

TUESDAY, APRIL 11, 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 6:33 p.m. by Mr. Campbell, Vice Mayor.

Invocation The invocation was given by Pastor Paul Clairville, Westminster Presbyterian Church.

Flag Salute The pledge of allegiance to the flag was led by Police Lieutenant Caruso.

ROLL CALL

Present- - - - Council Members Campbell, Golonski, Gordon and Ramos.

Absent - - - - Council Member Vander Borcht.

Also Present - Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

301-1
Safety Seat
Checkup Week Vice Mayor Campbell presented a proclamation in honor of Safety Seat Checkup Week to Mark Cohen, Board Member of Safety Belt Safe USA.

301-1
Sexual Assault
Awareness
Month Vice Mayor Campbell presented a proclamation in honor of Sexual Assault Awareness Month to Denice Labertew, Director of the Los Angeles Commission on Assaults Against Women.

301-1
Professional
Esteem Awards Captain Craig Varner recognized the extraordinary efforts by staff and community members in assisting the Waveland, Mississippi Police Department following the devastation caused by Hurricane Katrina. Vice Mayor Campbell presented Renee DeCastro, Communication Operator, with a Professional Esteem Award; Lieutenant Ron Caruso, was awarded a Commendation, and citizens Ed Tucker and Mike Walsh received Chief's Certificates of Appreciation, for their exemplary efforts and selfless acts of kindness.

Reporting on
Council Liaison
Committees Mrs. Ramos reported on the Domestic Violence Task Force meeting she attended.

7:08 P.M.
Hearing
604
804-2
Home
Occupation
Commercial
Music Lessons

Vice Mayor Campbell stated that "this is the time and place for the hearing on amending sections of the Burbank Municipal Code relating to music lessons as permitted home occupations in certain 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 one piece of correspondence had been received.

Staff
Report

Mr. Hirsch, Assistant Community Development Director/License and Code Services, presented a proposed amendment to the Burbank Municipal Code to allow commercial music lessons to be conducted from a residence, and an amendment to the Fee Resolution establishing the associated Administrative Use Permit (AUP) fee of \$175. He reported that in July 2005, the Council deliberated this matter and fashioned a draft ordinance which included recommended preliminary standards, restrictions and conditions deemed appropriate for allowing this commercial business activity in a residence. At that time, the Council directed staff to present the draft ordinance to the Planning Board for their review.

Mr. Hirsch informed the Council that in November 2005, the Planning Board deliberated this matter and voted 4-0 to approve the draft ordinance, with minor modifications. He added that on February 14, 2006, the Council conducted a public hearing on this matter and directed staff to return at a later date with the following restrictions, standards and conditions which the Council determined would be adequate controls: music lessons are prohibited in any multi-family structure which shares a common wall, ceiling or floor with any other unit; applicants must obtain an AUP with notification to all property owners and occupants within a 150-foot radius of the property; the cost of the AUP is to be \$175; 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 on the applicant; music lessons shall be conducted between the hours of 9:00 a.m. and 7:00 p.m.; music lessons shall be limited to a maximum of five days per week with no lessons allowed on Sundays; music lessons shall be limited to a

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maximum of 10 students per day; music lessons shall be conducted as one-on-one lessons, with one teacher and one student per lesson; there must be a designated location on the premises for the queuing of students before and after lessons to prevent loitering of students in the residential area; there must be on-premises parking for persons coming to or leaving music lessons; music lessons are not subject to the pedestrian and vehicle traffic restrictions of the Home Occupation Ordinance; 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; and, 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 units.

Citizen
Comment

Appearing to comment on the ordinance were: Rose Prouser; Michelle Feather; Eric Michael Cap; Howard Rothenbach; Don Elsmore; Eden Rosen; LaVerne Thomas; and, Esther Espinoza.

Staff Response

Mr. Hirsch responded to public comment with regard to extra pedestrian and vehicular traffic.

7:44 P.M.
Hearing
Closed

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

Council
Deliberation

Council discussion centered on: the prohibition of music lessons on Sundays; the 7:00 p.m. limitation as opposed to 8:00 p.m.; background check criteria; enforcement methods; limitation in multi-family developments; allowing a maximum of two students per lesson; limiting complaints to within a specific radius; and, prohibiting lessons on weekends altogether.

Motion

It was moved by Mr. Golonski and seconded by Mrs. Ramos that "the following ordinance be read by title only and passed on to a second reading and the resolution be adopted."

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.

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.

Motion Failed

The motion failed by the following vote:

Ayes: Council Members Golonski and Ramos.
Noes: Council Members Gordon and Campbell.
Absent: Council Member Vander Borght.

Motion

It was moved by Mrs. Ramos and seconded by Dr. Gordon that "the following ordinance be read by title only and passed on to a second reading and the resolution be adopted, with modification that lessons be allowed until 8:00 p.m. and on Sundays."

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.

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.

Motion Failed

The motion failed by the following vote:

Ayes: Council Members Ramos and Gordon.
Noes: Council Members Golonski and Campbell.
Absent: Council Member Vander Borght.

Motion

It was moved by Mr. Golonski and seconded by Mrs. Ramos that "the following ordinance be read by title only and passed on to a second reading and the resolution be adopted, with a modification to allow lessons up to 8:00 p.m.

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

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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.

Motion Failed

The motion failed by the following vote:

Ayes: Council Members Golonski and Ramos.
Noes: Council Members Gordon and Campbell.
Absent: Council Member Vander Borcht.

Council
Deliberation

Mr. Golonski suggested the item be postponed to a future date for a full Council consideration.

There was Council consensus to continue the item to a future Council meeting.

Initial Open
Public Comment
Period of Oral
Communications

Mr. Campbell called for speakers for the initial open public comment period of oral communications at this time.

Citizen
Comment

Appearing to comment were: Molly Stretten, requesting an additional Kennel Attendant at the Animal Shelter; Phil Berlin, on the Airport's desire to amend the Development Agreement; Eric Michael Cap, on the music lesson ordinance and on parking arrangements for an Easter event; Rose Prouser, on the Burbank Civic Plaza and the NBC parking issue; Mary Schindler, on the Glendale-Burbank Interceptor Sewer (GBIS) Project; Dena Gould, announcing a free screening by the Burbank Peace and Justice group; R. C. Chappy Czapiewski, on the Airport Authority agenda packet and on oral communications; Howard Rothenbach, announcing an upcoming conference on redevelopment abuse; Molly Hyman, on the Charter Review Committee meeting and on the GBIS Project; Stan Hyman, on the GBIS project and on the Noise Working Group; David Piroli, requesting a copy of an e-mail from Commissioner Lombardo and on the Noise Working Group; Liz Montgomery, on the GBIS Project; Esther Espinoza, on enforcement issues; LaVerne Thomas, on the Media District Specific Plan and recommending a pedestrian bridge at Providence St. Joseph Medical Center; and, Theresa Karam, on a development in her North Hollywood neighborhood and on Los Angeles Council Member Tom LaBonge.

Staff Response	Members of the Council and staff responded to questions raised.
Agenda Item Oral Communications	Mr. Campbell called for speakers for the agenda item oral communications at this time.
Citizen Comment	Appearing to comment were: Jerilyn Lopez Mendoza, representing Environmental Defense, on the clean construction equipment ordinance; Don Elsmore, on oral communications; Esther Espinoza, on a Warner Bros. donation; Phil Berlin, on oral communications; David Piroli, on oral communications and the Assessment Paramedic Program; Rose Prouser, on oral communications; Howard Rothenbach, on the Assessment Paramedic Program; and, Stan Hyman, on oral communications.
Staff Response	Members of the Council and staff responded to questions raised.
Motion	It was moved by Mr. Golonski and seconded by Mrs. Ramos that "the following item on the consent calendar be approved as recommended."
304-1 Donation from Warner Bros.	<u>RESOLUTION NO. 27,216:</u> 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.
Adopted	The consent calendar was adopted by the following vote: Ayes: Council Members Campbell, Golonski, Gordon and Ramos. Noes: Council Members None. Absent: Council Member Vander Borght.

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908
Assessment
Paramedic
Program

Battalion Chief Trowbridge introduced the Burbank Fire Department Paramedic Assessment Program which started on January 16, 2006. As a background, he reported that the City's Paramedic Program was started in 1975, and Paramedic Engines were added in 1977, 1978 and 1999 due to increased responses. He reported that the City currently has three Rescue Ambulances which are staffed with two Paramedics each and six Fire Stations each equipped with a Fire Engine Company. He noted staff's goal of staffing all Engine Companies at all times with a Paramedic. He explained that the new model makes any apparatus in the City with a single Paramedic assigned to it, eligible to operate as an Assessment Unit. He noted that Advanced Life Support intervention, including medications, could be rendered immediately by the first arriving Company with a Rescue Ambulance en route.

Battalion Chief Trowbridge also informed the Council that the Paramedic Assessment Program not only staffs all Engine Companies with Emergency Medical Technicians 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. He also noted that there is no fiscal impact associated with the program.

The Council noted and filed the report.

902
Clean
Construction
Equipment
Ordinance

Mr. Van Hazelen, Assistant Public Works Director/Fleet and Building Maintenance, reported that on November 22, 2005, the Council directed staff to evaluate the effects of implementing an ordinance that would require all diesel-fueled construction equipment over 50 horse power, 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.

Mr. Van Hazelen reported that staff's analysis and research into the development of a City ordinance resulted in the finding 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. He also noted that the draft proposed rule will be available for public review in mid October and is scheduled for ARB consideration in December 2006.

Mr. Van Hazelen noted the significance of this rule as it will achieve the desired results of the proposed City ordinance, but on a statewide level. He stated that 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.

Mr. Van Hazelen recommended the establishment of an official policy to pursue alternative fuel grant funding opportunities. He noted that currently, this is a standard practice, but not an official policy. In an addition, he stated that staff also recommended that an incentive program be developed for contractors who would voluntarily use cleaner construction equipment on City projects than what is required with each phase of the ARB ruling. He noted that this program may be influential in motivating vendors to clean up their equipment faster than what the State legislates.

The Council directed staff to pursue alternative fuel grant funding opportunities and to develop an incentive program for contractors who use cleaner construction equipment on City projects than what is required with each phase of the Air Resources Board ruling.

201-1
Oral
Communications

Mr. Barlow, City Attorney, reported that on March 28, 2006, the Council discussed the length of Council meetings and gave direction to combine the two oral communications periods held prior to the consideration of Council business to one general period. He elaborated that currently, there is: an oral communications period prior to Closed Session; an initial period of oral communications limited to two minutes on any matter pertaining to the City; an agenda oral communications period limited to four minutes on agenda items only; and, a final oral communications period at the end of the meeting limited to two minutes on any matter of City business. He noted that an individual who spoke at the initial oral communications period cannot speak at the final oral communications period.

Mr. Barlow recalled that the Council directed that the initial and agenda oral communications periods be combined to provide for

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one five-minute period on any matter within the subject matter jurisdiction of the City, including agenda items.

Motion Following Council deliberation, it was moved by Dr. Gordon, seconded by Mr. Golonski and carried with Mrs. Ramos voting no and Mr. Vander Borcht absent that "the current oral communications format be maintained."

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

Citizen Comment Appearing to comment was Eden Rosen, on oral communications.

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 10:11 p.m.

Margarita Campos, CMC
City Clerk

APPROVED MAY 9, 2006

Mayor of the Council
of the City of Burbank