



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, OCTOBER 25, 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:

- 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, International Brotherhood of Electrical Workers; Unrepresented, and Appointed Officials.
Summary of Labor Issues to be Negotiated: Contracts and Retirement Issues.
- b. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):
Pursuant to Govt. Code §54956.9(b)(1)
Number of potential case(s):

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.

ASSESSMENT OF CITY CONTINGENCY PLANNING AND DISASTER PREPAREDNESS
ACTIVITIES STUDY SESSION:

At the September 13, 2005 meeting, Council Member Golonski requested that staff report on the status of the City's level of disaster readiness.

Hurricanes Katrina and Rita have wreaked widespread devastation and record amounts of damage in the Gulf States Region. Due to the extensive and graphic media coverage of the destruction, these storms have heightened citizen awareness of the importance of disaster preparedness. It has also caused them to question the level and adequacy of disaster readiness at all levels of government. The management of emergencies and their aftermath can have far-reaching consequences for individuals and communities. While the planning for emergencies can, and does, vary based upon the nature of the threats faced by a community, the concepts are identical: preparedness, response, recovery and mitigation.

Recommendation:

It is requested that the Council initiate discussion on the status of the City's disaster readiness and provide direction for future action.

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:

PRESENTATION: HIGH SCHOOL FUNDRAISER - BURBANK WATER AND POWER TORCHIERE PROGRAM.

PROCLAMATION: NATIONAL IMMIGRANTS 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).

6:30 P.M. JOINT PUBLIC HEARING WITH THE REDEVELOPMENT AGENCY:

1. FORMATION OF COMMUNITY FACILITIES DISTRICT NO. 2005-1 (THE COLLECTION PUBLIC PARKING FACILITY) AND ISSUANCE AND SALE OF 2005 SPECIAL TAX BONDS:

The purpose of this report is to request the Council conduct a public hearing and take related actions to: 1) form the City of Burbank Community Facilities District No. 2005-1; 2) levy the special tax on property owners in the District; and, 3) issue and sell special tax bonds in an amount not-to-exceed \$6,400,000 to finance certain costs of The Collection Public Parking Facility. The Redevelopment Agency Board (Board) is also requested to adopt a resolution approving certain documents related to such bonds.

On November 23, 2004, the Council and the Board approved an Amended and Restated Owner Participation Agreement with Champion Development, Inc., a Second Implementation Agreement to the Owner Participation Agreement with Burbank Entertainment Village, LLC (AMC), and other documents relating to the proposed development of the Phase II site of the Burbank Entertainment Village Project.

Under the Champion Owner Participation Agreement, the Developer is required to construct a mixed-use project which includes 118 residential units, approximately 40,000 square feet of commercial uses and a six-level parking structure on the Phase II site. The parking structure will consist of parking spaces required for the residential condominium and commercial components of the project and 278 public parking spaces. The parking structure will be subdivided into three legal components: a component to be owned by residential condominium owners; a component to be owned by the commercial owner of the project; and, the public parking component to be owned by the City.

The Developer is required to pay the costs of all improvements on the Phase II site, including the parking structure. However, the Redevelopment Agency is required to provide Community Facilities District financing that will generate \$5 million in net proceeds to finance a portion of the costs of constructing the Public Parking Facility. Following the completion of the Public Parking Facility, annual debt service on and annual administrative expenses in connection with the Community Facilities District financing will be paid from 75 percent of the tax increment generated by the Phase I and Phase II improvements. To the extent that tax increment revenues are insufficient to pay all Community Facilities District obligations, the remaining amount of annual debt service and administrative expenses will be paid from special taxes levied and collected by the

City on certain property in the Community Facilities District. The Redevelopment Agency's obligation to contribute tax increment will be triggered upon completion of the Public Parking Facility.

Before the City can issue special tax bonds, it must form the Community Facilities District to be known as "City of Burbank Community Facilities District No. 2005-1 (The Collection Public Parking Facility)" and have the special tax approved by the property owners in the Community Facilities District. The sole property owner in the Community Facilities District is AMC, which will sell the property to the developer for the development of the project on the day before the bond closing, which is expected on December 22, 2005. Once approved, the special tax is levied by ordinance. This process involves both a public hearing and a special election among the Community Facilities District property owners.

On September 13, 2005, the Council took the initial steps toward the implementation of the Community Facilities District financing required under the Champion Owner Participation Agreement by adopting two resolutions of intention. The first one was a Resolution of Intention to Establish the Community Facilities District. This resolution: 1) described the proposed boundaries of the Community Facilities District, the public improvements (i.e., the public parking facility) to be financed, the proposed levy of the special tax described in the Rate and Method of Apportionment, and the proposed issuance of bonds; 2) directed the Interim Financial Services Director to prepare a report regarding the proposed financing (the "Community Facilities District Report"); 3) set a public hearing date of October 25, 2005; and, 4) designated certain firms to represent the City. The second resolution was a Resolution of Intention to Incur Bonded Indebtedness. This resolution evidenced the City's intention to issue bonds for the Community Facilities District.

The Community Facilities District Report indicates that the estimated bond size as of October 25, 2005 will be \$6,150,000, compared with an authorized amount of \$8,000,000. The estimated bond size is lower than the maximum amount (\$8,000,000) reflected in the Resolution to Incur Bonded Indebtedness adopted on September 13, 2005. The principal reason for the reduced borrowing need is that the developer will fund interest during construction with its own funds rather than through "capitalized interest" funded from bond proceeds. There is also a contingency amount of \$250,000 which allows for increased bond sizing at the time of sale over the size that is estimated in the current market environment.

The Council is requested to take the following actions:

- Conduct the public hearing
- Adopt the Resolution of Formation of the Community Facilities District
- Adopt the Resolution of Necessity to Incur Indebtedness
- Adopt the Resolution Calling for the Special Community Facilities District Election
- Hold the Election
- Introduce Ordinance Levying the Special Tax

- Adopt the Resolution approving the legal and disclosure documents necessary to issue the bonds

In addition, the Redevelopment Agency is requested to adopt a resolution approving certain of the disclosure documents necessary to issue the bonds and related actions.

The issuance of the special tax bonds for the Community Facilities District imposes no fiscal obligations on the part of the General Fund. All costs of issuance will be funded from bond proceeds. Debt service on the bonds will be paid from either the tax increment pledged under the Owner Participation Agreement (approved in November 2004) or special taxes levied in the Community Facilities District.

Recommendation:

Adoption of proposed City Council resolutions entitled:

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK OF FORMATION OF CITY OF BURBANK COMMUNITY FACILITIES DISTRICT NO. 2005-1 (THE COLLECTION PUBLIC PARKING FACILITY), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE DISTRICT, PRELIMINARILY ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE DISTRICT AND SUBMITTING LEVY OF THE SPECIAL TAX AND THE ESTABLISHMENT OF THE APPROPRIATIONS LIMIT TO THE QUALIFIED ELECTORS OF THE DISTRICT.
2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DETERMINING THE NECESSITY TO INCUR BONDED INDEBTEDNESS WITHIN CITY OF BURBANK COMMUNITY FACILITIES DISTRICT NO. 2005-1 (THE COLLECTION PUBLIC PARKING FACILITY) AND SUBMITTING PROPOSITION TO THE QUALIFIED ELECTORS OF THE DISTRICT.
3. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK CALLING SPECIAL ELECTION WITHIN COMMUNITY FACILITIES DISTRICT NO. 2005-1 (THE COLLECTION PUBLIC PARKING FACILITY).
4. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DECLARING RESULTS OF SPECIAL ELECTION, AND DIRECTING RECORDING OF NOTICE OF SPECIAL TAX LIEN.

Introduction of proposed City Council ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK LEVYING SPECIAL TAXES WITHIN CITY OF BURBANK COMMUNITY FACILITIES DISTRICT NO. 2005-1 (THE COLLECTION PUBLIC PARKING FACILITY).

Adoption of proposed City Council resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE ISSUANCE OF SPECIAL TAX BONDS OF THE CITY FOR CITY OF BURBANK COMMUNITY FACILITIES DISTRICT NO. 2005-1 (THE COLLECTION PUBLIC PARKING FACILITY), APPROVING AND DIRECTING THE EXECUTION OF A FISCAL AGENT AGREEMENT AND APPROVING OTHER RELATED DOCUMENTS AND ACTIONS.

Adoption of proposed Redevelopment Agency resolution entitled:

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK APPROVING AND AUTHORIZING THE EXECUTION OF DOCUMENTS PERTAINING TO THE CITY OF BURBANK COMMUNITY FACILITIES DISTRICT NO. 2005-1 (THE COLLECTION PUBLIC PARKING FACILITY), AND APPROVING RELATED ACTIONS.

RECESS the Redevelopment Agency meeting to continue the City Council meeting.

PUBLIC HEARING:

2. SECOND AMENDMENT TO PLANNED DEVELOPMENT NO. 97-4 AND AMENDMENT TO CONDITIONAL USE PERMIT NO. 2001-17 WITH DEVELOPMENT REVIEW NO. 2004-118 (GRACIELA HOTEL):

The applicant, Pass Avenue Associates, LLC, is requesting to amend Planned Development No. 97-4, which controls the development and use of the Graciela extended stay hotel. The requested amendment would allow the applicant to add a swimming pool, restaurant, and spa/fitness center to the hotel. The existing hotel with 99 guest rooms is located at 322 Pass Avenue at the corner of Oak Street. The applicant has acquired the undeveloped neighboring property to the south at 312 Pass Avenue and is proposing to expand the hotel facility onto that site. The proposed project would include an outdoor swimming pool with poolside cabanas and a two-story structure that would include a full service restaurant and spa/fitness center. The first floor of the proposed building would be about 3,100 square feet, and the second floor would be about 2,000 square feet. The building would also include a service basement with mechanical and storage rooms. Because the proposed building would include a new fitness center for use by hotel guests, the existing fitness center on the top floor of the existing hotel building would be converted to a hotel guest room, increasing the total number of hotel rooms to 100.

The proposed restaurant and spa would be open to hotel guests and to the general public. Both are being provided as an amenity to hotel guests, and access to the restaurant and spa would be through the main hotel entrance only. The swimming pool and cabanas would be available for hotel guests and spa patrons only, and would not be open to the general public. The fitness center would be available for hotel guests only. The applicant is not proposing to provide any additional parking spaces as part of the proposed project. Instead, the applicant is proposing to further limit the number of

people that are able to attend meetings or events in the conference rooms of the existing hotel in an amount equivalent to the additional parking that would be required for the restaurant and spa. In this way, the overall parking demand of the hotel facility would remain constant and no additional parking would be required.

In addition to amending the Planned Development, the applicant is further requesting to amend Conditional Use Permit (CUP) No. 2001-17, which allows the Graciela to sell alcoholic beverages through room service, from in-room self-service bars, and throughout the hotel including the lobby lounge area. The applicant is requesting to expand the scope of the CUP to allow alcohol service in the restaurant, pool and spa. The applicant is also requesting that the CUP conditions be amended to allow alcohol service beginning at 8:00 a.m. seven days per week and to remove the sunset provision of the CUP. Under the current conditions, alcohol service may not begin before 5:00 p.m. on weekdays and 11:30 a.m. on weekends, and the CUP will terminate on January 31, 2008 unless renewed by the Council. Staff is recommending that alcohol service be allowed to expand to the restaurant, pool and spa, but is recommending against any change in the hours of alcohol service or a change to the sunset provision of the CUP.

The Graciela Hotel has proven itself to be a good neighbor and has had no impacts on the surrounding residential neighborhood. Staff believes that the proposed new building would be in scale with surrounding development and would be compatible with the existing hotel and nearby residential buildings. Staff is proposing Conditions of Approval that would address parking, traffic, noise and other concerns to ensure that the Graciela would not have any impacts on nearby properties. With regard to alcohol sales, the Police Department and License and Code Services office report that there have been no alcohol-related complaints or calls for service to the hotel. However, the concerns of the Council and the community that led to the hour restrictions and sunset clause have not changed since the CUP was originally adopted, and staff therefore recommends that those restrictions remain.

The Planning Board considered the proposed Planned Development and CUP amendments at a public hearing on September 26, 2005. The Board was generally supportive of the project and voted to add a Condition of Approval to require additional landscaping. The Board voted 5-0 to recommend approval of the proposed amendments to the Council, including granting the applicant's request to begin alcohol service at 8:00 a.m.

Recommendation:

1. Adoption of proposed resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADOPTING A NEGATIVE DECLARATION FOR THE SECOND AMENDMENT TO PLANNED DEVELOPMENT NO. 97-4, SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT AND AN AMENDMENT TO CONDITIONAL USE PERMIT 2001-17 (Graciela Hotel – 312 and 322 Pass Avenue, Pass Avenue Associates, LLC, Applicant).

2. Introduction of proposed ordinance entitled:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING PLANNED DEVELOPMENT ZONE NO. 97-4 AND APPROVING THE SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR PLANNED DEVELOPMENT NO. 97-4 (Graciela Hotel – Applicant: Pass Avenue Associates, LLC).
3. Adoption of proposed resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING CONDITIONAL USE PERMIT NO. 2001-17 (Graciela Hotel – 322 Pass Avenue, Pass Avenue Associates, LLC, Applicant).

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 through 6)

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 September 27 and October 4, 2005.

Recommendation:

Approve as submitted.

4. APPROVAL OF FINAL TRACT MAP NO. 60668 (461-473 EAST MAGNOLIA BOULEVARD):

Staff is requesting Council approval of Final Tract Map No. 60668, a one-lot subdivision totaling 17,707 square feet located at 461 - 473 East Magnolia Boulevard. The 18 condominium subdivision will consist of a three-story condominium building over a semi-subterranean garage. The owner is Magnolia Rose Homeowners Association, a California Limited Liability Company.

On July 30, 2003 through Development Review No. 2003-32, the property owners requested City approval to demolish the existing structures over two lots and convert to a one-lot, 18-unit residential condominiums with a semi-subterranean parking garage. Final Tract Map No. 60668 finalizes the condominium subdivision.

All requirements of the State Subdivision Map Act have been met. The following is a summary of information pertinent to the approval of Final Tract Map No. 60668:

1. The tentative tract map was approved by the Community Development Director on August 12, 2004, pursuant to Burbank Municipal Code (BMC) Section 27-323 (Director’s Decision on Tentative Map);

2. The Final Tract Map contains 18 condominium units at 461 - 473 East Magnolia Boulevard, which is located in the R-4 Residential Multiple Medium Density Zone;
3. This project is Categorically Exempt from the provisions of the California Environmental Quality Act pursuant to Section 15268(b)(3) pertaining to approval of final subdivision maps; and,
4. Conditions of Approval for Tentative Tract Map No. 60668 have been cleared by the Planning Division for the purpose of Final Tract Map approval. The Condition of Approval relating to Covenants, Conditions and Restrictions (CC&Rs) will be satisfied when the applicant submits two recorded copies of the CC&Rs to the Planning Division (applicant cannot record the CC&Rs until this tract map is approved by the Council and recorded at the Los Angeles County Recorder's Office).

According to the State Subdivision Map Act, Chapter 3, Article 4, Section 66458, and the provisions of Chapter 27 of the BMC, the Council must approve Final Tract Map No. 60668 if it conforms to all the requirements. If such conformity does not exist, the Council must disapprove the map at the meeting it receives the map, or at its next regular meeting. If the Council has not authorized an extension to allow more time to disapprove the map, and the map conforms to all requirements, the map shall be deemed approved by operation of law.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE FINAL MAP OF TRACT NO. 60668 (461-473 East Magnolia Boulevard).

5. ESTABLISHMENT OF THE SPECIFICATION FOR THE CLASSIFICATION OF TRANSPORTATION SERVICES MANAGER:

The Burbank Transportation Service, operated by the Park, Recreation and Community Services Department, has expanded its services in recent years. It currently provides 89,000 rides annually. Its success resulted in the Department assuming the administrative responsibilities of the Burbank Local Transit Program (Burbank Bus), a commuter service provided by four different contractors, which logs in 210,000 rides annually. In 1999 the Department added another local service called Got Wheels that provides 40,000 rides annually to the community's youth ages 10 to 18.

The Department's transportation services are currently managed by the Social Services Program Supervisor/Transportation. The Transportation Task Force, appointed by the Council, has recommended that the incumbent supervisor in this area assume additional duties including researching, evaluating and planning new transportation systems, as well as enhancing current and on-going systems.

This classification will be a Civil Service position, exempt from the Fair Labor Standards Act, and will be included in the City's Conflict of Interest Code. The Burbank Management Association will represent this classification and has been advised of this establishment. The Civil Service Board approved this establishment at their regular meeting on October 5, 2005.

The salary range for the Transportation Services Manager will be set at \$5,280- \$6,415. This position will be funded through the Community Development Department's Proposition A and Proposition C allocation that is received each year from Los Angeles County taxes.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF TRANSPORTATION SERVICES MANAGER (CTC No. 0960) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.

6. REVISING AND RE-TITLING THE SPECIFICATION FOR THE CLASSIFICATION OF FINANCE MANAGER/BURBANK WATER AND POWER TO FINANCIAL ACCOUNTING MANAGER/BURBANK WATER AND POWER:

The Burbank Water and Power (BWP) Finance and Administration Division is currently going through some organizational changes. The current Finance Manager/BWP is transitioning to a Project Accounting Analyst position whose main focus is on the new Magnolia Power Plant. The Department is taking this opportunity to revise the Finance Manager/BWP specification and title to include more controller- type functions such as accounting, financial reporting and budgeting.

This classification will continue to be exempt from Civil Service, exempt from the Fair Labor Standards Act, and will be included in the City's Conflict of Interest Code. The Civil Service Board reviewed this revision and re-titling at their regular meeting on October 5, 2005.

There is no fiscal impact from the revision and re-titling of this specification because the current salary range for this position will be maintained.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING AND RE-TITLING THE SPECIFICATION FOR THE CLASSIFICATION OF FINANCE MANAGER/BWP TO FINANCIAL ACCOUNTING MANAGER/BWP (CTC No. 0345) TO FACILITIES MAINTENANCE MANAGER (CTC No. 0345).

REPORTS TO COUNCIL:

7. CHILD CARE COMMITTEE APPOINTMENTS:

The purpose of this report is to make recommendations to the Council for the approval and appointment of this year’s Child Care Committee members.

Pursuant to the by-laws of the Burbank Child Care Committee, appointments to the Committee are recommended by current Committee members and forwarded to the Council for approval. Appointments are for a one-year term and include representation of individuals in the City whose cooperation in the child care effort is needed, including: the Burbank Unified School District; private business employers; child care providers; and, parent users of child care service. An announcement requesting interested individuals to apply for consideration for appointments to the Burbank Child Care Committee was published in the Burbank Leader. While the by-laws do not limit the number of individuals who may serve, 11 applications were recently submitted to the City Clerk’s Office for membership.

The Child Care Committee met and the current members discussed the submitted applications. The Committee agreed that they represented a solid cross section of the community with a demonstrated interest in child care issues.

In addition to responding to individual child care concerns and issues, the Committee participates in Red Ribbon Day and annually publishes a Burbank Child Care Directory. The Committee was also represented on the Child Care Demonstration Project Committee and was instrumental in providing direction for the development of the center and the selection of the recommended operator. The Committee is also providing input for the conversion project of the old Buena Vista Library into a child care and family service center.

The Child Care Committee appoints its own advisory members to broaden the Committee’s representation. The current list includes the following individuals:

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|--------------------------|--|
| Gail Dover | Child Care Professional |
| Carol Davis-Perkins | The Walt Disney Company |
| Sharon Feldman | Warner Bros. |
| Gail Reisman | Attorney/Parent |
| Jose Delgado | Regional Child Care Advocate |
| Roland (Karel) Armstorff | Parent and Previous Horace Mann Children’s Center
Parent Representative |

Council action is not needed relative to these advisory members and there is no fiscal

impact.

Recommendation:

Staff recommends that the Council appoint the following candidates to the Child Care Committee for a one-year term:

Goldie Bemel	Burbank Unified School District
Yvette Coontz	St. Anne's Maternity Home, Chief Financial Officer
Mildred Engel	Retired Educator
Annabelle Godwin	Retired Provider, College Instructor
Barbara Gunderson	The Walt Disney Company, Work and Family Specialist
Harkmore Lee	Burbank YMCA
Carol Miller	Pre-school Director
Deane Phinney	Retired Provider/Administrator
Nancee Rodriquez	Child Care Professional
Shanna Vaughan	Boys and Girls Club Director
Helen von Seggern	Retired Educator

8. VIEW PROTECTION ORDINANCE: SECOND AND THIRD PHASES:

In July 2003, the Council directed staff to proceed with a study of options for adopting a view protection ordinance that would preserve scenic views in the hillside area. Based upon overwhelming support from hillside residents at two community meetings in early 2004, staff recommended Council direction to proceed with creating a view protection ordinance. In July 2004, the Council directed staff to proceed with a view protection ordinance in three phases: 1) structure regulations; 2) vegetation regulations; and, 3) specific limitations on view obstruction.

The first phase was completed in conjunction with the revisions to the development standards for the R-1 Single-Family Residential Zone. In May 2005, the Council adopted new hillside development standards in conjunction with the amended standards for the R-1 Zone Citywide. The hillside development standards provide the City with discretion to modify or deny a proposed hillside house project if it would obstruct scenic views from neighboring properties. However, the standards do not constitute a view protection ordinance, in that they do not clearly define views or provide direction on which views or portions thereof must be protected. The standards also deal strictly with structures and do not address trees or other vegetation in any way. At a February 2005 community meeting with hillside residents, many residents expressed disappointment that the hillside development standards did not include controls on vegetation.

The second phase of the view protection ordinance could include a variety of controls on vegetation including limitations on tree and bush height and species selection. One approach to vegetation issues is the creation of a mediation or arbitration process for property owners to resolve disputes about vegetation. Some cities use such a process

in addition to, or instead of, actual controls on vegetation height or species. Staff recommends that the City proceed with the second phase to study options for vegetation controls. As with the first phase, staff recommends an initial community meeting to identify residents' general concerns and introduce all available options, and a follow-up meeting where specific options are discussed in detail and input is received about those options.

The most significant aspect of the third phase, creating view protection regulations, would be to define the views to be protected, and to set limitations on the amount of view obstruction that would be considered acceptable. This is perhaps the most complicated and controversial issue in view protection. Due to the wide variety of property locations, orientations and corresponding views across the hillside, it would be very difficult to define and designate views to be protected. Before proceeding with any additional view protection regulations, staff would prefer to gain experience processing hillside development permit applications so as to be better prepared to make recommendations about whether view definitions or more detailed view protection regulations are needed.

Staff believes that it would be appropriate at this time to proceed with the second phase of the view protection effort to create vegetation controls. Funding is available for this effort from monies originally allocated for the update of the Housing Element. The funds are no longer needed for that project due to a change in State law that extended the current Housing Element cycle. Staff is prepared to begin working again with the City's consultant to schedule community meetings and study various options for vegetation controls and dispute mediation. Staff anticipates that the first community meeting would be held in early 2006 with a second meeting two to three months later, and staff returning to the Planning Board and the Council with recommendations in the spring or early summer.

Recommendation:

Staff recommends Council direction to proceed with the second phase of the view protection effort to study the creation of vegetation controls. Staff also recommends Council direction to delay proceeding with the third view protection phase, and to further evaluate the results of the first phase and to complete the second phase prior to making a decision about continuing with the third phase.

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.

**For a copy of the agenda and related staff reports,
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