

TUESDAY, JANUARY 17, 2006

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 5:32 p.m. by Mr. Vander Borght, Mayor.

CLOSED SESSION

Present- - - - Council Members Campbell, Golonski and Vander Borght.
Absent - - - - Council Member Ramos.
Also Present - Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

Oral Communications There was no response to the Mayor's invitation for oral communications on Closed Session matters at this time.

5:32 P.M. Recess The Council recessed at this time to the City Hall Basement Lunch Room/Conference Room to hold a Closed Session on the following:

- 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.

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:37 p.m. by Mr. Vander Borght, Mayor.

Invocation The invocation was given by Pastor Ron Degges, Little White Chapel.

Flag Salute The pledge of allegiance to the flag was led by Bob Hutt, Burbank Tournament of Roses Association.

ROLL CALL

Present- - - - Council Members Campbell, Golonski, 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 Burbank Tourn. of Roses Assoc.	Mayor Vander Borcht presented a Certificate of Recognition to the Burbank Tournament of Roses Association (BTORA) for their receipt of the Bob Hope Humor Award for the 2006 entry, entitled "Pachyderm Parade." Teri Bastion, representing the BTORA, accepted the certificate.
Reporting on Council Liaison Committees	<p>Mrs. Ramos reported on the Domestic Violence Task Force and the League of California Cities Policy Committee meetings she attended.</p> <p>Mr. Campbell reported on the Environmental Oversight Committee meeting he attended.</p> <p>Mr. Vander Borcht reported on the Audit Committee meeting and the Draft Environmental Impact Report public hearing on the proposed Los Angeles sewer improvement project.</p>
406 Airport Authority Meeting Report	<p>Commissioner Wiggins reported on the Airport Authority meeting of January 16, 2006 and stated that the Authority approved a 10-year lease agreement with a five-year option with 24-7 Studio Equipment, for a five-acre parcel on the old Aviall Property for \$47,000 per month.</p> <p>Mrs. Ramos requested clarification on the significant flight activity during the first week in January and Commissioner Wiggins responded that approximately 192 general aviation aircraft flew in for the Rose Parade and game on New Years Day, and noted that three complaints were received.</p> <p>The Council received the report.</p>
6:59 P.M. Hearing 1702 ZTA 2005-141 Single-Family Dev. Standards	Mayor Vander Borcht stated that "this is the time and place for the hearing amending Chapter 31 of the Burbank Municipal Code relating to R-1 and R-1-H Single-Family Residential Zones."
Meeting Disclosures	There were no meeting disclosures.
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.

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Staff
Report

Mr. Forbes, Senior Planner, Community Development Department, requested the Council consider a Zone Text Amendment (ZTA) that would serve as a clean-up ordinance for the Single-Family Development Standards adopted by the Council in May 2005. He added that the proposed amendment would fix typographical errors and omissions, clarify the intent of several requirements and make minor changes to the Floor Area Ratio (FAR) incentive program and the side yard setback requirement. He explained that the FAR requirement allows property owners to build over the maximum 0.4 FAR limit up to a maximum of 0.45 when certain design features are incorporated into a house project. The incentives include features such as increased setbacks and decreased height to help reduce the potential visual impact of a bigger house on a residential neighborhood. He noted that so far, only a few applicants have applied to exceed the 0.4 FAR and in those cases the incentive program worked well. He reported that one unintended consequence of the incentives is that the only way to satisfy five of the incentives is to build a two-story house, since only four of the eight incentives can be incorporated into a single-story design. He noted staff's recommendation that the number of incentives needed for a single-story home be reduced such that only three out of the eight incentives are required in order to exceed the 0.4 FAR.

Mr. Forbes discussed that when the R-1 standards were adopted, the Council voted to replace the fixed side yard setbacks with varied setbacks based upon the width of the lot. He noted that staff has found this standard to be difficult to administer and for some applicants to provide, since the setback is based on a percentage lot width with no rounding off. He mentioned that such dimensions cannot be shown to a precise degree on plans nor be accurately verified in the field. He explained that staff proposes to change the requirement such that the percent requirements would be retained, but the minimum required setback would be rounded down to the nearest whole number or whole foot. He articulated staff's belief that this approach would be consistent with the intent of the Council's desire to require houses on wider lots to provide wider side yard setbacks, but would make it easier for applicants to comply with the requirement.

Mr. Forbes also elaborated on the encroachments allowed for stairways and balconies. He noted that the proposed changes are minor and reflect the need to provide stairways that provide access between different ground levels and from the ground level into the house. He added that the changes also clarify the intent of balcony encroachments in different yard areas, and the remaining changes are non-substantive deletions and clarifications which do not change any requirements.

Mr. Forbes informed the Council that the Planning Board considered the proposed ZTA at a public hearing on November 14, 2005 and voted 5-0 to recommend that the Council adopt the ZTA as proposed by staff. He noted that one member expressed concern about continuing to allow balconies on side and rear yard elevations due to privacy concerns, and explained that the existing R-1 Standards address this issue by requiring balconies to be set back at least 10 feet from side and rear property lines but do not expressly prohibit them on those elevations. He added that the Planning Board voted not to recommend any changes to balcony requirements but requested that the issue be forwarded to the Council for consideration.

Mr. Forbes also noted that staff is seeking additional direction with regard to several inquiries and complaints from residents of single-family neighborhoods pertaining to construction hours in the R-1 and R-1-H zones. He added that although construction within 500 feet of a single-family zone is restricted to between 7:00 a.m. and 7:00 p.m. on weekdays and 8:00 a.m. to 5:00 p.m. on Saturday with no construction on Sundays or holidays, these hours do not apply to R-1 and R-1-H zones, and there are no hour limitations within these zones as long as the construction activity is within the limitations of the Noise Ordinance. He clarified that this exemption was adopted in an effort to provide homeowners with an opportunity for home improvements during evening and weekend hours; however, with the high volume of construction activity, many homeowners and contractors have taken advantage of the exemption and work during all hours of the day and night.

Mr. Forbes noted that even if such work is within the noise limits set by the Noise Ordinance, it can be disturbing to neighbors and staff is recommending that the Council consider adopting restrictions on construction hours in the single-family zones to make them more consistent with restrictions in other zones. He stated staff's recommendation that the Council consider prohibiting construction activity on Sundays and holidays and that any desired changes to the construction hours in the R-1 Zone be included with other changes in the Noise Ordinance.

Citizen
Comment

Appearing to comment on the matter were: Mark Stebbeds;
Zorica Tanaskovic; and, Ross Gunnell.

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Staff Response Mr. Forbes responded to public comment with regard to setbacks for accessory structures and the minor exceptions process; the Floor Area Ratio and its application to substandard lots; the additional second story setback for corner lots in the incentive program; and, second dwelling unit standards.

7:38 P.M.
Hearing
Closed There being no further response to the Mayor's invitation for oral comment, the hearing was declared closed.

Council
Deliberations Mr. Golonski was not supportive of changes to the restriction on accessory structure second stories, stating that the 45-degree angle was intended to protect neighboring properties. He expressed support for: uniform setbacks for main and second dwelling units; the proposed change to the single-story FAR incentive program; and, the Planning Board's decision to limit construction hours and to differentiate between interior and exterior work, and, contractors and homeowners. He also expressed preference for staff to review the Planning Board's recommendations to identify measures to solve the problem without being too restrictive.

Mr. Campbell concurred with Mr. Golonski regarding hours of construction and expressed support for homeowners working on their properties over the weekend. He suggested that noise-creating activities like hammering, be limited to before 10:00 p.m. and that homeowners be able to work on their properties on Sundays within reason.

Mrs. Ramos recognized that residents need peace and quiet over the weekends and evenings but noted that many homeowners are continuing to improve their property on weekends and holidays. She expressed support for: differentiating between contractors and homeowners, and that staff should return with specific criteria; the proposed revision to the single-story incentive program and particularly the consideration of garage placement as a potential incentive; rounding down on the side yard setbacks; and, the clarifications of the errors and omissions in the ordinance.

Mr. Vander Borgh expressed support for the incentive program, the side yard recommendations and a ban on noise-generating construction on Sundays.

Ordinance Introduced	It was moved by Mr. Golonski, seconded by Mr. Campbell and carried that "the following ordinance be introduced and read for the first time by title only and be passed to the second reading." Staff was also directed to review the Planning Board's comments regarding the construction hours in R-1 Zones and return with a report. The ordinance was introduced and the title read:
1702 Amend Ch. 31 Relating to R-1 and R-1-H Single-Family Resid. Zones (ZTA 2005-141)	AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING CHAPTER 31 OF THE BURBANK MUNICIPAL CODE RELATING TO R-1 AND R-1-H SINGLE FAMILY RESIDENTIAL ZONES (PROJECT NO. 2005-141).
Reporting on Closed Session	Mr. Barlow reported on the items considered by the City Council and the Redevelopment Agency during the Closed Session meetings.
Initial Open Public Comment Period of Oral Communications	Mr. Vander Borgh called for speakers for the initial open public comment period of oral communications at this time.
Citizen Comment	<p>Appearing to comment were: Dr. David Gordon, on his candidacy for the vacant City Council seat; Phil Berlin, showing a videotape in support of a candidate; Irma Loose, on Airport issues and in support of a candidate; Eden Rosen, on alleged Code violations at a senior housing project; Don Elsmore, on the removal of trees several years ago by a private party; Eric Michael Cap, in support of a candidate; Mark Stebbeds, on his testimony at a previous hearing; Rose Prouser, on comments made by candidate Bill Wiggins in 1997; Mark Barton, in support of the street banner program along Burbank Boulevard; Carolyn Berlin, showing a videotape in support of a candidate; Dr. Karam, in support of a candidate; Howard Rothenbach, on a recent study linking diesel fumes to illnesses and announcing a public hearing before the Air Quality Management District, and on train/vehicle crashes; and, Dink O'Neal, in support of a candidate.</p> <p>Appearing to comment on the proposed Los Angeles sewer project were: Sue P; Jay Geisenheimer; Tal Lancaster; Ed Davis; and, Michael Scandiffio who also commented on fence regulation issues.</p>

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

Agenda Item Oral Communications Mr. Vander Borcht called for speakers for the agenda item oral communications at this time.

Citizen Comment Appearing to comment on the Los Angeles sewer project were: Bonnie Sachs; Stan Smith; Sue P.; Mary Schindler; Al Leifer; Floran Frank; Nichola Ellis; Cathy Marx; Lydia Ray; Ed Davis; Bill Smith; and, Rose Prouser.

Also appearing to comment were: Jim Macris, on the alleged conflict of interest by a Planning Board member; Don Elsmore, on the Los Angeles sewer project and the Noise Ordinance requirements; Eden Rosen, in support of unfreezing two Police Officer positions; Phil Berlin, on the creation of a Blue Ribbon Task Force to review the fence ordinance and on the Los Angeles sewer project; Carolyn Berlin, announcing a meeting in the Rancho Area regarding equestrian use of the Poliwog Area, the alleged conflict of interest by a Planning Board member, the Los Angeles sewer project and in support of a Blue Ribbon Task Force on the Fence Ordinance; Eric Michael Cap, on proposed criteria with regard to the use of noise generating construction tools for home construction and on regulation of the Fence Ordinance; Margaret Taylor, in support of a Planning Board member; Mark Barton, on the Airport Authority and City logos; Brett Loutensock, on the alleged conflict of interest by a Planning Board member; Dink O'Neal, on the Los Angeles sewer project, Airport issues, the conflict of interest issue by a Planning Board member, in support of unfreezing two Police Officer positions and in opposition to the Development Agreement for Planned Development No. 2004-64; and, David Piroli, on the Los Angeles sewer project, in support of the creation of a Blue Ribbon Committee to study fence regulations, requesting an update from the Noise Working Group and in opposition to Planned Development No. 2004-64.

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."

1301-3
Burbank Landfill
No. 3 Storm
Drain Repair
Proj. (BS 1198)

RESOLUTION NO. 27,151:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND ADOPTING CONTRACT DOCUMENTS, PLANS AND SPECIFICATIONS, AND DETERMINING THE LOWEST RESPONSIBLE BIDDER, ACCEPTING THE BID, AND AUTHORIZING EXECUTION OF A CONTRACT FOR THE BURBANK LANDFILL NO. 3 STORM DAMAGE REPAIR PROJECT, BID SCHEDULE NO. 1198, TO ADJUL CORPORATION COMPANY DBA LEE CONSTRUCTION COMPANY.

1011-4
Approve IBEW
MOU

RESOLUTION NO. 27,152:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BURBANK AND LOCAL 18, UNIT 50 OF THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS (IBEW) FROM JULY 1, 2005 TO JUNE 30, 2008 AND AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2005-2006.

1011-1
Approve BCEA
MOU

RESOLUTION NO. 27,153:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BURBANK AND THE BURBANK CITY EMPLOYEES ASSOCIATION (BCEA) FROM JULY 1, 2005 TO JUNE 30, 2008 AND AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2005-2006.

1005
ICMA
Retirement Plan

RESOLUTION NO. 27,154:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AN AGREEMENT WITH THE ICMA RETIREMENT CORPORATION TO ESTABLISH A RETIREE HEALTH SAVINGS PLAN (RHS) FOR UNREPRESENTED MANAGERS AND EXECUTIVES.

804-3
907
Local Law
Enforcement
Block Grant

RESOLUTION NO. 27,155:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2005-2006 BUDGET BY APPROPRIATING 2003 POLICE LOCAL LAW ENFORCEMENT BLOCK GRANT INTEREST.

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- 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 Members None.
- 10:13 P.M. Mr. Campbell left the Council Chamber after declaring a conflict of interest since his parents live in close proximity to the proposed project area.
- 911
DEIR Regarding
Sewer System
Improvements Mr. Andersen, Principal Civil Engineer, Public Works Department, presented the draft comment letter on the Draft Environmental Impact Report (DEIR) regarding sewer system improvements proposed by the City of Los Angeles. He reported that on November 15, 2005, staff presented information regarding a sewer tunnel proposed by the City of Los Angeles that may be located in the Rancho District. He explained that the sewer tunnel, known as the Glendale-Burbank Interceptor Sewer (GBIS), is part of a DEIR released by the City of Los Angeles on November 30, 2005.
- Mr. Andersen stated that on December 13, 2005, staff updated the Council on the release of the DEIR and the outreach efforts being made to inform the public on how to provide input to the City of Los Angeles. He added that staff has prepared a draft comment letter, which discusses the significant adverse impacts that would occur with the north alignment option of the GBIS. He highlighted one of the most significant impacts of noise and vibration, and stated that the south alignment is environmentally superior. He summarized that the letter strongly states that the DEIR fails to disclose all potentially-adverse environmental impacts of the GBIS and requests that the north alignment be rejected in the Final EIR.
- Mr. Andersen also addressed the community's concerns with regard to the timing and stated that the City of Los Angeles has been in the EIR process for a number of years which involved a number of committees on which staff participated. He clarified that the EIR process did not discuss any GBIS alignments which were revealed to staff in Summer 2005.
- Mr. Vander Borght noted that the air quality analysis portion of the letter did not comment on the failure of having an analysis on the pollutants that will be released to the atmosphere as a result of construction, thereby posing a potential health risk to the residents. He requested that this issue be incorporated into the draft letter for both alignments.

Mrs. Ramos inquired as to whether staff has considered any future projects in that area such as undergrounding utilities, fiber optic, reclaimed water, etc. Mr. Andersen responded that the proposed sewer tunnel is approximately 80 to 120 feet deep and should not interfere with future undergrounding activities, except for maintenance holes that will be placed every 1,500 feet on Riverside Drive.

In response to the issue regarding denying easements to the City of Los Angeles, Mr. Barlow, City Attorney, responded that a determination has not been made as to whether Los Angeles will need easements. He added that in the event that they do, a request would have to be made to the City and/or the private property owners, and the request can be denied. He noted that if Los Angeles is under court order to build the facility, then the matter could be referred to court for a determination on who has the higher use of property 80 to 120 feet underground.

Mr. Vander Borght also clarified that Poliwog and Betty Davis Park are under ownership of the City of Los Angeles as part of the Griffith Park Trust. Mr. Barlow added that Johnny Carson Park is also part of the Griffith Park Trust, and the City's lease on it has expired with negotiations underway for its extension.

Mr. Golonski assured residents that the City will do everything possible to oppose the north alignment but noted the need to follow the process to protect the City's rights in a legal perspective. He emphasized the importance of residents contributing their own letters and attending meetings. He suggested that the City write a strongly-worded letter on the areas of controversy in the DEIR over the alignments of the GBIS and obtaining easements. He also added that the letter should state that the City will be opposed to granting easements for an alignment that is environmentally inferior.

Mrs. Ramos commended the public for their interest and input and suggested that the City retain the services of an environmental consultant who regularly reviews such EIRs for additional input. Mr. Vander Borght and Mr. Golonski concurred with the suggestion of additional environmental review. Mr. Golonski also extended the suggestion to the City Attorney's Office should a determination be made that it is appropriate to obtain additional legal review.

Staff was directed to retain the services of environmental and/or legal consultants and return with a report in three weeks.

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1701
Fence
Regulations and
Enforcement in
Residential
Zones

Mr. Forbes, Senior Planner, Community Development Department, reported that on November 15, 2005, the Council directed staff to return with options for enforcement of the existing fence regulations including a possible moratorium on fence enforcement until such time as the Blue Ribbon Task Force completes its work and its recommendations are considered by the Council. He noted that at any given time, the City is in the process of considering one or more changes to the Zoning Ordinance; however, until new zoning standards are adopted, the previous standards typically remain in place with the full force of law, and are enforced by the City. He clarified that it is not typical for the City to cease enforcement of an existing zoning regulation because a revised or new standard is under consideration.

Mr. Forbes informed the Council that a moratorium on enforcement of the fence standards is not the best approach; however, it may be appropriate to take immediate action to change existing standards if the existing regulations are inconsistent with the policy direction of the Council. He noted that staff is recommending that the Council proceed with adopting new fence standards that would include new enforcement provisions and be substantially similar to those considered by the Council in August 2005. He added that the standards would be less restrictive than the existing standards and would provide increased flexibility to homeowners. Most notably, he stated that the proposed standards would: increase the height limit in front yards from the current three feet to four feet; have a tiered enforcement program and allow for new discretionary permits that would provide for deviation from the fence standards; not be permanent but subject to evaluation and amendment if deemed appropriate after public review and input.

Mr. Forbes also recommended that as an alternative to creating a Blue Ribbon Task Force, staff suggested a series of community meetings for public input on the new fence standards after adoption. He noted that such meetings were used successfully with the single-family, multiple-family and hillside development standards as a means of sharing information with the public, and soliciting input from residents. He also mentioned that the current pool of task force applicants may not fully represent the interests of various neighborhoods in Burbank and may not be able to provide the wide range of input necessary for the issue.

Mr. Forbes recommended Council direction to schedule a public hearing to consider adoption of a ZTA including the scope of the public noticing for the hearing, and whether to first return to the Planning Board for further review. He also recommended

Council direction to conduct a series of community meetings approximately six months after the new standards take effect to evaluate their effectiveness and seek input from the community on their adequacy, in lieu of forming a Blue Ribbon Task Force.

Mr. Golonski stated that the current situation is untenable and is likely to get worse if no measures are taken. He was supportive of staff's recommendation for the tiered enforcement. He clarified his understanding that: the interim standards would raise the fence height from three feet to four feet; any fence between four and six feet, as long as it is not a safety hazard, would be grandfathered; and, any residential property owner who currently has a fence above six feet can apply for a variance. He also requested that provisions banning chain link fences be removed from the ordinance since there was no Council consensus for their inclusion. He was not supportive of sending the matter back to the Planning Board for a decision on whether to adopt the interim standards or not.

Mrs. Ramos also concurred with the untenable situation and expressed support for an interim ordinance to be reviewed by the Blue Ribbon Task Force. She expressed concern with the provisions regarding trees planted within 10 feet of the public-right-of way, suggested that the ordinance be silent on fence, wall and stand alone ornamentation, and chain link fences. She was also not supportive of sending the matter of adopting interim standards back to the Planning Board.

Mr. Campbell expressed opposition to hedge standards with the exception of when they pose a safety issue and was supportive of the provision eliminating chain link fences, but was amenable to having the matter reviewed by the community through forums or the Blue Ribbon Task Force. He was supportive of the tiered enforcement, increasing the height limit from three to four feet and adopting the interim standards subject to consideration by the Blue Ribbon Task Force or community forums prior to the matter being referred back to the Planning Board.

Mr. Vander Borcht was adamantly opposed to chain link fences in residential neighborhoods but was supportive of moving forward with the ordinance.

The Council also directed that all residential property owners be notified of the upcoming public hearing.

The Council expressed concern with hedges and trees being subject to the same regulations as fences. Mr. Hirsch, Assistant Community Development Director/License and Code Services, clarified that this issue can be resolved with good

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definitions. He noted that there is a difference between landscaping and using vegetation for the purpose of a barrier. It was the Council's consensus that staff work on the definitions.

209
Response by
Planning Board
Member
Humfreville

Mr. Barlow, City Attorney, reported that following consideration by the Planning Board of an application for a Conditional Use Permit and a variance on Magnolia Boulevard, several neighbors appeared at the subsequent Council meetings alleging that Planning Board Member Humfreville may have had a conflict of interest on the matter. He added that the Council requested the City Attorney provide a legal opinion on the conflict issue and on November 22, 2005, the Council voted to waive the confidentiality of the legal opinion. He stated that at the same meeting, the Council asked that Mr. Humfreville be given the opportunity to explain his position on the matter.

Planning Board Member Humfreville addressed the Council regarding the matter and stated that he made a mistake and erred in his judgment in deciding against disclosure of particular information of which he was aware, but felt had no relevance to the proceedings before the Planning Board. He regretted any expenses in time and aggravation as a result of this matter. He noted that upon receiving input from the Assistant City Attorney and determining in his own mind that the information he had presented no bias as to how he would vote on the process, he made a determination that he was insulated from the very charges subsequently made against him. He requested that the Council allow him to continue his service on the Planning Board and allow him to participate in a review of the Fair Political Practices Commission law and ethics among all City boards and commission members, in an effort help to other members stay clear of such occurrences.

Mr. Vander Borght appreciated Mr. Humfreville's acknowledgement of his mistake and the embarrassment it has caused, but was not supportive of removing him from serving as a Planning Board member.

Mr. Golonski, Mrs. Ramos and Mr. Campbell expressed serious concerns regarding the matter, noted the integrity of the Planning Board was at stake and that public trust was violated. They expressed support for removing Mr. Humfreville from serving on the Planning Board.

Motion

It was moved by Mr. Golonski, seconded by Mrs. Ramos and carried with Mr. Vander Borght voting no that "Mr. Humfreville be removed from the Planning Board."

804-3

Mr. Yoshinaga, Grants Coordinator, Community Development

CDBG Projects
for FY 2006-07

Department, requested Council approval of the capital project uses funded with Community Development Block Grant (CDBG) funds and direction to include the uses in the Fiscal Year (FY) 2006 Annual Plan and Final Statement. He explained that Burbank's CDBG entitlement allocation and related funds for FY 2006 is estimated at \$1.3 million; however, the nationwide allocation from Congress is predicted to be decreased by \$400 million compared to 2005. He added that when the Annual Plan and Final Statement are approved in April 2006, capital project approvals will be adjusted to coincide with the actual 2006 entitlement and any HUD reallocated funds. In the meantime, he stated that CDBG capital project funds are estimated at \$965,259.

Mr. Yoshinaga informed the Council that fund availability was noticed to departments and agencies in September and October 2005, and three City departments and organizations submitted eight projects totaling \$1.32 million in requests, creating a funding gap of \$359,192.

Mr. Yoshinaga discussed the projects submitted by the Public Works Department; Community Development Department; and, Build Rehabilitation Industries. He noted that the Community Development Goals Committee recommended funding as follows: Public Works – street, alley, sidewalks and pedestrian improvements, \$355,808; Public Works Department – Community Services Building (CSB) off-site improvements, \$390,000; Community Development Code Enforcement, \$135,451; and, Build Rehabilitation Industries, \$84,000, for a total of \$965,259. He added that Executive staff concurs with the recommendation of the Community Development Goals Committee with one stipulation. He stated that Council consideration for funding the CSB will not take place until April 2006 and should funding be approved, concerns may still exist relevant to traffic congestion caused by narrowing Third Street to accommodate improvements and pedestrian safety related to creating a mid-block street crossing. Therefore, Executive Staff recommends that if CSB off-site improvements are approved for \$390,000, the funds be held in abeyance until all issues/concerns are settled and if CSB funding is not approved, the \$390,000 be utilized for other Public Works projects that are CDBG eligible.

Motion

It was moved by Mr. Golonski and seconded by Mr. Campbell that "the following resolution be passed and adopted:"

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RESOLUTION NO. 27,156:

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CDBG Projects
for FY 2006-07

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING CAPITAL PROJECT USES TO BE FUNDED WITH COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR FISCAL YEAR (FY) 2006-07 AND AUTHORIZING THEIR INCLUSION IN THE FY 2006-07 ANNUAL PLAN AND FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USES OF FUNDS.

Adopted

The resolution was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Members None.

801
Consideration of
Unfreezing
Funds for Two
Police Officer
Positions

Mr. Elliot, Interim Financial Services Director, presented a request by Council Member Golonski to consider unfreezing two police officer positions. He noted that currently, there are a total of eight frozen police officer positions as a result of budget reductions first enacted for the Fiscal Year (FY) 2003-04 budget. He added that the positions were presumed to be frozen for FY 2005-06 and throughout the Five-Year Financial Forecast. He stated that if the Council desired to unfreeze two positions, the current annual cost would be approximately \$198,000 in salaries and benefits, which would increase to approximately \$207,000 in FY 2006-07 due to the salary increase as part of the recently-ratified Burbank Police Officer Association's Memorandum of Understanding. He requested Council direction on the matter.

Mr. Golonski expressed support for unfreezing two positions and suggested setting aside \$1 million of one-time funding which would be adequate to fund the two positions for five years if staff cannot find the recurring revenue to cover the costs. Mrs. Ramos and Mr. Campbell also concurred with unfreezing two positions.

Mr. Vander Borcht expressed opposition to unfreezing the positions in consideration of all the pending appropriations and priorities.

Staff was directed to include the positions in the upcoming budget process for Council consideration.

1702

ORDINANCE NO. 3687:

Approving PD 2004-64 (Fairfield Project) AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING PLANNED DEVELOPMENT ZONE NO. 2004-64 AND APPROVING THE DEVELOPMENT AGREEMENT FOR PLANNED DEVELOPMENT NO. 2004-64 (Fairfield Residential Project – Crown Fairfield Associates, LLC, Applicant).

Adopted The ordinance was adopted by the following vote, with direction that the original affordable housing be restored, the City accept the \$75,000 contribution from the applicant and staff bring back necessary actions in order to provide funding for the Quiet Zone with Redevelopment Agency funds.

Ayes: Council Members Campbell, Golonski and Ramos.
Noes: Council Member Vander Borght.
Absent: Council Members None.

Final Open Public Comment Period of Oral Communications Mr. Vander Borght called for speakers for the final open public comment period of oral communications at this time.

Citizen Comment Appearing to comment were: Stan Hyman, on the proposed Los Angeles sewer project; and, Jan Maurer, on the proposed Los Angeles sewer project, multi-family housing in the downtown and the fence regulations.

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

Adjournment There being no further business to come before the Council, the meeting was adjourned at 1:00 a.m.

Margarita Campos, CMC
City Clerk

APPROVED APRIL 4, 2006

Mayor of the Council
of the City of Burbank