

TUESDAY, JULY 25, 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 6:38 p.m. by Mr. Campbell, Mayor.

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:38 p.m. by Mr. Campbell, Mayor.

Invocation The invocation was given by Bob Kramer, Community Assistance Coordinator.

Flag Salute The pledge of allegiance to the flag was led by Mr. Kevin McCarney.

ROLL CALL

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

Absent - - - - Council Members None.

Also Present - Mr. Flad, Assistant City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

301-1
Military Banner Program Mayor Campbell briefly described the Military Service Banner Program and introduced the families of the following members of the armed forces who are currently serving in the military and are being honored through the City's Military Banner Program: Private First Class Cara Duda, United States Army; Sergeant Tony Alonzo, Jr., United States Marines; Lance Corporal Salvador Ambriz, United States Marines; Specialist Michael Morgan, United States Army; Airman Amanda Pate, United States Navy; and, Private Jason Louis Zigler, United States Army.

305-4
Sister City Committee Mayor Campbell presented a proclamation in honor of the Burbank Sister City Program to Sharon Cohen, Library Services Director. Ms. Cohen welcomed the chaperones and exchange students from Ota, Japan. The chaperones and students introduced themselves individually, as follows: Satoko Kurata and Fukashi Kawakami, chaperones, and students; Mamiko Kobayashi, Mariko Kobayashi, Yume Suzuki, Rie Takayanagi, Ruri Hayashi, Yuki Ichikawa, Nino Imai, Erika Okonogi, Eri Sata, Mina Sato, Shiori Miyazaki and Haruna Muraoka. Mayor Campbell was presented with gifts from the Mayor of Ota, Japan.

301-1
Assembly Assembly Member Dario Frommer gave his State of the State Address. He noted several challenges facing the State, the

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Member
Frommer -
State of the State
Address

majority of which he hoped would be addressed. He stated that one of the State's major challenges is the crumbling infrastructure of schools, universities, roads and water systems which were built to accommodate approximately 20 million residents as opposed to the State's current 36 million. He stated that a package of bonds consisting of Propositions 1A, 1B, 1C, 1D and 1E, has been placed on the November 2006 ballot to fund major investments in the infrastructure. He also stated that for the first time in five years, an on-time budget was passed, and highlighted the following components of the budget: an allocation of \$3 billion towards paying off debt; education being fully funded; the money borrowed from school funds will be repaid starting this fiscal year; school districts like the Burbank Unified School District will receive additional funds from equalization school district funding; community college fees are being reduced; planned fee increases in the California State University and University of California school systems were retracted; and, the budget includes the first installment of Proposition 1A funding to local governments.

Assembly Member Frommer noted several pressing issues that he hoped would be addressed by the Legislature, including: the health care crisis; affordable prescription drugs; State economy; and, environmental issues. He also discussed several local issues that he hoped to address, such as: the siting of group homes; identity theft; Metrolink at-grade crossings; and, the use of the push-pull configuration by commuter trains. He thanked the Council and the community for their support and announced his upcoming block party on August 12, 2006 at Johnny Carson Park.

Mr. Campbell recognized the infrastructure crisis throughout the Southern California region and inquired as to the implications of Proposition 1A to the Burbank community and the surrounding region and what else the City can do to seek additional funding. Mr. Vander Borcht emphasized the importance of improving mass transit and requested that Burbank be kept in mind for any possibilities of improving transit systems.

Dr. Gordon expressed concern with loss of local government control with regard to the Inclusionary Housing and cable television legislation, and inquired as to any measures being taken by the State regarding increasing energy costs.

Mr. Golonski noted that the biggest issue regarding the telecommunication legislation is access and that certain areas of the community should not be left out. He also requested that the State consider increasing alternative fuel vehicle incentives. He appreciated the effort regarding the increasing health care costs and expressed concern with the gradual shifting of the insurance sector and hospital system from non-profit to for-profit.

Mrs. Ramos commended the effort regarding the siting of group homes and expressed support for alternative fuels. She also noted that the City's position on the telecommunications legislation is being represented by the League of California Cities and stated that there are still several concerns.

Reporting on
Council Liaison
Committees

Mr. Campbell requested Mr. Davis, General Manager, Burbank Water and Power, to provide an update on the recent power outages caused by the heat wave during the past several days and commended staff who worked tirelessly to restore the power.

406
Airport Authority
Meeting Report

Commissioner Wiggins reported on the Airport Authority meeting of July 24, 2006. He stated that the Authority awarded a ground lease in the amount of \$705,000 annually to Affordable Storage LLC for 15 acres of land on the north-east quadrant of the B6 Trust Property. He noted that the lease runs concurrently with the Development Agreement.

Mr. Vander Borcht noted receipt of an email regarding his inquiry about the status of the Airport Authority's response to the possibility of building a transit facility in connection with the Amtrak station via Federal funding. He noted that the email indicated that the Authority was interested but reluctant to proceed with such action as it would require an amendment to the Airport's Development Agreement with the City. He also stated that the correspondence indicated that the Authority would consider an amendment to the Development Agreement if other issues would be addressed as well. He noted his desire to avoid missing an opportunity for a transit facility that would allow buses to go in and out of the Airport without having to go around the entire Airport route and provide additional parking. He clarified that he would only reconsider the Development Agreement for that issue.

Dr. Gordon requested clarification with regard to the ground storage facility and Commissioner Wiggins responded that the facility will only store recreational vehicles.

8:22 P.M.
Hearing
1702
Appeals and
Development
Review Process
for Planning

The Council noted and filed the report.

Mayor Campbell stated that "this is the time and place for the hearing on Project No. 2006-008, which involves a Zone Text Amendment to update the appeal processes for planning applications and the development review process."

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Applications

Meeting Disclosures

Mr. Campbell disclosed that he corresponded with an Attorney from the law firm of Latham and Watkins LLP.

Notice Given

The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that the City Clerk's Office received 43 emails and two letters on the matter.

Staff Report

Mr. Forbes, Senior Planner, Community Development Department, reported that at the March 27, 2006 Planning Board meeting, staff provided a report on the City's appeal process for planning applications and presented options to consider if the process were to be amended. He added that at the June 27, 2006 Council meeting, staff provided a report regarding the on-going update of the Land Use and Mobility Elements of the City's General Plan and the related development and traffic model, and based upon recommendations from both bodies staff has prepared a Zone Text Amendment (ZTA) that would amend the City's appeal and development review processes for planning applications.

Mr. Forbes noted that the Burbank Municipal Code currently provides minimal information regarding the appeal process for planning applications and does not clearly define the roles and responsibilities of applicant, appellant, public, Planning Board and Council, in the event an appeal is filed and withdrawn. He stated that the proposed ZTA would add new language to the Municipal Code, detailing the appeal process, obligations for recusal and the Council's ability to take action as a body, in-lieu of appeal. In addition, a cutoff date after which an appeal may not be withdrawn by the appellant will be created, such that rather than permitting withdrawal of an appeal up until the public hearing, appeal withdrawals would not be permitted as of 20 days prior to the public hearing. He explained that the cutoff is set to coincide with the mailing of public notices and advertisement of the public hearing in the Burbank Leader newspaper.

Mr. Forbes reported that staff additionally recommended codifying a citizen participation process that would require a community meeting for all development review projects, which are currently not subject to a public hearing and are approved administratively by the Community Development Director. He added that it was staff's intent to provide the public with an opportunity to voice comments and concerns to staff and the project applicant prior to issuance of the decision by the Community Development Director. He stated that staff is currently holding these meetings on a trial basis on

alternate Monday evenings when there is no Planning Board meeting. Additionally, at the recommendation of the Council, staff proposed that the noticing radius for development review applications be increased from 300 to 1,000 feet to be consistent with other types of planning applications.

Mr. Forbes also discussed that staff proposed additional changes to the development review process that are intended to be in place for an interim period until the Council considers the proposed General Plan update and related development regulations. He stated that currently, non-residential development review projects that are located more than 150 feet from a single-family residential zone and are not regionally significant as defined under the California Environmental Quality Act (CEQA) are processed through a ministerial development review process without being subject to environmental review, including a traffic impact analysis. He noted that as such, the potential exists for a relatively large project which can cause significant traffic impacts to be processed without discretion or environmental review. He added that as proposed by staff, all non-residential projects having 50 or more trips during the AM or PM peak traffic hours would be processed as discretionary applications and would be subject to environmental review. In addition, all projects generating 50 or more trips would be subject to additional discretionary findings and would have to be approved by the Planning Board following a noticed public hearing, rather than being approved administratively by the Community Development Director. As proposed, this process would be in place for an interim period of ten months to allow for the additional outreach and study that have been requested by the Council for the General Plan Update.

Mr. Forbes reported that the Planning Board considered the proposed ZTA, absent the additional changes requested by the Council on June 27, 2006, at a public hearing on June 12, 2006. All Board members expressed their support for the community meeting requirement and increasing the noticing radius from 300 to 1,000 feet. The Board voted 4-0 to recommend that the Council adopt the ZTA as proposed by staff, with the additional provision that an appeal be heard by the appropriate body no later than 75 days after it has been filed. He noted staff's position that given the time necessary to prepare for a hearing and the related reports and notices, the time limitation proposed is not practical due to potential delays by project applicants as they prepare revised plans for an appeal hearing and as such, specifying a time in the Code is not necessary. He also noted that the Board voted 2-2 on a recommendation that if an appeal is withdrawn an additional appeal period be required to give concerned residents a second chance to file an appeal. He noted staff's belief that the recommendation to disallow the withdrawal of an appeal within 20 days prior to the appeal hearing adequately balances the concerns and interests of

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residents and the project applicant.

Mr. Forbes also informed the Council that staff was still in the process of developing the scopes of work for the consultants that would be retained to provide a review and analysis of the General Plan Update and the associated development regulations, and will return on August 15, 2006 with a report.

Citizen
Comment

Appearing to comment in opposition to the Zone Text Amendment were: Gary Olson, representing the Chamber of Commerce; Larry Auzene, Jr., representing the Burbank Association of Realtors; Gary Graumann; Michael Woodward, representing Warner Bros.; Mark Stebbeds; Mark Barton; David Piroli; Rose Prouser; and, Yasmine Wolfe.

Staff response

Mr. Forbes responded to public comment with regard to: the ability of the Planning Board and Council Members to appeal actions as individuals or as a body; the recusal requirement; clarified that the ordinance as proposed related to the development review process and was not based on the Traffic Intensity Measurement Standard; stated that the ordinance was not an interim development control ordinance under State law but contains a sunset provision after 10 months; and, elaborated on the potential for amendments to the ordinance to extend or eliminate the sunset provision.

Mr. Barlow, City Attorney, stated that staff's proposal is not adding any new conflict of interest issues but is reflecting what is required under State law. He also informed the Council that this type of ordinance did not require a public hearing nor consideration by the Planning Board, and was not subject to CEQA. He noted that the Council may opt to refer the matter to the Planning Board for their review, but that such referral is not required.

9:27 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 expressed support for adding discretion into the process given the proposed thresholds for exemptions and the fact that there is credit for demolition on existing uses. He stated that small commercial property owners will not be impacted but only significant commercial projects that have the potential to impact traffic in the community. He suggested that the deadline for withdrawals coincide with the deadline to apply or a one-time ten-day extension of the appeal period after an appeal has been withdrawn be established. He also supported clarifying the

Council Member roles in the appeal process and waiving the appeal fee for a Council Member acting as the appellant.

Mr. Vander Borcht clarified that the ordinance will not halt development, prevent renovation of older buildings, prevent small property owners from adding onto their properties nor was it too onerous. He stated that the ordinance will allow the City to review all projects that are significant but not to a size that will trigger CEQA. He added that the City does not currently have a mechanism for reviewing projects that are not within 150 feet of residential zones, to determine if they are compatible and what their impacts are to the neighborhood and the entire City. He also expressed support for clarification of the Council and Planning Board Member roles in the appeal process as proposed by staff, and the one-time appeal period extension after an appeal has been withdrawn. He requested that as a separate action from the ordinance, staff reconsider the 75-day timeline to prevent the process from being lengthy and onerous.

Mrs. Ramos also supported the one-time appeal period extension, clarification of the Council Member roles in the appeal process and community meetings for development review projects. She noted the need to mitigate traffic impacts, and manage and balance growth, but suggested referring the item to the Planning Board for their consideration.

Mr. Campbell also supported the one-time appeal period extension, clarification of the Council Member roles in the appeal process and waiving the appeal fee, increasing the notification radius to 1000 feet, exemption for projects of up to 1000 square feet of development and the request for revised plans. He stated that the intent of the ordinance was to maintain the City's quality of life and balanced growth. He expressed concern with extending project timelines and supported receiving input from individuals in the commercial and residential sectors of the community on the matter.

Dr. Gordon agreed with the one-time appeal period extension and stated that he would support an appeal process which would allow an individual Council Member to call for an appeal, not act as the advocate but still not forfeit the right to participate in the proceedings. He added that typically, the Council Member will not have the financial conflict of interest which is the only conflict of interest that should apply in terms of participating in the decision-making process. He agreed with the need for additional discretion on development review projects but expressed concerns with the proposed ZTA's ability to adequately address

all traffic impacts, its legal implications, the rapidity with which it was brought back to the Council and suggested that the item be referred to the Planning Board to provide an opportunity for all concerns to be addressed.

Mr. Barlow, City Attorney, clarified that if an individual Council Member brings a matter to the Council, their reasons would have to be outlined such that the applicant knows what to respond to. He stated that such a situation raises a serious concern whether or not the Council Member then makes the argument that could make him the appellant and decision maker. He added that the applicant has a right to have a fair hearing and if the decision maker is also the appellant, that raises concerns. He also added that an individual is not only disqualified based on a financial conflict of interest but on several other conflicts of interest, such as common law conflict of interest, which essentially is bias. He stated that an individual who is so biased for or against a project cannot be fair and may not participate.

Mr. Campbell expressed concern with a Council Member acting as the appellant and participating in the decision-making process and expressed interest in obtaining an Attorney General Opinion regarding the interpretation on the matter.

There was Council consensus to obtain the Attorney General's Opinion.

Motion

It was moved by Mr. Vander Borght and seconded by Mrs. Ramos that "the following ordinance be introduced by title only and be passed to the second reading with the following modifications: a one-time ten-day extension if all appeals are withdrawn; in lieu of mailing additional notices to the 1000-foot radius, notification be provided to individuals who have requested to be notified, in addition to a newspaper publication and information being placed on Channel 6; and, Council or Planning Board Members be exempt from appeal fees."

1702
Amending the
BMC relating to
Appeals and Dev.
Review Process
(ZTA 2006-008)

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING CHAPTER 31 OF THE BURBANK MUNICIPAL CODE RELATING TO APPEALS AND THE DEVELOPMENT REVIEW PROCESS (Project No. 2006-008, Zone Text Amendment).

Ordinance

The ordinance was introduced by the following vote:

Introduced	<p>Ayes: Council Members Golonski, Gordon, Ramos, Vander Borght and Campbell.</p> <p>Noes: Council Members None.</p> <p>Absent: Council Members None.</p>
Motion	<p>It was moved by Mr. Vander Borght and seconded by Mr. Golonski that "the following ordinance be introduced by title only and be passed on to the second reading."</p>
1702 Amending the BMC relating to Dev. Review Process (ZTA 2006-008)	<p>AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING CHAPTER 31 OF THE BURBANK MUNICIPAL CODE RELATING TO THE DEVELOPMENT REVIEW PROCESS (Project No. 2006-008, Zone Text Amendment).</p> <p>Dr. Gordon stated that he would not be supporting this ordinance as it would take away individual Council Members' rights to appeal on behalf of their electors.</p> <p>Mayor Campbell informed Dr. Gordon that such issue was part of the first ordinance.</p> <p>Dr. Gordon stated that the intention of his vote was not to support an ordinance that includes limitations on a Council Member's ability to appeal.</p>
Reconsideration of prior vote	<p>Mr. Golonski requested reconsideration of the prior vote.</p>
1702 Amending the BMC relating to Appeals and Dev. Review Process (ZTA 2006-008)	<p>AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING CHAPTER 31 OF THE BURBANK MUNICIPAL CODE RELATING TO APPEALS AND THE DEVELOPMENT REVIEW PROCESS (Project No. 2006-008, Zone Text Amendment).</p>
Ordinance Introduced	<p>The ordinance was introduced by the following vote:</p> <p>Ayes: Council Members Golonski, Ramos, Vander Borght and Campbell.</p> <p>Noes: Council Member Gordon.</p>

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Absent: Council Members None.

Further Council
deliberation

Mayor Campbell requested for discussion on the motion regarding the second ordinance.

Mrs. Ramos expressed her desire to refer the matter regarding the interim ten-month ZTA to the Planning Board, to revisit the 1,000-square foot exemption, the 50-trip threshold and other issues as deemed necessary.

1702
Amending the
BMC relating to
Dev. Review
Process (ZTA
2006-008)

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING CHAPTER 31 OF THE BURBANK MUNICIPAL CODE RELATING TO THE DEVELOPMENT REVIEW PROCESS (Project No. 2006-008, Zone Text Amendment).

Ordinance
Introduced

The ordinance was introduced by the following vote:

Ayes: Council Members Golonski, Gordon and Vander Borgh.

Noes: Council Members Ramos and Campbell.

Absent: Council Members None.

Reconsideration
of vote

Dr. Gordon requested reconsideration of the prior vote and inquired as to Mr. Campbell's vote in opposition to the ordinance.

Additional
Council
Deliberation

In response to Dr. Gordon's request, Mr. Campbell stated his desire for the matter to be considered by the Planning Board.

Dr. Gordon inquired as to the projects currently in the development review process. With the aid of an overhead, Mr. Forbes noted several projects in the development review process and specifically discussed two projects that are not residentially-adjacent and are subject to the ministerial development review process, noting that both projects exceed the 50-trip threshold. He explained that the projects include an addition to the Media Studios North campus which is approximately 158,000 square feet of office space and the proposed redevelopment of the former Menasco Site on South San Fernando which is approximately 291,000 square feet of retail space and 104,500 square feet of office space.

Mrs. Ramos inquired as to whether the Media Studios North project will trigger discretionary approval and require a traffic study. Mr. Forbes responded that a traffic study would be triggered by a project with a discretionary application, within 150 feet of an R-1 Zone or deemed regionally significant under CEQA, and noted that

neither of the projects would meet the above requirements. He added that the projects would be approved if they met Code standards and the Council could only appeal the projects if they are deemed non-compliant with the Code, for a review of whether the projects meet the zoning standards for the M-2 Zone.

Mr. Campbell inquired as to the delay implications if the ordinance is adopted. Mr. Forbes responded that since the projects generate over 50 trips, both projects would require a traffic study and a complete environmental analysis under CEQA. He noted that the projects could be delayed by several months.

1702
Amending the
BMC relating to
Dev. Review
Process (ZTA
2006-008)

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING CHAPTER 31 OF THE BURBANK MUNICIPAL CODE RELATING TO THE DEVELOPMENT REVIEW PROCESS (Project No. 2006-008, Zone Text Amendment).

Reconsideration
of vote

The ordinance was introduced by the following vote:

Ayes: Council Members Golonski, Gordon, Ramos, Vander Borgh and Campbell.
Noes: Council Members None.
Absent: Council Members None.

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: Susan Booker, from Charter Communications, on the proposed AT&T Project Lightspeed; Mark Stebbeds, on the Zone Text Amendment and the Charter review process; Don Elsmore, on Airport matters; Sean Harkess, in support of his application to serve on the Magnolia Park Community Advisory Committee; Fred Prouser, on resolutions, ordinances and exhibits not being available on the internet; Mary and Esther Espinoza on family matters; David Piroli, on Attorney General opinions and Airport matters; and, Rose Prouser, on senior housing.

Staff
Response

Members of the Council and staff responded to questions raised.

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Agenda Item
Oral
Communications

Mr. Campbell called for speakers for the agenda item oral communications at this time.

Citizen
Comment

Appearing to comment were: Don Elsmore, Graham Matthews, Ralph Herman and Eden Rosen, on abandoned shopping carts; David Piroli, on the Utility Users Tax, abandoned shopping carts and Airport issues; Mark Barton, on abandoned shopping carts and electronic signage; and, Rose Prouser, on electronic signage, abandoned shopping carts, internet billing, parking lease agreement and Airport issues.

Staff
Response

Members of the Council and staff responded to questions raised.

12:00 A.M.
Recess

The City Council meeting was recessed for the Redevelopment Agency and Parking Authority meetings. The meeting was reconvened at 12:12 a.m. with all members present for the consent calendar.

Motion

It was moved by Mrs. Ramos and seconded by Mr. Golonski that "the following items on the consent calendar be approved as recommended."

Minutes
Approved

The minutes for the regular meetings of June 20, June 27 and July 4, 2006 were approved as submitted.

1212-1
Fleet
Management
System

RESOLUTION NO. 27,280:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE AGREEMENT BETWEEN THE CITY OF BURBANK AND CCG SYSTEMS FOR PURCHASE OF A FLEET MANAGEMENT SYSTEM.

1007-1
Electrical
Distribution
Superintendent to
Manager
Electrical
Distribution

RESOLUTION NO. 27,281:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SPECIFICATION FOR THE CLASSIFICATION OF ELECTRICAL DISTRIBUTION SUPERINTENDENT (CTC No. 0283) TO MANAGER ELECTRICAL DISTRIBUTION (CTC No. 0541).

1500
Internet Billing

RESOLUTION NO. 27,282:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING EXECUTION OF THE KUBRA ENTERPRISE SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND KUBRA DATA TRANSFER LTD.

1301-3
De Bell
Clubhouse
Replacement
Project (BS No.
1153)

RESOLUTION NO. 27,283:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR STATEMENT OF QUALIFICATIONS (SOQ) FROM GENERAL CONTRACTORS FOR THE DEBELL CLUBHOUSE REPLACEMENT PROJECT.

1402
Speed Control
Devices on E.
Tujunga Ave.

RESOLUTION NO. 27,284:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2006-2007 BUDGET AND APPROPRIATING FUNDS IN THE AMOUNT OF \$24,550 FOR THE FUNDING OF SPEED CONTROL DEVICES ON TUJUNGA AVENUE BETWEEN SUNSET CANYON DRIVE AND VIA MONTANA.

1005
BCEA
Employee Paid
Member
Contribution

RESOLUTION NO. 27,285:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK FOR PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS.

Adopted

The consent calendar was adopted by the following vote:

Ayes: Council Members Golonski, Gordon, Ramos, Vander Borght (except Resolution No. 27,285) and Campbell.
Noes: Council Member Vander Borght (Resolution No. 27,285 only)
Absent: Council Members None.

403
Abandoned
Shopping Carts

Mr. Hirsch, Assistant Community Development Director/License and Code Services, gave a status update on the effectiveness of the new City of Glendale Shopping Cart Containment Ordinance and information gathered from community outreach efforts relative to the issue of abandoned shopping carts in Burbank. He

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explained that the Glendale ordinance is based on a Zone Text Amendment which requires that all businesses that use shopping carts must have a containment system in place only if at any particular time, there are more than five carts abandoned from that particular business. He added that the ordinance does not dictate how containment is to be achieved. He informed the Council that although Burbank is smaller than Glendale in geographical size and population, it has a much larger shopping cart population and the abandoned shopping cart problem is greater in scope than it has been in Glendale. He added that through the ordinance, Glendale has reduced its number of abandoned shopping carts by 95 percent.

Mr. Hirsch noted staff's assessment that a similar ordinance would provide comparable results and requested direction for staff to draft an abandoned shopping cart containment ordinance which is based on a Zone Text Amendment, to be forwarded to the Planning Board for their consideration and recommendation.

Staff was directed to draft an abandoned shopping cart containment ordinance which is based on a Zone Text Amendment, for the Planning Board's consideration and recommendation.

12:37 A.M.
Dr. Gordon
Recused

Dr. Gordon left the Chamber at this time due to a potential conflict with the following item.

12:38 A.M.
Mrs. Ramos left
the Chamber

Mrs. Ramos left the Chamber at this time.

203
Magnolia Park
CAC
Appointments

Ms. Hamzoian, Administrative Assistant, Community Development Department, requested the Council appoint new members to the Magnolia Park Community Advisory Committee (CAC) from the qualified applicants. She stated that as part of the City's effort to revitalize the Magnolia Park area, the CAC offers a balanced voice from residents and merchants to help encourage the vitality of the Magnolia Park area. She added that since the appointment of the three new members in February 2005, five Committee members have resigned, consisting of three business persons, one resident, and one who was a business person and a resident. She informed the Council that staff has received five applications, two from residents and three from business persons as follows: business/commercial property owners; Kurt Banks, Brad Korb and Anthony Scuticchio; and, residents, Sean Harkess and Edward Smith. She requested the Council appoint the above applicants to the Magnolia Park CAC.

Motion It was moved by Mr. Golonski, seconded by Mr. Vander Borcht and carried with Mrs. Ramos absent and Dr. Gordon recused that "the following applicants be appointed to serve on the Magnolia Park Community Advisory Committee: business/ commercial property owners; Kurt Banks, Brad Korb and Anthony Scuticchio; and, residents, Sean Harkess and Edward Smith."

12:39 A.M. Dr. Gordon returned to the Chamber at this time
Dr. Gordon
Returned to the
Chamber

12:40 A.M. Mrs. Ramos returned to the Chamber at this time.
Mrs. Ramos
Returned to the
Chamber

804-5
UUT Ordinance Mr. Torrez, Financial Services Director, requested the Council adopt the proposed ordinance that would remove obsolete references in the Telephone Users Tax ordinance to the now-repealed Internal Revenue Service (IRS) Code rulings regarding definitions and exemptions. He stated that since 1969, the City has imposed Utility Users Tax (UUT), and specifically a Telephone Users Tax, on every person using intrastate telephone communication services. He added that in 2000, the City amended its Telephone Users Tax ordinance to refer to definitions used by the Federal Government in its IRS Code pertaining to the Federal Excise Tax on long distance telephone services. He noted that in May 2006, the IRS repealed the provisions in the Federal Excise Tax which Burbank's ordinance references, effective July 31, 2006. He explained that the City's ordinance therefore needs to be amended to remove the obsolete references. He added that the changes also incorporate exemptions from the UUT that were included in the Federal Code. He emphasized that the proposed amendments do not impose any new tax, increase any tax, or revise existing tax administration or calculation methodology.

Mr. Torrez informed the Council that the ordinance is proposed to be adopted as an urgency ordinance, which would go into effect immediately and before July 31, 2006, so that there is no loss in the City's Telephone Users Tax revenue. He also noted that staff provided a regular ordinance for Council introduction in the event the ordinance is not adopted as an urgency measure.

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Motion It was moved by Mr. Golonski and seconded by Mrs. Ramos that "the following ordinance be introduced and adopted."

804-5 ORDINANCE NO. 3699:
UUT Urgency AN URGENCY ORDINANCE OF THE COUNCIL OF THE CITY
Ordinance OF BURBANK AMENDING SECTIONS 14-1101 AND 14-1102 OF
THE BURBANK MUNICIPAL CODE, TELEPHONE USERS TAX.

Ordinance The ordinance was introduced and adopted by the following vote:
Introduced and
Adopted Ayes: Council Members Golonski, Gordon, Ramos, Vander
Borgh and Campbell.
Noes: Council Members None.
Absent: Council Members None.

Motion It was moved by Mr. Vander Borgh and seconded by Mrs. Ramos that "the following ordinance be introduced and read by title only and passed to the second reading."

804-5 AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK
UUT Ordinance AMENDING SECTIONS 14-1101 AND 14-1102 OF THE
BURBANK MUNICIPAL CODE, TELEPHONE USERS TAX.

Ordinance The ordinance was introduced by the following vote:
Introduced Ayes: Council Members Golonski, Gordon, Ramos, Vander
Borgh and Campbell.
Noes: Council Members None.
Absent: Council Members None.

Ordinance It was moved by Mr. Golonski and seconded by Mrs. Ramos that
Submitted "Ordinance No. 3700 be read for the second time by title only and
be passed and adopted." The title to the following ordinance was
read."

506 ORDINANCE NO. 3700:
Regulation of AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK
Electronic Signs AMENDING CHAPTER 31 OF THE BURBANK MUNICIPAL CODE
(ZTA No. 2005- TO UPDATE SIGN REGULATIONS AND PROHIBIT

126) ELECTRONIC SIGNS (Project No. 2005-126, Zone Text Amendment).

Adopted The ordinance was adopted by the following vote:

Ayes: Council Members Golonski, Ramos and Campbell.
Noes: Council Members Gordon and Vander Borcht.
Absent: Council Members None.

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 There was no response to the Mayor's invitation for oral communications at this time.

301-2 Memorial Adjournment There being no further business to come before the Council, the meeting was adjourned at 12:50 a.m. in memory of Helen Casey.

Margarita Campos, CMC
City Clerk

APPROVED OCTOBER 3, 2006

Mayor of the Council
of the City of Burbank