



COUNCIL AGENDA - CITY OF BURBANK  
TUESDAY, AUGUST 16, 2005  
4:30 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 Legal Counsel – Anticipated Litigation (City as potential defendant):  
Significant exposure to litigation 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.

**5:00 P.M.**

STUDY SESSION – CHARTER REVIEW COMMITTEE APPLICANT INTERVIEWS:

The Council will hold a Study Session for the purpose of interviewing applicants for the Charter Review Committee. On March 22, 2005, the Council directed staff to convene a Charter Review Committee charged with the task of working with staff and an outside consultant to review the Charter, identify necessary changes, and make recommendations regarding those

changes to the Council. At that time, the Council also gave direction regarding the make-up of the Committee and the process to appoint its members.

The Charter Review Committee will be made up of 11 members. Each Council Member may select one member of the Committee from among all qualified electors of the City of Burbank for a total of five. The Council will select the remaining six members of the Committee through a vote of the entire Council from the list of qualified applicants. The Council also tentatively agreed to select the chair of the committee at the same time it selects the members of the committee.

The City Clerk's Office received 38 applications for the Charter Review Committee, and 30 applicants are scheduled for interviews with the Council during study sessions prior to the Council meetings on August 16 and 23, 2005. Seven of the applicants withdrew from consideration or moved out of the City, and staff was unable to locate one applicant. The Council is scheduled to make appointments to the Charter Review Committee during its regular meeting on August 30, 2005.

Staff recommends that the Council hold applicant interviews for the Charter Review Committee in preparation for the Council's appointment of the Committee on August 30, 2005.

**6:30 P.M.**

INVOCATION: Reverend Sally Kinarthy, Unity Church of Burbank and North Hollywood.  
The Courts have concluded that sectarian prayer as part of City Council meetings is not permitted under the Constitution.

FLAG SALUTE:

ROLL CALL:

RECOGNITION: FIREFIGHTER OF THE YEAR.

RECOGNITION: PROFESSIONAL ESTEEM AWARD FOR POLICE OFFICER TIMOTHY DYRNESS FOR EVERY 15 MINUTES PROGRAM.

RECOGNITION: FIRE CAPTAIN RON BELL FOR EVERY 15 MINUTES PROGRAM.

RECOGNITION: HELEN QUAYLE, ASSISTANT PRINCIPAL OF ACTIVITIES AND ATHLETICS/BURBANK HIGH SCHOOL FOR EVERY 15 MINUTES PROGRAM.

PROCLAMATION: WOMEN'S RIGHT TO VOTE DAY.

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 August 15, 2005. Other Airport-related issues may also be discussed during this presentation.

Recommendation:

Receive report.

6:30 P.M. PUBLIC HEARING:

2. PROJECT NO. 2005-63 – ZONE TEXT AMENDMENT – FENCE HEIGHT STANDARDS:

The proposed ordinance will modify a number of standards relating to the height of fences, walls and similar structures in residential zones. Over the years, it has become clear that a number of residential properties within the City, particularly within single-family neighborhoods, have been improved with fences of heights that are in excess of current City standards. In August 2004, the Planning Division prepared a report to the Council summarizing the situation the City is facing regarding fence and hedge height violations and proposing options for amending the Burbank Municipal Code (BMC) in an effort to address the issues. At that time, the Council directed staff to begin the process of developing standards for fences and walls.

Based upon the comments received by the Council in August 2004, the Community Development Department established a Fence Task Force consisting of six staff members: two each from the Planning, Building, and License and Code Services Divisions. The Task Force was developed to make recommendations on changes to the existing ordinance based upon the professional experience of the members. These recommendations were presented to the Planning Board in a study session held on

February 28, 2005.

The proposed ordinance would increase the height of fences permitted within the front yards from three to four feet for open fencing materials, and allow fences and walls of up to six feet within the street-facing side yard of corner lots. The proposal also places restrictions on the height of retaining walls within front yards and includes new standards for features such as arbors and pergolas that were not previously permitted by the BMC. Additionally, the proposal includes the establishment of a grace period on the enforcement of existing illegal fences from one to three years depending on the height and the establishment of a disclosure statement regarding fences for real estate transactions.

Pursuant to the California Environmental Quality Act, a Negative Declaration has been prepared for the project. The Negative Declaration indicates that the project will not result in a significant impact on the environment.

On June 13, 2005, the Planning Board held a public hearing regarding the proposed changes to the standards and recommended, by a vote of 4-0, that the proposed changes be adopted by the Council.

Recommendations:

1. Adoption of proposed resolution entitled:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADOPTING A NEGATIVE DECLARATION AND APPROVING PROJECT NO. 2005-63 (ZONE TEXT AMENDMENT RELATING TO DEVELOPMENT STANDARDS FOR FENCES, WALLS, HEDGES AND OTHER YARD FEATURES IN RESIDENTIAL ZONES).
2. Introduction of proposed ordinance entitled:  
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING VARIOUS SECTIONS OF CHAPTER 31 OF THE BURBANK MUNICIPAL CODE RELATING TO DEVELOPMENT STANDARDS FOR FENCES, WALLS, HEDGES AND OTHER YARD FEATURES IN RESIDENTIAL ZONES (PROJECT NO. 2005-63).

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 action items on the agenda 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 Action Agenda items only.)

COUNCIL AND STAFF RESPONSE TO AGENDA ITEM ORAL COMMUNICATIONS:

CONSENT CALENDAR: (Items 3 and 4)

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.

3. MINUTES:

Approval of minutes for the regular meetings of March 1, March 8, March 15, March 22 and March 29, 2005.

Recommendation:

Approve as submitted.

4. APPROVING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND ALLIANCE RESOURCE CONSULTING LLC FOR THE PURPOSE OF RECRUITING FOR THE POSITION OF FINANCIAL SERVICES DIRECTOR AND AMENDING THE FISCAL YEAR 2005-06 BUDGET:

Due to the unfortunate passing of Director Derek Hanway, the position of Financial Services Director is vacant. This is a key position on the Executive Team. Due to the technical nature of the position, as well as the extensive review and background process needed to fill the position, the City solicited proposals from executive recruitment firms. Seven proposals were received and reviewed by staff, and Alliance Resource Consulting LLC was selected. Alliance has extensive experience working with municipal agencies in this area. Utilizing the services of this firm is expected to expedite the process and give the City access to candidates that may not have been available otherwise. The cost of this service is not to exceed \$25,000. This cost was not anticipated in the Fiscal Year 2005-06 Budget.

Recommendation:

Adoption of proposed resolution entitled:  
(4/5 vote required)

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2005-2006 BUDGET TO APPROPRIATE \$25,000 AND APPROVING THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND ALLIANCE RESOURCE CONSULTING LLC FOR THE PURPOSE OF RECRUITING FOR THE POSITION OF FINANCIAL SERVICES DIRECTOR.

END OF CONSENT CALENDAR

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REPORT TO COUNCIL :

5. PROPOSED FISCAL YEAR 2005-06 ANNUAL WORK PROGRAM AND DEPARTMENTAL PERFORMANCE INDICATORS (CITY TREASURER'S OFFICE, FINANCIAL SERVICES DEPARTMENT AND PUBLIC WORKS DEPARTMENT):

The purpose of this report is to provide the Council with the proposed Fiscal Year (FY) 2005-06 Annual Work Program and Departmental Performance Indicators.

The Annual Work Program is used as a management tool to identify, prioritize and monitor the City's projects and activities. The proposed FY 2005-06 Annual Work Program contains over 300 work items that have been identified by each department and suggested by the Council during the past year and the annual budget study sessions.

The FY 2005-06 Departmental Performance Indicators are used by the City to assess how efficiently and effectively programs and activities are provided and determine whether organizational goals are being met. Each Department Manager will present their proposed FY 2005-06 Annual Work Program and Performance Indicators for the Council's review.

Recommendation:

Staff requests that the Council review the proposed Fiscal Year 2005-06 Work Program and Departmental Performance Indicators and provide input and direction as necessary.

**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 Tuesday, August 23, 2005 at 5:00 p.m. in the Council Chamber, to conduct Charter Review Committee applicant interviews.

**For a copy of the agenda and related staff reports,  
please visit the  
City of Burbank's Web Site:  
[www.ci.burbank.ca.us](http://www.ci.burbank.ca.us)**