



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, APRIL 11, 2006
6:30 P.M.

CITY COUNCIL CHAMBER – 275 EAST OLIVE AVENUE

This agenda contains a summary of each item of business which the Council may discuss or act on at this meeting. The complete staff report and all other written documentation relating to each item on this agenda are on file in the office of the City Clerk and the reference desks at the three libraries and are available for public inspection and review. If you have any question about any matter on the agenda, please call the office of the City Clerk at (818) 238-5851. This facility is disabled accessible. Auxiliary aids and services are available for individuals with speech, vision or hearing impairments (48-hour notice is required). Please contact the ADA Coordinator at (818) 238-5021 voice or (818) 238-5035 TDD with questions or concerns.

INVOCATION:

The Courts have concluded that sectarian prayer as part of City Council meetings is not permitted under the Constitution.

FLAG SALUTE:

ROLL CALL:

PROCLAMATION: SAFETY SEAT CHECKUP WEEK.

PRESENTATION: PROFESSIONAL ESTEEM AWARD.

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. PUBLIC HEARING:

1. ADOPTION OF A HOME OCCUPATION COMMERCIAL MUSIC LESSON ORDINANCE AND AN AMENDMENT TO THE BURBANK FEE SCHEDULE FOR ESTABLISHING A FEE FOR AN ADMINISTRATIVE USE PERMIT TO CONDUCT COMMERCIAL MUSIC LESSONS AS A HOME OCCUPATION:

The current Burbank Home Occupation Ordinance does not allow commercial music lessons to be conducted from a residence. On July 12, 2005, the Council deliberated

this matter and fashioned a draft ordinance which included recommended preliminary standards, restrictions and conditions they felt would be appropriate for allowing this commercial business activity from a residence. At that time, the Council directed staff to present their draft ordinance proposal to the Planning Board for their review.

On November 28, 2005, the Planning Board deliberated this matter and voted 4-0 to approve the draft ordinance with several minor modifications to the Council's original recommendations. On February 14, 2006, the Council conducted a public hearing on this matter to consider a Zone Text Amendment based on the Council's past deliberations, in addition to the Planning Board's recommendations. This hearing resulted in the Council directing staff to return at a later date with the following restrictions, standards and conditions which the Council determined would be adequate controls in order for commercial music lessons to take place from a residence:

1. Applicants must obtain an Administrative Use Permit (AUP) pursuant to Division 4.1 of Article 19 of Chapter 31 of the Burbank Municipal Code, except that notice of the AUP decision shall be mailed to all property owners and occupants within a 150 foot radius of the property. The cost of the AUP is to be \$175;
2. Applicants for an AUP to teach music lessons to minors, who are students under 18 years of age, are required to submit fingerprints in order to conduct a background investigation of the applicant;
3. Music lessons shall be conducted between the hours of 9:00 a.m. and 7:00 p.m.;
4. Music lessons shall be limited to a maximum of five days per week; however, lessons shall not be given on Sundays;
5. Music lessons shall be limited to a maximum of 10 students per day;
6. Music lessons shall be conducted as one-on-one lessons, with one teacher and one student per lesson;
7. Noise associated with music lessons shall be limited to the current Burbank Municipal Code decibel limit criteria which relates to noise levels in a residential zone that are associated with machinery, equipment, fans and air conditioning. Staff conducted field tests to assure these decibel limits would not be overly prohibitive, yet substantially protective of adjoining properties;
8. There must be designated on the premises a location for the queuing of students before and after lessons to prevent the uncontrolled loitering of students in the residential area. Such location shall be shown on the submitted site plan (the site plan will accompany the AUP application);
9. There must be on-premises parking for persons coming to or leaving music lessons. On-premises parking must be provided for at least one vehicle in addition to the required parking for the residence itself and must be shown on the submitted site plan for an AUP. Such parking area may be located in a driveway in a single-family residential zone. Guest parking may be used to satisfy this requirement in a multiple-family residential zone. Only multiple-family residential properties with structures which do not share a common wall, ceiling or floor will be allowed for commercial music lessons. When music lessons are being conducted, the designated parking area must be left open and available for student parking;

10. Music lessons are not subject to the pedestrian and vehicle traffic restrictions of Subsection (i) of the Home Occupation Ordinance;
11. Music lessons are prohibited in any multi-family structure which shares a common wall, ceiling, or floor with any other unit; and,
12. The applicant is responsible for all costs associated with the permitting process, including any applicable background investigation fees, as established by the Burbank Fee Resolution.

This matter has previously been deliberated by both the Council and the Planning Board. Both bodies have determined that through the implementation of certain restrictions, standards and conditions, the conduct of this commercial activity from the residence will not be detrimental to residential neighborhoods.

Staff also requests Council consideration of an amendment to the Burbank Fee Resolution to accommodate establishing a fee of \$175 for an AUP for the purpose of conducting commercial music lessons from a residence. At the February 14, 2006 meeting, the Council directed staff to lower this fee from the proposed \$350. Staff feels the recommended fee of \$175 is justified by the recommendation that the public notification involved with the granting of this type of an AUP be reduced from the standard 500-foot notification to a 150-foot notification. Notifying only adjacent neighbors will reduce associated costs and thereby justify selection of a low-range fee.

Recommendation:

1. Introduction of proposed ordinance entitled:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING CHAPTER 31 OF THE BURBANK MUNICIPAL CODE RELATING TO HOME OCCUPATIONS AND MUSIC LESSONS.
2. Adoption of proposed resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING ARTICLE III OF RESOLUTION NO. 26,994, THE BURBANK FEE RESOLUTION, RELATING TO LAND USE AND ZONING.

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: (Item 2)

The following item may be enacted by one motion. There will be no separate discussion on this 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.

2. AUTHORIZING THE ACCEPTANCE OF A DONATION FROM WARNER BROS. TO THE BURBANK EMPLOYMENT AND STUDENT TRAINING PROGRAM AND AMENDING THE FISCAL YEAR 2005-06 BUDGET BY APPROPRIATING THE FUNDS:

The purpose of this report is to request the Council accept a \$5,000 donation from Warner Bros. to the Management Services Department's Burbank Employment and Student Training (BEST) Program, and amend the Fiscal Year (FY) 2005-06 budget by appropriating these donated funds.

The BEST Program has been very successful in developing the youth workforce within the Burbank community since 1996. The program hires youth workers between the ages of 16 and 18 with previous paid or volunteer work experience. Private

businesses throughout Burbank hire youth workers through the BEST program and reimburse the City for their student's hourly wages. Local non-profit organizations throughout Burbank receive youth workers based on donations from community organizations, individuals and private businesses such as Warner Bros.

Staff would like to appropriate this donation to the 2006 BEST Program. The \$5,000 donation from Warner Bros. will allow the City to place approximately five BEST students in local non-profit or not-for-profit organizations that otherwise would be unable to afford these workers. Generous donors, such as Warner Bros., not only positively impact the lives of the student workers, but also enrich the community by providing assistance to the Burbank Boys & Girls Club, Salvation Army, Burbank Temporary Aid Center, Burbank YMCA and other local organizations.

To utilize these donated funds, staff is requesting that the budget be amended. There is no matching or recurring costs associated with this donation.

Recommendation:

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE ACCEPTANCE OF \$5,000 IN DONATED FUNDS FROM WARNER BROTHERS TO THE MANAGEMENT SERVICES DEPARTMENT, BURBANK EMPLOYMENT AND STUDENT TRAINING PROGRAM AND AMENDING THE FISCAL YEAR 2005-2006 BUDGET BY APPROPRIATING THESE FUNDS.

END OF CONSENT CALENDAR

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REPORTS TO COUNCIL:

3. ASSESSMENT PARAMEDIC PROGRAM:

The purpose of this report is to introduce the Burbank Fire Department Paramedic Assessment Program to the Council. The assessment program provides a Paramedic on all first responding companies as staffing permits.

The Burbank Fire Department is constantly making efforts to enhance the current Emergency Medical Service (EMS) delivery model and provide optimal EMS services to the citizens of Burbank. The most recent service improvement took place on January 16, 2006, when the Assessment Personnel model was implemented. The new model makes any apparatus in the City with a single Paramedic assigned to it eligible to operate as an assessment unit. Doing so would mean Advanced Life Support (ALS) intervention, including medications, could be rendered immediately by the first arriving company with a Rescue Ambulance en route.

The Assessment Program not only staffs all Engine Companies with Emergency Medical Technicians (EMT-1's) and EMT-P's (Paramedics) within the City approximately 95 percent of the time, but also gives Paramedics who are promoted or reassigned the opportunity to maintain their Paramedic certification within the Department of Health Services and continue to serve the citizens of Burbank in a Paramedic or Assessment Paramedic capacity.

Recommendation:

Note and file.

4. EFFECTS OF CREATING A CLEAN CONSTRUCTION EQUIPMENT ORDINANCE:

In response to the Council's direction to assess the feasibility of creating a "Clean Construction Equipment" ordinance, this report is being presented as the second step in the two-step agenda process.

In an effort to further reduce air pollution, Vice Mayor Campbell provided staff with a sample ordinance drafted by Environmental Defense that would require all diesel-fueled construction equipment over 50 horsepower, owned and used by the City and/or contractors working for the City on City projects, to meet more stringent emissions standards than are currently enforced by various air quality control agencies. On November 22, 2005, the Council directed staff to evaluate the effects of implementing such an ordinance in the City.

Staff discovered that there is a concurrent effort by the California Air Resources Board (ARB) to promulgate a progressive statewide rule to reduce emissions from in-use construction equipment fleets in California. In effect, this ruling would require all construction equipment fleets in the State of California to comply with increasingly stringent emissions regulations with certain target dates established by ARB. The draft proposed rule will be available for public review in mid-October and is scheduled for ARB consideration in December 2006.

The ARB rule will achieve the desired results of the proposed ordinance, but on a statewide level. All construction equipment fleets working in the City, as well as throughout California, will be required to re-power, retrofit or replace construction equipment that does not meet the new, much stricter emission reduction standards set by ARB.

Staff recommends an official policy to pursue alternative fuel grant funding opportunities. Currently, this is a standard practice, but not an official policy. In an additional effort to go beyond regulatory requirements, staff also recommends the Public Works Department and Burbank Water and Power work with the Financial Services Department to develop an incentive program for contractors who use construction equipment on City projects that is cleaner than what is required with each phase of the ARB ruling. This program may be influential in motivating vendors to clean up their equipment faster than what the State legislates.

Recommendation:

Staff recommends the Council discuss the matter and give direction accordingly.

5. ORAL COMMUNICATIONS:

On Tuesday, March 28, 2006, the Council discussed the length of Council meetings and made a determination to combine the current two Oral Communications periods held prior to the consideration of Council business to one general period.

Currently in addition to the period of Oral Communications held before the Closed Session deliberations, and the Oral Communications period at the conclusion of the meeting, there is also, just prior to the discussion of the Council business, a two-minute period of Oral Communications where speakers may address the Council on any item falling within the subject matter jurisdiction of the City Council, and a four-minute period where speakers may address any item on the agenda. The direction of the Council was to combine these later two periods of Oral Communications into one five-minute period which would be open to any matter within the subject matter jurisdiction of the City, including agenda items.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING RESOLUTION NO. 26,751 AND RESOLUTION NO. 26,527 REGARDING THE LENGTH AND NUMBER OF ORAL COMMUNICATION PERIODS.

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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City of Burbank's Web Site:
www.ci.burbank.ca.us**