provide detailed maps that show the location of each of the proposed Very High Density areas, the Existing and Proposed General Plan Land Use Element designation, Existing Zoning and Existing Development.

Recommendation:

Staff seeks Council direction regarding the inclusion of a Very High Density land use category in the proposed 2005 Land Use Element update. If the Council desires to include this land use category in the residential land use mix, staff seeks direction regarding the proposed location and extent of this land use.

8. LAND USE ELEMENT UPDATE – PROPOSED COMPACT SINGLE FAMILY RESIDENTIAL:

At the December 14, 2004 meeting, the Council requested that staff return with additional information about the proposed new Compact Single-Family (CSF) type of development. CSF is not proposed as a separate land use category in the 2005 Land Use Element update, but rather as a new zone that would be part of the implementation of a proposed new Low Density residential land use category.

CSF development, sometimes called Small Lot Single Family, allows for a single-family home to be built on a lot that is smaller than the current 6,000 square foot (sf) minimum lot size. CSF would be similar in density to current R-2 zoning, which allows two units per

6,000 sf lot, but would allow only one unit per smaller lot and be a single-family ownership product. There are several types of CSF development but all would have certain things in common: fee simple ownership of the lot on which the home stands, its own front yard, rear yard and parking on that lot.

The CSF development type would help to achieve certain community goals and needs. By replacing less appropriate residential densities, CSF helps achieve neighborhood compatibility. CSF provides opportunities for new single-family housing to be built in a City where existing single-family areas are already built out. The smaller lot size for CSF homes will allow for more affordable single-family homes to be built in the community. CSF is an economically viable way of recycling older residential properties without increasing the density.

Recommendation:

Staff seeks Council direction regarding the 15 areas proposed for the new Low Density residential land use category. Staff also seeks Council direction regarding the proposed CSF as a new residential product type in the community and its proposed inclusion in the 2005 Land Use Element update as one of the zones to implement the proposed Low Density residential land use category.

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. To March 15, 2005 at 5:00 p.m. in the Council Chamber for a Study Session on the proposed new multiple family residential development standards.

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

www.ci.burbank.ca.us