



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, JUNE 13, 2006
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 Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
Name of Case: McDonald, et al. v. City of Burbank, et al.
Case No.: EC 039823
Brief description and nature of case: Personal injury claims re Grismer housing rehabilitation project.
- b. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):
Pursuant to Govt. Code §54956.9(b)(1)
Number of potential case(s): 6
- c. Conference with Legal Counsel – Anticipated Litigation (City as possible plaintiff):
Pursuant to Govt. Code §54956.9(c)
Number of potential case(s): 1

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.

6:30 P.M.

INVOCATION: Pastor Ross Purdy, First Presbyterian Church.
The Courts have concluded that sectarian prayer as part of City Council meetings is not permitted under the Constitution.

FLAG SALUTE:

ROLL CALL:

RECOGNITION: SPRING CREST PROGRAM.

RECOGNITION: LEADERSHIP BURBANK GRADUATES.

PROCLAMATION: FLAG DAY.

PRESENTATION: LOS ANGELES RIVER REVITALIZATION MASTER PLAN.

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).

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 OPEN PUBLIC COMMENT AND AGENDA ITEM 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 1)

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

1. ANNUAL REVIEW OF PLANNED DEVELOPMENTS:

This report is for the purpose of complying with the Burbank Municipal Code which requires the Community Development Director to submit to the Council an annual review of each Development Agreement entered into pursuant to the Planned Development (PD) provisions of the Code. This review is for the time period of May 31, 2005 through May 30, 2006. There have been a total of 106 PD applications received since the PD process began in 1985. There are currently 17 active PDs that are not yet built or not yet complete. All of the active PDs are in compliance with requirements of their Development Agreements. There are currently 12 PDs with expired Development Agreements; these PDs no longer have the vested rights to develop as detailed in the Development Agreement. Four PDs that had expired Development Agreements were rezoned in 1998 to a zone compatible with the

surrounding land uses. Forty-six PDs have been completed and 23 PD applications were denied or withdrawn. There are currently four PD applications in the application or approval process. The Planning Division and City Attorney staff are working together to amend the Code to improve the use and administration of the PD process.

Recommendation:

Note and file.

END OF CONSENT CALENDAR

REPORTS TO COUNCIL:

2. PROCESS FOR AMENDING DEVELOPMENT AGREEMENTS:

At the April 4, 2006 meeting, the Council requested that staff return with information on the process for amending Development Agreements (DAs). DAs are contracts entered into between the City and a property owner for the purpose of establishing requirements for the development of property. DAs are intended to increase the certainty and predictability of the planning and development process by granting vested rights to a property owner to build a specified project or to build pursuant to specified requirements. The City is authorized to enter into DAs by the State of California Government Code.

In Burbank, DAs are typically applied for in conjunction with an application for a Planned Development (PD) zone. Any discussion about amending DAs must therefore also include a discussion of amending the underlying PD zone that accompanies the DA. PD zones are actual zones that are adopted by ordinance and appear on the City Zone Map and create unique development and use standards applicable only to a specified property. The purpose of PDs is to provide flexibility to allow for mixed-use or other unique projects that would be difficult or impossible to build under otherwise applicable zoning regulations.

Because a DA constitutes a contract between the City and another party, a DA (and its accompanying PD) may only be amended or canceled by mutual consent of both parties. The City cannot amend or cancel a DA unless the property owner agrees to the amendment or cancellation. Further, the City does not initiate PD or DA amendments; amendments are initiated by the property owner.

The Burbank Municipal Code and the California Government Code provide that the process for amending or canceling a PD or DA in whole or in part is the same as the process for adopting the original DA. The process includes noticed public hearings before the Planning Board and Council. It is important to note that the authority for the City to enter into a DA, and the process required to amend a DA, is provided under State law. Any process that the City uses for adopting and amending DAs

must be consistent with the provisions of State law. The City's ability to alter the process for adopting and amending DAs is very limited.

Staff is in the process of preparing amendments to both the PD and DA sections of the Zoning Ordinance that would make several changes to the PD and DA process, including standardizing the procedure for substantial conformance determination. Staff will be bringing the proposed amendments to the Planning Board and Council later this year.

Recommendation:

Staff recommends that the Council note and file this report. If the Council wishes to provide input on the forthcoming amendments to the PD and DA sections of the Zoning Ordinance or amend any aspect of the PD or DA process in addition to the changes already proposed by staff, staff seeks direction from the Council.

3. LOBBYIST REGISTRATION ORDINANCE:

Council Member Ramos has requested that the Council consider a lobbyist registration ordinance. This matter was previously considered by the Council on February 18, 2003, and at that time the Council determined not to proceed with such an ordinance.

Staff has done no further work on this matter. If the Council decides to proceed in considering such an ordinance, staff will provide research and information as directed by the Council

Recommendation:

It is recommended the Council discuss the matter and give direction as deemed appropriate.

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,
please visit the
City of Burbank's Web Site:
www.ci.burbank.ca.us**