

TUESDAY, AUGUST 22, 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 5:03 p.m. by Mr. Campbell, Mayor.

CLOSED SESSION

Present- - - - Council Members Golonski, Gordon, Ramos, Vander Borght and Campbell.
Absent - - - - Council Members None.
Also Present - Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

Oral Communications Appearing to comment was Max Faeth, resident at 1405 Country Club Drive, stating that he is available for questions regarding the Closed Session item related to his property.

5:04 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 Real Property Negotiator:
Pursuant to Govt. Code §54956.8
Agency Negotiator: Community Development Director/Susan Georgino
Property: 2721 West Burbank Boulevard
Parties with Whom City is Negotiating: Family Service Agency
Name of Contact Person: Ruth Davidson-Guerra
Terms Under Negotiation: Instruction to negotiator will concern price and terms of payment concerning the lease of City-owned real property located at 2721 West Burbank Boulevard.

- b. Conference with Real Property Negotiator:
Pursuant to Govt. Code §54956.8
Agency Negotiator: Community Development Director/Susan Georgino
Property: 1405 Country Club Drive
Parties with Whom City is Negotiating: Max Faeth, 1405 Country Club Drive.
Name of Contact Person: Jack Lynch
Terms Under Negotiation: Instruction to negotiator will concern price and terms of payment concerning the purchase and sale of property.

- c. Conference with Legal Counsel – Existing Litigation:

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Pursuant to Govt. Code §54956.9(a)

Name of Case: The Estate of Deri et al. v. City of Los Angeles

Case No.: CV06-0883 FMC (PJWx)

Brief Description and Nature of Case: Wrongful death, civil rights allegations.

Regular Meeting Reconvened in Council Chambers
The regular meeting of the Council of the City of Burbank was reconvened at 6:42 p.m. by Mr. Campbell, Mayor.

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

Flag Salute
The pledge of allegiance to the flag was led by Reyes Anzaldo, Allen Cottriel Scholarship Award recipient.

ROLL CALL

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

Absent - - - - Council Members None.

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

301-1
Allen Cottriel Scholarship Award
Judith Arandes, Burbank Housing Corporation (BHC), introduced the scholarship recipient, Reyes Anzaldo, and gave a brief history of his achievements over the years. She noted that this year, the scholarship was named in memory of Allen Cottriel, who was the scholarship's greatest proponent and BHC Past President.

Mrs. Georgino, Community Development Director, commended the BHC for their efforts and congratulated them upon the achievement of national accreditation for the Ontario Child Care Center. She then acknowledged Reyes' accomplishments and the efforts of Past President Allen Cottriel, and noted that Community Development staff contributed an additional \$1,100 to the recipient.

Mr. Peter McGrath, Acting BHC President, introduced the BHC Board Members present, as well as Mrs. Cottriel. Mayor Campbell presented a proclamation to Reyes Anzaldo in honor of his achievements. Mr. McGrath also presented Reyes with a certificate and the scholarship check from the BHC. Reyes expressed appreciation to the BHC, the Achievement Center and those in the audience for their support.

The Council expressed appreciation to the Community Development Department and the BHC for their efforts.

Reporting on
Council Liaison
Committees

Mr. Campbell expressed appreciation to Warner Bros. for screening their animated feature film "The Ant Bully" at the Starlight Bowl free of charge to the Burbank community.

Dr. Gordon reported on the Closed Session item regarding the property located at 2721 West Burbank Boulevard and stated that he was not supportive of the financial package presented.

406
Airport Authority
meeting report

Commissioner Brown reported on the Airport Authority meeting of August 21, 2006. He stated that the Authority received a report from Providence St. Joseph Medical Center regarding the results of the 10th Annual Blood Drive that was conducted at the Airport. He stated that the report indicated that the blood drive netted 152 pints of blood, which was five times the amount collected last year, saving the hospital an estimated \$24,000. He also reported that the Authority awarded a \$7.3 million contract for the construction of a new parking lot to accommodate the relocation and reconfiguration of the public parking spaces in Lot A and allow for the extension of Taxiway D. He noted that this project does not include the construction of the taxiway which will be considered next year.

Commissioner Brown also reported that staff presented a brief update on the changes to the passenger screening process which were implemented on August 10, 2006. He also noted that the Airport's anticipation of a parking crisis during the peak travel periods never materialized.

Mr. Campbell commended Airport staff on their ability to keep travelers informed of the events on August 10, 2006 and on the new requirements.

Mr. Vander Borght inquired as to whether Commissioner Brown had an update on the progress of the Amtrak Station improvements.

7:14 P.M.
Hearing
1704-5
Project No. 2006-
037 -Variance

Mayor Campbell stated that "this is the time and place for the hearing on the appeal of the Planning Board's decision modifying and approving Project No. 2006-037, a Variance request by Michael Heaven to build a 640-square foot addition to a multi-family unit that encroaches into the twenty-foot rear and side yard buffer between the subject property which is zoned R-4, and the abutting R-1 single-family properties. The subject property is located at 515-517 South Shelton Street. The Variance was modified and approved by the Planning Board on June 12, 2006 to allow for a 480-square foot addition with a fifteen-foot rear yard setback, a five-foot side yard setback on the north and a thirteen-foot side yard

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setback on the south.”

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 communication had been received.

Staff
Report

Ms. Yelton, Assistant Planner, Community Development Department, requested the Council consider an appeal of the Planning Board's decision to conditionally approve Project No. 2006-37 Variance. She stated that the request was for an addition to a multi-family unit that would encroach into the 20-foot rear and side yard buffer between the subject property which is zoned R-4, and the abutting R-1 single-family properties. She added that the appeal was received from the applicant, Michael Heaven, who resides at the subject property, stating that the conditions imposed by the Planning Board significantly limit his project.

With the aid of an overhead photograph, Ms. Yelton indicated that the property consists of two units, each approximately 1,300 square feet. She noted that the applicant lives in the rear unit and would like to add a recreation room consisting of 640 square feet. She added that the original proposal included a one-half bath but the applicant does not contest the Planning Board's condition to remove the bathroom. She noted that the proposed addition is 20 feet by 32 feet and is proposed to be accessed from the exterior as well as the interior. The addition would maintain a five-foot side yard setback to the north, a 13-foot side yard setback on the south and a 10-foot rear yard setback to the west. She added that portions of the addition to the north, south and west setbacks encroach into the 20-foot buffer zone between a multi-family zoned property and single-family zoned properties.

Ms. Yelton informed the Council that the Planning Board approved the project with a condition that a 15-foot rear yard setback be maintained instead of the required 20-foot buffer. She explained that this was compared to the 15-foot rear yard setback required for single-family properties. She clarified that the Code would permit a 250-square foot addition if all setbacks and buffers were maintained, the applicant requested a 640-square foot addition and the Board approved a 480-square foot addition. She added that the Board also conditioned the project to have the exterior access removed, to prevent the space from being used as a unit or causing a nuisance.

Ms. Yelton reported that the appellant stated that the addition as approved by the Planning Board is not large enough for his storage needs and referred to his R-4 neighbors who have three- and five-foot rear yard setbacks. She added that the applicant requests to encroach 10 feet into the rear yard setback in order to adequately meet his needs and make the project worthwhile. Also, she stated that the applicant requested exterior access via a garage-like roll-up door to allow the moving of objects that cannot pass through a normal-sized door. She elaborated on the condition imposed by the Board that the trees existing on the south side of the property be re-installed and noted that the applicant is requesting that this condition be removed. She added that this duplex project was approved through the Development Review process and constructed in 2000, and stated that the Conditions of Approval required trees to be provided. She concluded with staff's recommendation that the Council deny the appeal and uphold the Planning Board's decision to approve the project with all conditions imposed by the Planning Board.

Applicant/
Appellant

Michael Heaven, applicant/appellant, noted the rear yard setbacks of neighboring properties and presented photographs for the Council's review. He noted that a 10-foot rear yard encroachment is necessary to meet his needs, and requested the Council approve the roll-up door and remove the condition to plant trees as the space is not adequate.

7:27 P.M.
Hearing Closed

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

Motion

It was moved by Mrs. Ramos and seconded by Mr. Vander Borcht that "the following resolution be passed and adopted with an option of a 10-foot rear exterior door:"

RESOLUTION NO. 27,294:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AFFIRMING THE DECISION OF THE PLANNING BOARD AND DENYING THE APPEAL OF PROJECT NO. 2006-037, A VARIANCE (515-517 South Shelton Street).

Substitute
Motion

Dr. Gordon's substitute motion for a minimum adjustment to accommodate the applicant's request died due to lack of a second.

Original
Motion

The resolution was adopted by the following vote:

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Adopted	Ayes: Council Members Golonski, Ramos, Vander Borgh and Campbell. Noes: Council Member Gordon. Absent: Council Members None.
Reporting on Closed Session	Mr. Barlow reported on the items considered by the City Council during the Closed Session meeting. He stated that the Council authorized the City Attorney to retain the law firm of Bannan, Green, Frank & Terzian to assist the City Attorney in defending the case of Deri v. City of Los Angeles et al, which is a wrongful death police shooting case. He noted that the Council voted 4-1 with Dr. Gordon voting no.
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: Linda Walmsley, on the Council Members' goals; Sam Asheghian, inviting the Council to attend a luncheon by the Burbank Noon Kiwanis where Congressman Adam Schiff will be the speaker; Gary Garrison, on the AMC movie schedules; Theresa Karam, on the case of Karam v. City of Burbank; Esther Espinoza, on gang activity; Michael Heaven, on Project No. 2006-037; and, James Schad, commending staff for the Shakespear In The Park production and on Council Members leaving the meeting.
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: Steven Ferguson, requesting Council support of the Teens in Action programs; Esther Espinoza, on continuing appropriations; and, Michael Heaven, on the landscaping requirement for Project No. 2006-037.
8:25 P.M. 802-1	Ms. Anderson, City Treasurer, presented the Treasurer's report on investment and reinvestment of temporarily idle funds for the

- Joint Meeting with the Red Housing Parking and YES quarter ending June 30, 2006.
- Motion It was moved by Mr. Golonski, seconded by Dr. Gordon and carried that "the item be noted and filed."
- 8:40 P.M. Recess The Council recessed at this time to allow for the Redevelopment Agency, Housing Authority, Parking Authority and Youth Endowment Services Fund Board to continue their meetings. The Council reconvened at 8:43 p.m.
- Item Removed From Consent The item regarding the "Request For Continuing Appropriations From Fiscal Year 2005-06 To Fiscal Year 2006-07 For The City, Redevelopment Agency, Housing Authority, Parking Authority And The Youth Endowment Services Fund Board" was removed from the consent calendar for the purpose of discussion.
- Motion It was moved by Mrs. Ramos and seconded by Mr. Vander Borgh that "the following items on the consent calendar be approved as recommended."
- 1007-1
1009-1
Establishing the Title and Classification of Communications Technician Supervisor RESOLUTION NO. 27,295:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF COMMUNICATIONS TECHNICIAN SUPERVISOR (CTC NO. 0208) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.
- 1204-1
Final Map No, 61368 (465 E. San Jose Ave).
Adopted RESOLUTION NO. 27,296:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING FINAL MAP OF TRACT NO. 61368 (465 East San Jose Avenue).
The consent calendar was adopted by the following vote:

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

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801-2
Amending
FY 06-07 Budget
for
Continuing
Appropriations

A report was received from the Financial Services Department requesting Council approval to carry over \$86.5 million of continuing appropriations from Fiscal Year (FY) 2005-06 to FY 2006-07 for the City, Redevelopment Agency, Housing Authority, Parking Authority and Youth Endowment Services Fund Board.

Staff reported that at the end of each fiscal year, departments review their budgeted appropriations and submit requests for manual carryovers (unencumbered funds) to the Financial Services Department. Subsequently, a list of requests from all departments is combined and reviewed by the Executives to determine what carryover requests would be submitted for Council consideration. Staff stated that in light of the budgetary constraints, the Executives are satisfied that the requested carryover dollars are necessary.

The report indicated that the most common reasons for manual carryover requests are for: ongoing capital projects, delayed program implementation, continuing operations (including projects and studies such as the Domestic Violence Task Force, Starlight Bowl, Burbank Athletic Federation, etc.), and restricted dollars for a specific purpose (for example, grants awarded by the City, such as middle school grants; dollars received by the City such as Public Library Funds, Local Law Enforcement Block Grants and Drug Asset Forfeiture Funds; or, donations appropriated for a specific purpose that may cross fiscal years).

Staff stated that at year-end, all unencumbered appropriations revert to available fund balance and can be appropriated for other purposes. Staff also indicated that a first quarter financial report would be presented in November 2006, which will include a summary of FY 2005-06.

Dr. Gordon stated that although he approved of many of the items in the Continuing Appropriations, he still had unresolved issues with the school counseling programs with regard to professional licensing of the people involved, City liability and the appropriateness of the City's involvement in these types of programs. He also stated he had concerns with requests to provide financial support for various housing projects which he believed needed to be based on the respective organization's financial condition to justify the need for the City's support. He also expressed concern with requiring a Citywide employee volunteer program and stated that the City is moving a little too fast on the Community Services Building Project in light of the current economic conditions.

Motion

It was moved by Mr. Vander Borght and seconded by Mrs. Ramos that "the following resolution be passed and adopted:"

801-2
Amending
FY 06-07 Budget
for
Continuing
Appropriations

RESOLUTION NO. 27.297:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2006-2007 BUDGET FOR THE PURPOSE OF CONTINUING APPROPRIATIONS FROM FISCAL YEAR 2005-2006.

Adopted The resolution was adopted by the following vote:

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

201-2
FY 2006-07 Work
Program and
Council Goals

Ms. Alvord, City Manager, reported that a number of changes have been made to the Work Program pursuant to Council direction. She requested that the Council come to a consensus on any final direction for changes, additions or deletions to the Work Program and provide any additional direction regarding combining the Council Members' individual goals into a consensus list of Council goals.

The Council expressed support for the Work Program and directed staff to return with a report on a strategy for achieving the top priority Council goals of traffic congestion and sustainability.

9:33 P.M.
Reconvene
Redev, Housing,
Parking and
YES meetings

The Redevelopment Agency, Housing Authority, Parking Authority and Youth Endowment Services Fund Board meetings were reconvened at this time for public comment.

Final Open
Public Comment
Period of Oral
Communications

Mr. Campbell called for speakers for the final oral communication period at this time.

Citizen
Comment

Appearing to comment were: Alfred Aboulsad expressing concerns with social programs being gutted; and, Howard Rothenbach, in support of a Colony Theater production.

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9:44 P.M.
Adjournment

There being no further business to come before the Council, the meeting was adjourned at 9.44 p.m.

Margarita Campos, CMC
City Clerk

APPROVED NOVEMBER 7, 2006

Mayor of the Council
of the City of Burbank