

TUESDAY, AUGUST 16, 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 5:15 p.m. by Mr. Vander Borght, Mayor.

STUDY SESSION

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

Absent - - - - Council Member Murphy.

Also Present - Ms. Alvord, City Manager; Ms. Scott, Chief Assistant City Attorney; and, Mrs. Campos, City Clerk.

Charter Review Committee Applicant Interviews Ms. Dolan, Administrative Analyst, City Manager's Office, requested the Council conduct interviews for the Charter Review Committee. She reported that 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. She added that the Council also gave direction regarding the make-up of the Committee and the process to appoint its members.

Ms. Dolan reported that the Charter Review Committee will be made up of 11 members, with each Council Member selecting one Committee member from among all qualified electors of the City of Burbank for a total of five, and the remaining six members of the Committee being selected through a vote of the entire Council from the list of qualified applicants. She also noted that the Council tentatively agreed to select the chair of the Committee at the same time it selects the members.

Ms. Dolan informed the Council that the City Clerk's Office received 38 applications for the Charter Review Committee, and 30 applicants are scheduled for interviews during study sessions preceding the Council meetings of August 16 and 23, 2005. She explained that seven of the applicants withdrew from consideration or moved out of the City, and staff was unable to locate one applicant. She noted that the Council is scheduled to make appointments to the Charter Review Committee during its regular meeting on August 30, 2005.

Interviews were conducted for the following applicants: Lynn Kronzek; John Fagerholm; Celeste Francis; Michael Bergfeld; Carolyn Jackson; Dave Ahern; Ross Necessary; Howard Barr; Kathy Cantong; Claudia Bonis; Christopher Carson; Rick Ramirez; and, Shannon Stevenson-Landon.

6:00 P.M. The Council recessed at this time.

Recess

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:44 p.m. by Mr. Vander Borght, Mayor.

Invocation The invocation was given by Reverend Sally Kinarthy, Unity Church of Burbank and North Hollywood.

Flag Salute The pledge of allegiance to the flag was led by Robert Lanning.

ROLL CALL

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

Absent - - - - Council Member Murphy.

Also Present - Ms. Alvord, City Manager; Ms. Scott, Chief Assistant City Attorney; and, Mrs. Campos, City Clerk.

301-1
Firefighter of the Year Interim Fire Chief Pansini presented the 2005 Fire Fighter of the Year Award to Fire Engineer Robert Lanning. Chief Pansini read a letter in recognition of the award and Mayor Vander Borght presented Engineer Lanning the Commendation from the Burbank Fire Department and a Certificate of Recognition from the Council.

301-1
Every 15
Minutes Program Mayor Vander Borght presented a Burbank Police Department Professional Esteem Award to Officer Tim Dyrness; a Commendation of Service Award to Fire Captain Ron Bell; and, a Certificate of Recognition to Helen Quayle, Assistant Principal of Activities and Athletics/Burbank High School, in recognition of their efforts in organizing the Every 15 Minutes Program, which is designed to educate high school students about the danger of drinking and driving.

301-1
Women's Right
To Vote Day Mayor Vander Borght presented a proclamation in honor of Women's Right to Vote Day in commemoration of the 85th anniversary of the ratification of the 19th Amendment to the United States Constitution guaranteeing women the right to vote, to Donna Anderson, President of the Zonta Club of Burbank.

406
Airport Commissioner Lombardo reported on the Airport Authority meeting of August 15, 2005 and stated that the Authority

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Authority Meeting adopted Resolution No. 406, amending the authorization of designated staff members to execute documentation in connection with the Authority's Residential Acoustical Treatment Program; and, approved a Passage and Execution of Designation of Applicant's Agent Resolution with regard to application of grant funds from the Federal Emergency Management Agency and the Office of Emergency Services to repair damages sustained in the February 2005 storms. He also gave an update on the passenger and cargo activity for the month of June.

7:13 P.M. Hearing 1701 ZTA 2005-63 Fence Height Standards Mayor Vander Borcht stated that "this is the time and place for the hearing on amending portions of the Zoning Code relating to development standards for fences, walls, hedges and other yard features in residential zones."

Notice Given The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that eight telephone messages and 62 emails had been received.

Staff Report Mr. Ochsenbein, Senior Planner, Community Development Department, requested the Council consider a proposed ordinance that would modify the City's standards for fences, walls and hedges in residential zones. He noted that the proposed ordinance also includes standards for a variety of other structures that are commonly found in front and street-facing side yards. He informed the Council that prior to 1967, the City permitted fences, walls and hedges in front yards limited to four feet, with a height limit of eight feet elsewhere on the property. He added that in 1967, an ordinance was adopted which reduced the height of fences located in the front yard to three feet and required that fences located within a street-facing side yard be a maximum of three feet within the 10-foot setback area. He added that at the same time, corner cut-off requirements were also established to ensure that vehicular movements were not impaired by structures, including fences and walls. He noted that the Burbank Municipal Code has traditionally focused on the height of fences and walls, but has not addressed issues of design or materials, and noted the development of a new fence ordinance has been in consideration for at least 15 years. Mr. Ochsenbein reported that pursuant to Council direction, a study session was held in August 2004, detailing the history of fence standards in Burbank and the enforcement of current standards. He noted that while specific direction was not

given on what the new standards should be, the Council directed staff to develop new residential fence standards. He stated that among the concerns raised by the Council were flexibility of design, corner lot standards, materials and retaining wall standards. He added that staff was also directed to conduct a study session with the Planning Board addressing potential changes to the ordinance and to create a Fence Task Force.

Mr. Ochsenbein informed the Council that the proposed ordinance is staff's attempt to address the variety of issues surrounding fences in the community while providing greater flexibility to individual homeowners and ensuring that the community at large is not negatively impacted. He noted that fences and walls that were legally constructed under prior standards will be grandfathered. Likewise, he stated that the ordinance will not require property owners who do not have a fence or wall to build one or property owners who have a three-foot fence to raise it to four feet. He noted that the ordinance establishes maximum heights but no minimum height requirements.

Mr. Ochsenbein then discussed the proposed fence standards as follows: increase in the permitted height from three to four feet with any portion of the fence over three feet required to be an open design such as picket or wrought iron, in order to minimize the impact on cars backing out;

Each individual retaining wall in a front yard be limited four feet and if additional retention is needed, the walls would be required to be set back an additional foot for each foot of height. Additionally, a three-foot wall would be permitted above the retaining portion. He noted that currently, the Burbank Municipal Code does not restrict the height of retaining walls in front yards;

Establishment of a definition of what constitutes a hedge. He noted that in locations where hedges function like walls, they are proposed to be subject to the same standards but elsewhere, they will be treated as landscaping;

Requiring an eight-foot spacing between trees located within 10 feet of the public right-of-way. There will be no limitation on the height or spread of trees anywhere on the property and any existing trees would not be impacted;

Establishing maximum sizes for features such as arbors and

pergolas, and limiting them to one per street frontage. He noted that the City does not currently permit such structures in the front yard which are commonly used to better define landscape areas and demarcate paths and entrances;

Establishing standards that would allow features such as lights, statues or more formal pilasters with caps, to exceed the maximum fence height by up to one foot with an eight-foot separation requirement. He noted that the current standards require that these features be below the maximum height of the fence or wall;

Establishing standards for stand alone ornamentation features that are commonly used in front yards, such as light poles, statues and similar structures;

Requiring that no new fences be made of chain link, wire or similar materials. He noted that the standard is not retroactive and as such, those properties currently improved with fences of this type will be permitted to retain those fences until they are taken down or destroyed;

Allowing fences and walls of up to six feet for corner lots within the street-facing side yard, beginning at the rear of the house. He stated that this would allow for a continuity of the streetscape at corners while enabling full use of the majority of the back yard. He noted that this standard would not be applied to multi-family zones, which, under the new multi-family standards, are intended to provide entries along streets and which generally do not utilize private yards in the same manner as single-family zones;

Establishing height measurement standards. The proposed ordinance would measure height from the center of a horizontal run in order to allow those fences built as stairsteps along a slope to continue with a longer run, thereby reducing the number of transitions. He added that in multi-family zones, all structures are measured from average grade of the lot. However, because some multi-family projects have large lots which can have substantial grade difference, staff has also proposed limitations based on abutting natural grade as well; Establishment of corner cut-off requirements for the intersection of driveways, streets and alleys as a result of concerns raised by the Public Works Department and members of the community;

The Community Development Department will be taking a more proactive approach with regard to the construction of new fences. However, he noted that enforcement on existing fences will remain reliant on complaints; and,

Establishment of an enforcement provision which would require all fences and walls that are over six feet in height to be removed within one year. He added that fences and walls between four and six feet in height must be brought into conformance within three years.

Mr. Ochsenbein informed the Council that on June 13, 2005, the proposed ordinance was presented to the Planning Board which recommended its approval with one additional requirement that fence enforcement provisions be included in the required real estate disclosures so that future buyers would be aware of the standards. He noted that this requirement has been included in the proposed ordinance. He then discussed the public notification and outreach efforts which included a notice mailed to all residential property owners, publishing and press release notices, establishment of a specific e-mail and phone number for fence issues, notification to the Board of Realtors and a letter sent to all real estate brokers licensed in Burbank. He then elaborated on the nature of concerns raised. He also commended members of the Fence Task Force and requested that the Council approve the proposed standards.

Citizen
Comment

Appearing to comment in opposition to the ordinance were: Michael Scandiffio; Kate Scandiffio; Carolyn Berlin; Philip Berlin; Ron Vanderford; David Blumberg; Donna Stebbeds; Mark Stebbeds; Laurie Miller; Cameron Wardlaw; Don Elsmore; Irma Loose; Eden Rosen; Molly Blumberg; Linda Crane; Jerry Day; Michael Houston; Anja B. Rohlmann; Milburn Robinson; Lisa Twede; Stan Smith; Britta Hamrick; Nicholas DeWolff; Rance Howard; Darin Chase; Tru Giannelli; Esther Espinoza; Frank Zugelster; David Gordon; David Piroli; Howard Rothenbach; Zorica Tanaskovic; Mike Nolan; Ross Gunnell; and, Mike Maroney.

Also appearing to comment were: Kisa Kirkpatrick, in support of the corner lot provisions of the proposed ordinance; Bob Kurasz, in support of the ordinance; and, Mark Barton, on fence designs.

Staff
Rebuttal

Mr. Ochsenbein made rebuttal comments with regard to the application of the proposed ordinance to walls or fences along alleys; permit requirements; the grandfathering process; and, application of the proposed ordinance to existing trees.

Mrs. Ramos requested clarification with regard to non-

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conforming walls and hillside exemptions; the number of complaints received with regard to heights and hedges; the City's enforcement procedure; stand alone ornamentation standards; public easement setback for the planting of trees; and, feasibility of property transfer disclosure requirements.

Mr. Campbell requested clarification with regard to violation patterns and the ordinance's application to older fences and gates, existing trees, up-zoned properties and retaining walls.

Hearing
Closed

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

Council
Deliberations

Mr. Golonski commented on the current and proposed standards and enforcement challenges, and suggested that more input be received from the community prior to taking action on the matter.

Mrs. Ramos commented on the public input received on the matter, and expressed support for receiving additional public input, allowing chain link fences and arbors, and increasing the corner lot wall height limit.

Mr. Campbell requested exemptions for front yards on heavily-traveled thoroughfares and lots adjacent to industrial uses, supported corner lot properties being allowed to have higher walls, and expressed opposition to regulating trees and shrubs. He also emphasized the need to: protect retaining walls; preserve historic walls; ensure that up-zoned properties do not lose their property rights; and, allow for minor variances.

Mr. Vander Borcht commented on the current ordinance, public comment and written correspondence received on the matter and suggested that all existing fences, wall and shrubs be registered to become legal and then new standards be established. He also suggested that the new standards prohibit chain link fencing material in single- family residential area. He suggested allowing fences up to six feet in height provided there is an adequate landscape buffer, while providing for corner cut-offs at driveways for visibility. He was supportive of the retaining walls provisions and stated that hedges also be regulated.

Following further Council deliberation, the Council expressed a desire to legalize all existing fences, walls and hedges and directed staff to establish an amnesty program. Staff was requested to return with several options for the amnesty program, and for new standards for fences, walls and hedges

in the front and street-facing side yards.

Initial Open Public Comment Period of Oral Communications	Mr. Vander Borght called for speakers for the initial open public comment period of oral communications at this time.
Citizen Comment	Appearing to comment were: Irma Loose, on the Airport Authority report; Philip Berlin, Caroline Berlin, Britta Hamrick, Mark Stebbeds, David Piroli, Mike Maroney, Mike Scandiffio, Dr. David Gordon and Mark Barton, on the proposed fence ordinance; and, Ross Gunnell, on traffic on Sunset Canyon;
Staff Response	Members of the Council and staff responded to questions raised.
Agenda Item Oral Communications	Mr. Vander Borght called for speakers for the agenda item oral communications at this time.
Citizen Comment	Appearing to comment were: Don Elsmore, on the voluntary curfew at Bob Hope Airport; Philip Berlin, Carolyn Berlin, Britta Hamrick and Mark Stebbeds, on the proposed fence ordinance; Mark Barton, on events which transpired at the Airport Authority meeting; David Piroli, on the power outage which occurred at Bob Hope Airport and on the proposed fence ordinance; and, Mike Nolan, on the electrical outage at Bob Hope Airport.
Staff Response	Members of the Council and staff responded to questions raised.
Motion	It was moved by Mr. Campbell and seconded by Mr. Golonski that "the following items on the consent calendar be approved as recommended."
Minutes Approved	The minutes for the regular meetings of March 1, March 8, March 15, March 22 and March 29, 2005 were approved as submitted.
806 PSA with	<u>RESOLUTION NO. 27,043:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK

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Alliance
Resource
Consulting

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.

Adopted

The consent calendar was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Member Murphy.

201-1
FY 2005-06
Work Program
(Finance and
Public Works)

Mr. Elliot, Interim Financial Services Director, presented the Work Program Highlights and Performance Indicators for the Financial Services Department.

Ms. Teaford, Interim Public Works Director, presented the Work Program Highlights and Performance Indicators for the Public Works Department.

Final Open
Public Comment
Period of Oral
Communications

There was no response to the Mayor's 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 1:10 a.m. to Tuesday, August 23, 2005 at 5:00 p.m. for Charter Review Committee interviews.

Margarita Campos, CMC
City Clerk

APPROVED SEPTEMBER 27, 2005

Mayor of the Council
of the City of Burbank