

TUESDAY, MAY 3, 2005

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 6:44 p.m. by Mr. Vander Borght, Mayor.

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

Flag Salute The pledge of allegiance to the flag was led by Greg Akmakjian.

ROLL CALL

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

Absent - - - - Council Members None.

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

301-1
Plant A Tree
Donation Ellie Myer, Chair of the Burbank Civic Pride Committee, presented Mayor Vander Borght with a check in the amount of \$3,897. She stated that the funds were raised through the Plant-A-Tree Program and will be used to plant trees at McCambridge Park.

301-1
Recycling
Heroes Kreigh Hampel, Recycling Coordinator, Public Works Department, introduced the 2005 Recycling Heroes. Plaques were presented by the Mayor to the following recipients: Kathy Wills, Betsy Quinn and Linda Walmsley, Roosevelt Elementary School; Greg Akmakjian and Mike Milosevich, Trader Joes; Winter Ha, Emon Japanese Restaurant; and, Lisi Brown, Board Member, McCambridge Townhomes Association.

301-1
Botswana Sister
City
Presentation Bill Rudell, former Burbank Mayor and Council Member, and current Honorary Consul of the Republic of Botswana, introduced Dr. Gaositwe Chiepe, former Minister of Foreign Affairs for Botswana. Mayor Vander Borght presented Dr. Chiepe with gifts from the City in appreciation for the continuing sister city relationship between Burbank and Gaborone, Botswana. Jennifer Ranney, first and second grade teacher at Jefferson Elementary School, and a student presented letters and drawings to Dr. Chiepe.

301-1
West Nile Virus
Presentation Stephanie Miladin, representing the Greater Los Angeles Vector Control District, made a presentation on the West Nile Virus.

5/3/05

406
Airport
Authority
Report

Commissioner Brown congratulated the Council members upon re-election and appointment to the offices of Mayor and Vice Mayor. He reported on the Airport Authority meeting of May 2, 2005 and stated that the Authority approved work orders for the Residential Acoustical Treatment Program. He also informed the Council that the Authority secured an agreement with Alaska Airlines that no flight departures would be scheduled before 7:00 a.m.

Mark D. Hardyment, Director of Noise and Environmental Programs, discussed the Helicopter Flight Instructor Operating Agreement and the amendment to the Passenger Facility Charge program.

Mr. Golonski inquired as to the progress of the proposal to locate a second Compressed Natural Gas fueling station close to the Airport, possibly as a joint venture with the City.

The Council noted and filed the report.

7:50 P.M.
Hearing
1701
Late Night Hours
Of Operation
(ZTA 2004-161)

Mayor Vander Borght stated that "this is the time and place for the hearing on amending Chapter 31 of the Burbank Municipal Code relating to changing the definition of late night hours, changing the hours of restaurant fast food operations, deleting Section 31-119, changing the effective dates of Sections 31-1151 and 1152, and adopting a Negative Declaration for Zone Text Amendment No. 2004-161."

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

John Bowler, Senior Planner, Community Development Department, reported that last year, the Council directed staff to prepare a Zone Text Amendment (ZTA) to amend the Residentially-Adjacent Commercial and Industrial (RACI) Ordinance to make the definition of "Late Night Hours" therein consistent with the definition of "nighttime" hours in the Noise Ordinance. He explained that the RACI Ordinance defines Late Night Hours as "midnight to 6:00 a.m." while the Noise Ordinance defines "nighttime" as "10:00 p.m. to 7:00 a.m." He added that the RACI Ordinance also places restriction on commercial and industrial businesses within 150 feet of a residential zone, while the Noise Ordinance operates citywide.

Mr. Bowler reported that staff finds that the proposed ZTA has the potential to affect the operations of a significant number of businesses; particularly start-up businesses, but also existing late night businesses that want to extend their hours or expand in size. He noted that these businesses include: restaurants; convenience and food stores; bar/salon/cocktail lounges and night clubs; live theatres; video rental stores; laundry marts; gas stations; drug stores; and, copy businesses.

Mr. Bowler also stated that the City has received several complaints with regard to delivery noise, especially diesel engine idling. He noted that under the current Code, vehicles may not run their engines during late night deliveries; however, there are restrictions on the ability of the City to restrict engine noise from vehicles that are operating in the public right-of-way. He reported that the California Air Resources Board implemented a new administrative regulation which, on the basis of air pollution, prevents diesel powered vehicles over 10,000 gross vehicle weight from idling anywhere for more than five minutes. He added that while most businesses in Burbank do not receive late night deliveries, even stores that are not open for business during the late night hours receive late night deliveries. He noted that many businesses, particularly food stores and food service uses, will be affected as they often depend on late night deliveries of products with a short shelf life, such as dairy products and bakery goods. As a result, he stated that in restricting late night deliveries, exceptions will have to be made.

Mr. Bowler discussed several alternatives, such as: a change in Late Night Hours to include later hours on weekend evenings; requiring Administrative Use Permits (AUPs) rather than Conditional Use Permits (CUPs); and, exceptions for certain districts and certain types of businesses.

Mr. Bowler informed the Council that the Planning Board considered this ZTA at its regular meeting on February 14, 2005 and recommended against adoption of any amendments to the RACI Ordinance until a study could be done to better understand the nature of residentially-adjacent noise complaints; considering the evidence that a fairly small number of business operations have historically been responsible for a disproportionate number of complaints. He noted that staff concurs with the recommendation of the Planning Board that the City undertake a targeted study of residentially-adjacent noise complaints before deciding to adopt more restrictive Late Night Hours regulations. He stated that Planning staff is prepared to undertake such a study in conjunction with the

License and Code Services staff to analyze the geographic distribution, particular sources and times of noise complaints and to determine if targeting certain locations, types of activities or noise sources would be more effective than a broad-based approach. He added that staff estimated that a period of six months to one year would be an adequate time for such a study.

Mr. Bowler noted receipt of one piece of correspondence sent directly to the Council from the Burbank Chamber of Commerce in opposition to the ZTA, and one telephone call from Tom Ormani and Maria Gorbetti, proprietors of the Victory Theatre, in opposition to the ZTA as well.

Citizen
Comment

Appearing to comment in opposition to the proposed ZTA were George Leousis and Irma Loose. Also, Eden Rosen and Esther Espinoza commented in support of restricting late night operations.

Rebuttal

Mr. Bowler responded to public comment with regard to business owners' ability to prevent congregating outside businesses during late night hours.

Hearing
Closed

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

Council
Deliberations

Ms. Murphy requested clarification on the number of complaints regarding businesses that are egregiously violating the current ordinance and stated she was not supportive of directing staff to conduct a study considering the limited staff resources.

Mrs. Ramos noted receipt of complaints regarding diesel engine idling and noted that the California Air Resources Board has since enacted legislation to address that issue. She also noted receipt of complaints from a home next to a business, and an alley in the Magnolia Park area where construction-related loading and unloading occurs very early in the morning. She was not specifically supportive of the study but was interested in finding ways to address such problems.

Mr. Golonski was also not supportive of the study considering the limited staff resources. He suggested that the issue be referred back to the Planning Board to consider other options and the implementation of the ordinance.

Mr. Campbell expressed interest in finding ways to improve operations without directly impacting residentially-adjacent areas.

Mr. Vander Borghht noted Council consensus on conducting a study and referring the matter back to the Planning Board to make adjustments to the RACI Ordinance to address specific issues.

Ms. Murphy was not supportive of sending the matter back to the Planning Board.

The Council referred the matter back to the Planning Board to consider modifications to the RACI Ordinance to address specific issues. The Council was not supportive of conducting a study.

Initial Open
Public Comment
Period of Oral
Communications

Mr. Vander Borghht called for speakers for the initial open public comment period of oral communications at this time.

Citizen
Comment

Appearing to comment were: Gary Garrison, on the Downtown summer programs; Garen Yegparian, in support of a non-profit organization facility funding program; Mark Barton, showing a videotape of a past meeting; Eden Rosen, on public art pieces, multi-family residential densities, blighted areas, the Platt Project and affordable housing; Howard Rothenbach, announcing a Family Tour Day sponsored by Union Pacific Railroad on May 21, 2005 in the City of Commerce; Theresa Karam, in opposition to the salary increases for the appointed officials; David Gordon, on the Chandler Bikeway traffic signalization, the California Environmental Quality Act issues and traffic impacts; Mike Nolan, on police officer recruitment and retention issues; Vicky Marachelian, Board Member of the Armenian Relief Society, in support of their Community Development Block Grant application; James Schad, on police officer recruitment and employee pension obligations; and, Esther Espinoza, on traffic issues.

Staff
Response

Members of the Council and staff responded to questions raised.

Agenda Item
Oral
Communications

Mr. Vander Borghht called for speakers for the agenda item oral communications at this time.

5/3/05

Citizen Comment Appearing to comment in support of their Community Development Block Grant (CDBG) applications were: Casey McFall, Armenian Relief Society (ARS); Vagharshag Zamanian, ARS; Sona Zinzalian, Director, ARS; Seta Sarkissian, ARS; Lauren Fox, CAPS Burbank Adult Day Services; Bryan Madden, Burbank YMCA; Anja Reinke, in support of a non-profit organization facility funding program; Bill Augustyn, BUILD Rehabilitation; Harkmore Lee, Burbank YMCA and in support of the non-profit organization facility funding program; Barbara Howell, Burbank Temporary Aid Center; Angela Savoian, ARS; Brian Kaloustian, Summer Youth Employment, Burbank Unified School District; Carole Nese, Kids Community Dental Clinic; Christine Walters, We Care For Youth; Cindy Chong, We Care For Youth; Linda Maxwell, We Care For Youth; Jose Quintanar, We Care For Youth; Marci Walker, We Care For Youth; Shanna Vaughan, Boys & Girls Club of Burbank; Anush Orudzhyan, We Care For Youth; Mesrop Ayvatsyan, We Care For Youth; Kermit Floyd, Family Service Agency; Laurie Bleick, Family Service Agency; Sam Asheghian, on the RACI Ordinance and announcing several events; David Gordon, on the proposed fast-food restaurants on the A-1 North property and the California Environmental Quality Act issues relevant to the Airport Development Agreement; Esther Espinoza, on the CDBG funding recommendations; Minnie Lush, in support of the open house sign ordinance; Darin Chase, on the open house sign ordinance; Mark Barton, on Bob Hope Airport bus signage; Eden Rosen, on oral communications, open house signage and the Airport Development Agreement; Howard Rothenbach, on open house signage; Mike Nolan, on open house signage and CDBG funding; and, Shelley Rizzotti, on the open house signage enforcement procedure.

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

Jt. Mtg. with Redev. Agency 804-3 1102 Non-Profit Organization Facility Funding Program Ms. Frausto, Community Resources Coordinator, Community Development Department, provided information on potential programs to assist local community-based non-profit organizations to purchase or build facilities. She stated that non-profits, as non-lucrative businesses, often do not meet the conventional loan process. She discussed the two primary funding options identified by staff, including 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 forgivable loans

to match or leverage other funding sources. She noted that should the Council/Agency Board opt to use redevelopment funding, the location of the building and/or program services would need to address the eradication or prevention of blight. She added that the Agency would allocate funds as matching or partial-matching resources once an organization proved funds from other sources have been secured or was able to show resources such as non-profit equity. She noted that if the Agency was to establish such a program, each loan would be individually crafted and awarded on a case-by-case basis and also clear performance measures would have to be established to support a unique loan forgiveness program. She noted that use of Agency funds would require the organizations to adhere to State prevailing wages which could possibly increase the total cost of the project by an additional 30 percent.

In terms of eligibility, Ms. Frausto noted that the CDBG program has clearly defined eligibility criteria established by the United States Department of Housing and Urban Development and the funds would be used as leverage for other funding sources. She added that proposals would be rated based on the layering of resources and the final program developed would be a non-profit matching resources program and not necessarily a dollar-for-dollar program. She discussed that another eligibility criteria is feasibility, which would assess the organization's readiness to implement the proposed project and would take into account the history and sustainability of the organization in addition to other basic eligibility requirements, such as fiscal sustainability. She also added that the Agency would seek security for award of funding such as a lien on the property and require that the non-profit has 501 (c) (3) status.

Ms. Frausto also stated that should the City chose the CDBG program, the funds would come from the Federal CDBG entitlement allocated to the City and from the Agency which could limit how much funding could be awarded. She also stated that a lump sum amount could be designated for a full or pilot program. She then requested Council direction on support for the program, the proposed framework and the implementation options.

Mrs. Ramos supported maintaining the CDBG and Agency funding options.

Mr. Golonski concurred with Mrs. Ramos but noted that non-profits face greater challenges in obtaining operating funds as opposed to capital improvement funds. He recommended that CDBG funding be considered as the primary source for such a

5/3/05

program in addition to other funding sources, and not necessarily create a particular program with specific criteria. He noted that any non-profit should be able to request funding from the City, and requests will be evaluated on a case-by-case basis.

Ms. Murphy was in agreement with Mr. Golonski's comments stating that every non-profit be considered on a case-by-case basis and that CDBG funding be the primary funding source.

Mr. Campbell also noted the challenge of acquiring operating funds and suggested that several non-profits could jointly acquire one location for centralized operations.

Mr. Vander Borcht noted that many non-profits may not be able to qualify for CDBG funding and in the event that they do, the funds are also limited. He expressed support for utilizing Agency funding and that every project be evaluated on a case-by-case basis.

The Council noted and filed the report.

Motion It was moved by Ms. Murphy and seconded by Mr. Campbell that "the following item on the consent calendar be approved as recommended."

1010 RESOLUTION NO. 26,962:
Increase in the City Attorney's Salary Range A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING RESOLUTION NO. 21,732 RELATING TO THE EXECUTIVE COMPENSATION PLAN FOR DEPARTMENT MANAGERS AND APPOINTED OFFICERS TO PROVIDE FOR AN INCREASE IN THE CITY ATTORNEY'S SALARY RANGE.

Adopted The consent calendar was adopted by the following vote:

Ayes: Council Members Campbell, Golonski, Murphy, Ramos, and Vander Borcht.

Noes: Council Members None.

Absent: Council Members None.

604 Mr. Hirsch, Assistant Community Development
Status Report Director/License and Code Services, provided a status update
on the Temporary Real Estate Open House Sign Ordinance
Temporary which became effective July 24, 2004 and sunsets on June
Open House 30, 2005. He stated that since July 2004, License and Code
Signs Services and Public Works Department staff have been

working closely with the Burbank Association of Realtors to educate the public concerning the existence and administration of the existing Temporary Real Estate Open House Sign Ordinance. He noted that the primary focus of educating the public was concerning the restrictions, standards and requirements of the ordinance.

Mr. Hirsch explained that since July 2004, approximately 1,100 sign permits have been issued and that staff considers this ordinance to be effective in the regulation and controlling of signage of this nature upon the public right-of-way.

Motion It was moved by Ms. Murphy, seconded by Mrs. Ramos and carried that "staff return with a permanent ordinance and also that a non-prorated annual fee be established."

11:21 P.M. Mrs. Ramos left the meeting at this time due to a potential
Mrs. Ramos conflict of interest.
Left the Meeting

804-3 Mr. Yoshinaga, Grants Coordinator, Community Development
FY 2005-06 Department, requested that the Council: 1) approve/file the
Annual Plan Fiscal Year (FY) 2005-06 Annual Plan of the Consolidated Plan
(2003-08) submission; 2) file Federal fund applications for the
Community Development Block Grant (CDBG) and Home
Investment Partnerships Programs (HOME); 3) file the 2005
Final Statement of Community Development Objectives and
Projected Use of Funds; 4) authorize the City Manager to
execute United States Department of Housing and Urban
Development funding agreements for CDBG and HOME
Programs, act as the City's Certifying Officer under 24 CFR,
Part 58 – Environmental Review Procedures, and execute sub-
recipient contracts with organizations utilizing CDBG and
HOME funds, as applicable; and, 5) permit the extension of
specific CDBG Reimbursable Contracts for capital projects.

Mr. Yoshinaga explained that the 2005 Annual Plan details Federal, State and local fund resources totaling over \$17.7 million, including: \$1.8 million in Federal CDBG entitlement, reallocated funds and program income; \$862,598 in HOME funds; \$7.79 million in Section 8 rental assistance; \$1.3 million in State resources from the Multi-Family Housing Program; and, \$6 million from local resources from the Redevelopment Housing Set-Aside Fund.

Mr. Yoshinaga reported that the 2005 Proposed Statement shows how CDBG funds are recommended for use by the Community Development Goals Committee and the City's

Executive Staff. He added that capital projects recommended by the Goals Committee and the Executive Staff were considered and approved by the Council on January 25, 2005 based on capital funds of \$1.1 million and since the amount has not changed, further Council action is not required. He noted that for public services proposals, a total of 20 proposals were received totaling over \$532,000. He noted that the Community Development Goals Committee recommended that all agencies receive FY 2004-05 CDBG-approved amounts with the exception of BUILD Rehabilitation which they recommended at the full amount of \$18,175, in addition to new organizations, including the Armenian Relief Society recommended for funding in the amount of \$5,350 and the Kids Community Dental Clinic at \$5,000. He added that the City's Executive Staff recommended that all agencies receive FY 2004-05 CDBG-approved amounts with the exception of the Family Services Agency's Middle School Counseling program recommended for funding with City set-aside funds and BUILD Rehabilitation at \$13,400. He added that new organizations included the Armenian Relief Society recommended for funding in the amount of \$5,000, Kids Community Dental Clinic at \$8,500 and We Care for Youth for \$5,000, earmarked for other services other than staff costs.

Motion

It was moved by Ms. Murphy and seconded by Mr. Vander Borght that "the following resolution be passed and adopted and the Council approve CDBG funding per the Executive Staff recommendation with the exception of funding the Armenian Relief Society at \$2,500; Heritage Clinic – Community Assistance Program for Seniors at \$7,500; and, increasing funding for Burbank Temporary Aid Center by \$2,500, and the Family Service Agency by \$2,500 for a total of \$42,100, to be allocated by the Family Service Agency:"

804-3
FY 2005-06
Annual Plan

RESOLUTION NO. 26,963:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING THE FILING OF THE FISCAL YEAR 2005-06 ANNUAL PLAN UNDER THE CONSOLIDATED PLAN SUBMISSION (FISCAL YEARS 2003-08) FOR COMMUNITY PLANNING AND DEVELOPMENT PROGRAMS AND AUTHORIZING THE EXECUTION OF RELATED AGREEMENTS.

Adopted

The resolution was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Members None.

201-1
Oral
Communications

Mr. Barlow, City Attorney, stated that Council Member Ramos requested that the issue of Oral Communications be reconsidered by the Council. He noted that this issue has been addressed quite often in the past and the report summarizing the material has been provided to the Council. He stated that pursuant to the policy of the Council, staff has done no additional work on this matter and if the Council desires to further discuss the issue of Oral Communications, staff recommended that such direction be given and a more complete report would be brought back for consideration.

The matter was continued to the Annual Council Goal Setting Workshop which would be held on Saturday May 7, 2005.

1503
1504
BWP Monthly
Operations
Report

Mr. Davis, General Manager, Burbank Water and Power, presented the monthly Water and Power Operating Report for the month of April 2005 and gave an update on: water quality; water financial results; the Burbank Operable Unit; the ground water spreading project; electric operating results; the Magnolia Power Project; and, the Electric Division reorganization.

The Council noted and filed the report.

12:28 A.M.
Reconvene
Redev. Agency
Meeting

The Redevelopment Agency meeting was reconvened at this time.

Final Open
Public Comment
Period of Oral
Communications

There was no response to the Mayors invitation for speakers for the final open public comment period of oral communications at this time.

Adjournment

There being no further business to come before the Council, the meeting was adjourned at 12:29 a.m. to Saturday, May 7, 2005 at 9:00 a.m., at the Buena Vista Library Community Meeting Room, 300 North Buena Vista Street, for the Annual Council Goal Setting Workshop and a joint meeting with the

5/3/05

Planning Board.

Margarita Campos, CMC
City Clerk

APPROVED AUGUST 30, 2005

Mayor of the Council
of the City of Burbank