

TUESDAY, SEPTEMBER 26, 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 5:06 p.m. by Mrs. Ramos, Vice Mayor.

CLOSED SESSION

Present- - - - Council Members Golonski, Gordon, Vander Borgh and Ramos.  
Absent - - - - Council Member Campbell.  
Also Present - Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

Oral Communications There was no response to the Vice Mayor's invitation for oral communications on Closed Session matters at this time.

5:06 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 Legal Counsel – Existing Litigation:  
Pursuant to Govt. Code §54956.9(a)  
**Name of Case:** Burbank-Glendale-Pasadena Airport Authority Noise Variance Hearing.  
**Case No.:** N/A  
**Brief description and nature of case:** California Department of Transportation hearing on whether Noise Variance should be extended.
  
- b. Conference with Real Property Negotiator:  
Pursuant to Govt. Code §54956.8  
**Agency Negotiator:** Community Development Director/Susan Georgino.  
**Property:** Former Front Street property adjacent to the I-5 Freeway between Magnolia and Burbank Boulevards, Burbank, California.  
**Parties with Whom City is Negotiating:** California Department of Transportation, State of California Department of Transportation, 100 South Main Street, Los Angeles, California 90012.  
**Name of Contact Person:** Jack Lynch, Senior Project Manager.  
**Terms Under Negotiation:** Instructions to negotiator will concern the price and terms concerning the sale of property.

Regular Meeting Reconvened in The regular meeting of the Council of the City of Burbank was reconvened at 6:40 p.m. by Mr. Campbell, Mayor.

9/26/06

Council  
Chambers

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

Flag Salute           The pledge of allegiance to the flag was led by Alec Ueno.

ROLL CALL

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

Absent - - - -       Council Members None.

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

301-1  
Burbank  
Philharmonic  
Ochestra           Mayor Campbell presented a Certificate of Recognition to Lynda Willner, President of the Burbank Philharmonic Orchestra and Maestro Steve Kerstein. He commended the Burbank Philharmonic Orchestra for 16 years of outstanding musical entertainment for the Burbank community.

301-1  
2006 Southern  
California  
Municipal Athletic  
Federation and  
Amateur Athletic  
Federation Swim  
Festival           Mayor Campbell recognized the youth from the Burbank Aquatics Program who competed in two meets: the 2006 Southern California Municipal Athletic Federation and Amateur Athletic Federation Swim Festival. Mayor Campbell presented Certificates of Recognition to the following swimmers for their success in the meets, as follows: Cedric Brown; Alex Ueno; Casey Ueno; Madigan Roll; Lucy Byurat; Vikesh Shrestha; and, Assistant Coach David Nelson.

301-1  
Verdugo Street  
Fair and Peyton-  
Grismer Back to  
School Picnic  
Volunteers       Mrs. Georgino recognized the sponsors and volunteers from Warner Bros., Nickelodeon and the Community Development Department for their participation in the Verdugo Street Fair and Peyton-Grismer Back to School Picnic events.

Reporting on  
Council Liaison  
Committees       Mr. Campbell reported on attending a State Infrastructure Conference hosted by the California Center for Regional Leadership, the Taste of Downtown Burbank and the Senior Citizen Big Band events.  
Mr. Golonski reported on the Ovrom Park Subcommittee meeting he attended with Mrs. Ramos.

Mrs. Ramos reported on attending a California Environmental Quality Act (CEQA) workshop at which CEQA case law was reviewed.

7:07 P.M.  
1702-1  
Hearing  
Project  
No. 2006-35  
2128 N.  
Glenoaks Blvd.

Mayor Campbell stated that "this is the time and place for the hearing on Project No. 2006-35 the Zone Map Amendment and related Negative Declaration considering a request to allow a zone change for a portion of the property at 2128 North Glenoaks Boulevard from the R-1 Residential Single-Family and a portion from the R-4 Residential Multiple High Density to the C-2 Commercial Limited Business. This matter was originally noticed for September 19, 2006 and was continued to tonight."

Meeting  
Disclosures

Mrs. Ramos, Mr. Campbell and Mr. Vander Borcht stated that they had previously met with the applicant.

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

Mr. Velasco, Assistant Planner, Community Development Department, requested the Council consider a request by Mr. Farhad Simab, to approve Project No. 2006-35, a Zone Map Amendment (ZMA) to convert the R-1 and R-4 zoned segments of the property located at 2128 North Glenoaks Boulevard to a C-2 zone and make the property consistent with the General Plan Limited Commercial designation. He noted that the property consists of three zones, R-1 Residential Single-Family, R-4 Residential Multiple High Density and C-2 Commercial Limited Business. He reported that there is one finding required for ZMA approval, that the zone change be consistent with the General Plan. Referencing a General Plan Map, he stated that the property is designated as Limited Commercial and the requested zone change would make the entire lot C-2 and consistent with the General Plan.

Mr. Velasco stated that on August 14, 2006, the Planning Board (Board) approved a Development Review application to construct a mini-mall consisting of an approximately 4,000 square foot building to be used for retail/restaurant uses, an approximately 1,700 square foot building to be used as a coffee shop and a 58-space parking lot. He added that the Board also approved a Variance for the parking lot to encroach 15 feet into a required 20-foot buffer. He noted that approval of these applications is contingent upon Council approval of the ZMA. He added that while the Board recommended approval of the ZMA to the Council with

the request that a small portion of the site extending to Scott Road remain an R-1 zone for buffering purposes, staff recommends the entire lot be zoned C-2 to be consistent with the General Plan. He noted some residents' concern over traffic impacts, and noted that the impact as a result of this project will not amount to significant levels. He added that a Negative Declaration was prepared for the project which states that the zone change, Variance and subsequent development will not have a significant effect on the environment. He recommended the Council approve the ZMA and Negative Declaration.

Applicant

Gary Yamada, representing the applicant, Farhad Simab, stated that the subject site was formerly occupied by a Union 76 gas station which has since been demolished and removed. He stated that the site, which is under one acre in size, is currently vacant and has three zone classifications. He noted that the applicant is proposing the construction of a 1,600-square foot Starbucks coffee shop and a 4,200-square foot commercial building which will be occupied by four commercial tenants. He also added that 58 parking spaces are being proposed, meeting Code requirements. He stated that the request to convert the R-1 and R-4 portions to C-2, which is the majority zoning of the current site, will make the site consistent with the General Plan. He informed the Council that a community meeting held on the project did not generate any major opposition, and requested the Council approve the ZMA as recommended by staff.

Citizen  
Comment

Appearing to comment were: Frank Kaden, expressing concern with the public hearing's noticing procedure; Eloise Roop, in support of the project and requesting the installation of a stop sign at the intersection of the private alley and Scott Road; and, David Piroli, on business uses in the general area, parking and public access issues.

Applicant  
Rebuttal

Mr. Yamada stated that the surrounding area's property value will increase if the project is approved, the City will receive additional Property Tax and Sales Tax, and noted that the applicant is willing to dedicate the access way to the City for public use. He also noted the possibility of working with the Masonic Lodge for additional parking if needed.

Staff  
Rebuttal

Mr. Velasco stated that he verified that the Masonic Lodge received a notice for the hearing and noted that the traffic study indicated that the increase in traffic and parking can be accommodated by the site. He added that there is no nexus to require the installation of a stop sign and also noted that the City cannot install a stop sign

on private property.

The Council requested clarification with regard to trip generation and the traffic study conducted. Mr. Vander Borgh requested that the handicap parking spaces be relocated towards the main entrance.

7:52 P.M.  
Hearing Closed

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

Mr. Golonski stated that the action before the Council was to review the ZMA and not the project, and noted the inability to place additional conditions on the project at this time. He expressed concerns with the project's potential traffic impacts and stated he will not support a project that will impact the Levels of Service of intersections.

Motion

It was moved by Mrs. Ramos and seconded by Dr. Gordon that "the following resolution be passed and adopted and the ordinance be introduced and read for the first time by title only and be passed to the second reading." The resolution was passed and adopted and the ordinance was introduced and the title read:"

1702-1  
Neg. Dec for  
ZMA 2006-35  
(2128 N.  
Glenoaks Bl.)

RESOLUTION NO. 27,313:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADOPTING A NEGATIVE DECLARATION FOR ZONE MAP AMENDMENT – PROJECT NO. 2006-35.

1702-1

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING ZONE MAP AMENDMENT FOR PROJECT NO. 2006-35 (2128 NORTH GLENOAKS BOULEVARD; APPLICANT: FARHAD SIMAB).

Adopted

The resolution was adopted and the ordinance introduced by the following vote:

Ayes: Council Members Gordon, Ramos, Vander Borgh and Campbell.

Noes: Council Member Golonski.

9/26/06

Absent: Council Members None.

Reporting on  
Closed Session

Mr. Barlow reported on the items considered by the City Council during the Closed Session 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: Mary O'Hare, noting the passing of Frank Zugelter and commenting on the Burbank Community Foundation and the Glendale-Burbank Interceptor Sewer (GBIS) Project; Chappy Chapiewski, in support of showing campaign videotapes during oral communications; Elizabeth Montgomery, on the GBIS Project; Rose Prouser, on incentives provided to developers; Mark Barton, on oral communications; Eden Rosen, on a telephone service for teenagers; and, Esther Espinoza, on the Burbank Outreach Center.

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: Gary Olson, on the use of videotapes during oral communications and in support of the Burbank Community Foundation; Mary O'Hare, in support of the Burbank Community Foundation and on the Glendale-Burbank Interceptor Sewer (GBIS) Project; Steve Gainer, on the GBIS Project; Chappy Chapewski, in support of showing videotapes during oral communications; Floran Frank, on the GBIS Project and in support of videotapes during oral communications; Fred Prouser, in support of videotapes during oral communications; Rance Howard, on the GBIS Project; Elizabeth Montgomery, on the GBIS Project; Bryan Madden, Director of the Burbank YMCA, in support of the Burbank Community Foundation; Michelle Feather, in support of videotapes during oral communications; Mark Barton, in support of videotapes during oral communications; David Piroli, on the Burbank Community Foundation and in support of videotapes during oral communications; Rose Prouser, in support of videotapes during oral communications and on the Burbank Community Foundation; Dink O'Neal, in support of videotapes during oral communications;

Esther Espinoza, in support of videotapes during oral communications; Maria Montenegro Proctor, in support of videotapes during oral communications; Howard Rothenbach, in opposition to the Administrative Use Permit requirement for downtown restaurants and in support of videotapes during oral communications; Cameron Wardlaw, on the GBIS Project; and, Eden Rosen, on energy-efficiency programs and in support of videotapes during oral communications.

Staff Response	Members of the Council and staff responded to questions raised.
Motion	It was moved by Mr. Vander Borgh and seconded by Mrs. Ramos that "the following items on the consent calendar be approved as recommended."
1007-1 Est Spec. Collection Systems Worker CTC No. 0203	<u>RESOLUTION NO. 27,314:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF COLLECTION SYSTEMS WORKER (CTC NO. 0203) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION.
1007-1 Est. Spec. Collections Systems Journeyman CTC No. 0200	<u>RESOLUTION NO. 27,315:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF COLLECTION SYSTEMS JOURNEYMAN (CTC NO. 0200) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.
1007-1 Est. Spec Collection Systems Leadworker CTC No. 0202	<u>RESOLUTION NO. 27,316:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF COLLECTION SYSTEMS LEADWORKER (CTC NO. 0202) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.
1007-1 Rev Spec Sanitation Wkr CTC No. 0737	<u>RESOLUTION NO. 27,317:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SPECIFICATION FOR THE CLASSIFICATION OF SANITATION WORKER (CTC NO. 0737).
1007-1 Rev Spec Sanitation Leadworker	<u>RESOLUTION NO. 27,318:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SPECIFICATION FOR THE CLASSIFICATION OF SANITATION LEADWORKER (CTC NO. 0736).

9/26/06

CTC No, 0736

1007-1  
Rev Spec  
Sanitaion  
Supervisor  
CTC No. 0738

RESOLUTION NO. 27,319:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
REVISING THE SPECIFICATION FOR THE CLASSIFICATION OF  
SANITATION SUPERVISOR (CTC NO. 0738).

1007-1  
Rev Spec  
Sr. Sanitation  
Supervisor  
CTC No. 0844

RESOLUTION NO. 27,320:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
REVISING THE SPECIFICATION FOR THE CLASSIFICATION OF  
SENIOR SANITATION SUPERVISOR (CTC NO. 0844).

1007-1  
Rev Spec  
Refuse Utility  
Worker  
CTC No. 0725 to  
Sanitation Utility  
Worker  
CTC No. 0725

RESOLUTION NO. 27,321:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
REVISING AND RE-TITLING THE SPECIFICATION FOR THE  
CLASSIFICATION OF REFUSE UTILITY WORKER (CTC NO.  
0725) TO SANITATION UTILITY WORKER (CTC NO. 0725).

1501-1  
Approve Mutual  
Assistance  
Agreement  
(Electric/Natural  
Gas) w/California  
Utilities  
Emergency  
Association

RESOLUTION NO. 27,322:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
APPROVING AND AUTHORIZING EXECUTION OF THE  
MUTUAL ASSISTANCE AGREEMENT (ELECTRIC AND  
NATURAL GAS) BY AND AMONG MEMBERS OF THE  
CALIFORNIA UTILITIES EMERGENCY ASSOCIATION.

1503-1  
Short-Term  
Sales/Purchase  
Agreement for  
Wholesale  
Electric  
Operations

RESOLUTION NO. 27,323:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK,  
AUTHORIZING THE GENERAL MANAGER OF BURBANK  
WATER AND POWER TO UNDERTAKE SHORT-TERM SALES  
AND PURCHASES OF UP TO FIVE YEARS IN DURATION FOR  
PRODUCT AND SERVICES NECESSARY FOR OPERATION OF  
THE CITY'S ELECTRIC UTILITY.

804-3  
403

RESOLUTION NO. 27,324:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK



Cycle Six Safe Routes to School Grant from Caltrans AMENDING RESOLUTION 27,273 RELATING TO THE FUNDING FOR THE SAFE ROUTES TO SCHOOL CYCLE SIX PROJECT.

904 Agreement for Automatic Exchange of Fire Services  
RESOLUTION NO. 27,325:  
 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE AGREEMENT FOR AUTOMATIC EXCHANGE OF FIRE SERVICES BETWEEN THE CITY OF BURBANK AND THE CITIES OF ALHAMBRA, ARCADIA, GLENDALE, MONROVIA, MONTEREY PARK, PASADENA, SAN GABRIEL, SAN MARINO, SIERRA MADRE AND SOUTH PASADENA.

Adopted The consent calendar was adopted by the following vote:

Ayes: Council Members Golonski, Gordon, Ramos, Vander Borcht and Campbell.

Noes: Council Members None.

Absent: Council Members None.

9:39 P.M. Mr. Campbell Left the Meeting  
 Mr. Campbell left the Chamber due to a potential conflict with the following item.

911 Glendale-Burbank Interceptor Sewer Project  
 Mr. Andersen, Assistant Public Works Director/Wastewater, reported that on September 11, 2006, staff received copies of the Final Environmental Impact Report (EIR) for the Integrated Resources Plan, which includes the Glendale-Burbank Interceptor Sewer (GBIS) Project. He elaborated that the GBIS Project is an eight-foot diameter sewer tunnel approximately 100 feet deep. He added that the construction involves using a 60-foot diameter shaft site and tunneling horizontally to the next shaft site, reducing adverse impacts along the route by concentrating them at the shaft sites. He reported that when the Draft EIR was released, two alignments were proposed, a northern and southern alignment. He stated that the northern alignment included many objectionable adverse impacts which were cited in the City's comment letters. He added that near the end of the comment period, a Hybrid Alignment, that combined portions of the northern and southern alignments, was proposed. He noted that the City once again sent a comment letter opposing the alignment, and subsequent letters asking for an extension of the comment period and requesting consideration of a Los Angeles River alignment. He clarified that the City requested that the Draft EIR be amended and re-circulated for another comment period but the City of Los Angeles stated the EIR was amended and modified as a Final EIR product and not as

a Draft EIR.

Mr. Andersen informed the Council that the recommendation of the Final EIR is the Hybrid alignment, which avoids many of the adverse impacts of the northern or southern alignments. He added that in response to the City's comments, the City of Los Angeles stated that the recommended route prohibits any alignments under Rose Street or Clybourn Street, had no shaft sites, treatment facilities or maintenance holes in Burbank and will not tunnel under residential private property. In addition, the alignment includes noise and vibration dampening measures and construction traffic restrictions.

Mr. Andersen stated that the Los Angeles Board of Public Works will hear this matter soon and the Los Angeles City Council, which is the approval authority, will consider the matter in October 2006. He noted that actual construction is scheduled for 2011.

Following Council deliberation, staff was directed to seek legal expertise to review the Glendale-Burbank Interceptor Sewer Project's Final Environmental Impact Report.

10:33 P.M.  
Recess

Mrs. Ramos called for a recess at this time. The meeting was reconvened at 10:39 p.m. with all members present.

1006-1  
Conflict Of  
Interest  
Code Revisions

Ms. Scott, Chief Assistant City Attorney, reported that State law mandates that the City review its Conflict of Interest Code, the list of designated reporting positions and the respective disclosure categories every two years. She noted that the purpose of this review is to: provide reasonable assurance that all foreseeable potential conflict of interest situations involving City employees, and members of listed Boards and Commissions will be disclosed and/or prevented; provide each affected person with a clear and specific statement of his or her duties under the Code; and, adequately differentiate between designated employees and Board and Commission members with different powers and responsibilities. She added that State law also mandates that upon completion of the review of the Conflict of Interest Code, the Code should be amended to reflect any changes necessitated by the review, including new and/or different positions, duties and responsibilities.

Ms. Scott stated that staff had completed the review and the proposed ordinance amends the Conflict of Interest Code to reflect the changed positions, and to specify disclosure categories on the Form 700 Statement of Economic Interests which more accurately reflect the actual duties and responsibilities of the positions. She added that the amendments to this ordinance also remove obsolete

references and confusing language from the Conflict of Interest Code. She noted that previously, the required Appendix listing the designated positions and the disclosure categories was adopted by separate resolution; however, this amendment incorporates the Appendix into the Burbank Municipal Code to ensure that future reviews and updates are thorough and complete.

Dr. Gordon stated that any employee, Board or Council Member involved in decision making should have full disclosure. He noted that the position of Assistant City Manager was not listed in the Appendix of designated employees and suggested that the Assistant City Manager and Assistant Community Development Director positions have full disclosure.

Motion

It was moved by Mr. Vander Borcht and seconded by Mr. Golonski that "the following ordinance be introduced and read for the first time by title only and be passed to the second reading." The ordinance was introduced and the title read:

1006-1  
Conflict Of  
Interest  
Code Revisions

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTIONS 2-1601, 2-1602, AND 2-1603 OF THE BURBANK MUNICIPAL CODE, RELATING TO CONFLICT OF INTEREST CODE.

Mr. Golonski expressed concern with expanding the list of Boards and Commissions to include the Board of Library Trustees, Senior Citizen Board and Heritage Commission, noting that this may be a burden on individuals who volunteer. He agreed with adding the Landlord Tenant Commission and requested that the real property disclosure category be required for the Commission. Dr. Gordon concurred.

Mr. Vander Borcht approved of adding the Boards and Commissions as proposed by staff, noting that the individuals may have a potential for conflict.

Substitute  
Motion

It was moved by Mr. Golonski, seconded by Dr. Gordon that "the following ordinance be introduced and read for the first time by title only and be passed to the second reading, with the exception of adding the Board of Library Trustees, Senior Citizen Board and Heritage Commission to the Appendix of designated filers, and incorporating the request for staff to review the designated positions to ensure that they reflect the duties of the positions." The ordinance was introduced and the title read:

9/26/06

1006-1  
Conflict Of  
Interest  
Code Revisions

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTIONS 2-1601, 2-1602, AND 2-1603 OF THE BURBANK MUNICIPAL CODE, RELATING TO CONFLICT OF INTEREST CODE.

Substitute  
Motion  
Failed

The substitute motion failed by the following vote:

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

Original  
Motion  
Amended

The original motion moved by Mr. Vander Borght and seconded by Mr. Golonski was amended to include "directing staff to include the position of Assistant City Manager in the Appendix of designated filers and to make certain that all staff that have the ability to make decisions on behalf of a Director have similar disclosure categories."

Vote on  
Original  
Motion

The original motion was passed by the following vote:

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

700  
Burbank  
Community  
Foundation

Ms. Flores, Community Coordinator, Community Development Department (CDD), requested Council input and approval for staff to work with the existing Burbank Community Foundation (BCF) to reconstitute its by-laws and enter into an agreement whereby City staff would take a lead role in managing the BCF. She reported that on May 11, 2000, the BCF was incorporated as a non-profit with a mission to support and advance the educational, cultural and economic interests of the Burbank community. She explained that the BCF was to be a small community-run organization managed by the Board of Directors and had not intended to include the position of an Executive Director. Nevertheless, the BCF Board has, over time, considered expanding the scope of their fundraising and giving program. She noted that through active discussions, the Board determined that the increased overhead costs of such a program would create a significant financial burden and, in at least the short-term, affect their ability to support their ongoing giving projects.

Ms. Flores reported that on November 1, 2005, staff presented a draft agreement between the City and the BCF and was directed to return with additional details on how a new or expanded Board would be formed, and how the revamped BCF would be generally structured and operated. Staff was also directed to gather information and feedback from cities such as Anaheim on the success of their community foundations and what, if any, issues have arisen and how they have been resolved.

Ms. Flores noted that the goal of a reconstituted BCF would be to expand the donor base of the organization and help create greater, more engaged private, public and non-profit partnerships, which will provide stronger financial and in-kind support for the social service infrastructure of the community. She added that CDD staff shall serve as Executive Director and additional administrative staff, on an as-needed basis, as well as office space, equipment and supplies shall be provided and absorbed by the CDD budget at no cost to the BCF. She noted that the City's proposed main function through the BCF will be to develop increased local charitable giving programs, such as employee payroll deduction and utility bill contribution.

Ms. Flores informed the Council that a reconstituted BCF will help individuals looking for ways to contribute to the Burbank community. She noted that oftentimes, giving is limited due to skepticism and potential donors may be more willing to give if charity dollars stay local. She stated that the BCF will not have administrative overhead; therefore, every dollar given will be spent locally, and if designated by the donor, on their identified organization.

Dr. Gordon stated that since taking office as a Council Member, he was never made aware of any City plans to take over a non-profit organization with City employees being put in the position of running the organization or taxpayers' dollars being used to operate the foundation. He inquired as to whether the City Charter stated that the City Council and staff can take over a non-profit organization using City employees, facilities, services and taxpayers' dollars. He noted that a majority of the new Board will consist of City appointees and Community Development staff will be the Executive Director, representing an inherent conflict of interest and liability for the City. He stated that this seems to be a means of by-passing the Conflict of Interest laws. He expressed opposition to the voluntary payroll deduction program and questioned the City's involvement, stating that the proposal was making a government agency out of an existing private non-profit organization. He stated that he was adamantly opposed to the proposal.

Mr. Golonski stated that the proposal is not an attempt to skirt

Conflict of Interest laws and any Council Member who solicited a donation for the organization would have to disclose it. He added that the proposal is an excellent idea that has worked in other communities such as Anaheim. He also noted that the non-profit was set up by the Chamber of Commerce with hopes of becoming the local United Way of Burbank but never took off, and the proposal was a convenient opportunity to piggy back on the Chamber's efforts and re-establish it. He stated that the City's intent is not to step into the role of the non-profits but to offer a fundraising opportunity that does not exist and which supplements the City's efforts with Community Development Block Grant funds. He noted that participation is voluntary and the participants are provided an opportunity to designate their contributions to a particular organization or endowment fund. He acknowledged that the proposal may need some tweaking and stated that its success is going to be determined by how well it is run and how fair and good the Board of Directors is, but he trusted that the appointees would work hard to make sure success is achieved.

Mr. Vander Borcht expressed support for the proposal. He noted that the purpose of the Community Development Department has shifted over time beyond economic development, zoning and land use issues to how to deal with a City that is mature and how to help those who are less fortunate. He added that the proposal provides an opportunity to support an organization in a minimal way with the ability to leverage resources for those who are less fortunate and keep the funds in the community. He stated that this is a first step but changes may be necessary in the future as needed.

Mrs. Ramos expressed support for the concept but not the structure and reconstitution. She stated that she is not ready to adopt the draft by-laws because more measures are needed to ensure equitability and sustainability. She also expressed concern with the broadness of the definition of purpose since it is what dictates the future direction of the foundation. She noted that a foundation has the potential to become a political vehicle and measures must be put in place to ensure that such circumstances do not occur.

Mr. Campbell supported the concept and its intentions. He also noted that this is a first step and changes may be made as necessary.

Ms. Alvord elaborated on the City's support of non-profits and gave a brief history of the proposal's concept. She noted her strong support for the foundation and stated that while it may not be perfect, the rewards for the community will far outweigh any resource contribution that the City makes.

Mrs. Georgino, Community Development Director, clarified the City's mission of helping the community to be stronger and to take measures that help build a great community at different levels. She

noted that staff's intent is to reconstitute the foundation and expand its donor base and elaborated on the rationale for staff's proposal.

Dr. Gordon requested that if the foundation goes forward, a periodic report be provided indicating the City's associated cost of participating in the foundation. Mr. Campbell also requested that the benefits be measured as well. The Council concurred.

Motion

It was moved by Mr. Vander Borght, seconded by Mr. Golonski and carried with Dr. Gordon voting no and Mrs. Ramos abstaining to "approve of the proposed reconstitution of the Burbank Community Foundation and its accompanying draft by-laws and updated draft agreement."

1503  
Energy  
Efficient  
Programs

Ms. Meyer, Marketing Manager, Burbank Water and Power (BWP), requested the Council approve the following energy-saving and educational programs, and direct and authorize the BWP General Manager to implement the programs, entering into any and all necessary agreements for the purpose consistent with the programs:

Low-Income Refrigerator Replacement Program, which will remove old refrigerators and replace them with Energy Star refrigerators in 400 low-income households;

Refrigerator Round-Up Program, which will remove 500 secondary refrigerators from Burbank homes saving 1,000,000 kilowatt-hours annually;

Leadership in Energy and Environmental Design (LEED) Certification Incentive Program, which will encourage the construction of environmentally-preferred buildings in Burbank;

Purchase and installation of a Thermal Energy Storage System at the Disney Cancer Center at a cost of \$101,982 to showcase responsible energy stewardship in Burbank;

Wet Cleaning Incentive Program, which will provide education on the advantages of professional wet cleaning to all Burbank dry cleaners and provide additional financial incentives of \$10,000 to up to five cleaners converting to wet cleaning;

Enhanced Solar Photovoltaic Support Program, which will increase the limits of the BWP Solar Support Program to 3.3 kilowatts for residential installations and 8.5 kilowatts for business installations;

Outsourced Educational Coordinator Program, in concert with two other local utilities of Azusa and Banning, to provide in-class instruction on energy to Burbank's Fourth Grade students, modeled

on BWP’s long-standing and very well-regarded Speaker’s Bureau Program;

Livingwise Educational Program, which will provide residential energy and water savings in tandem with energy education delivered through Sixth Grade classes; and,

Energy and Water Conservation Education Program, which will provide educational materials on the wise use of energy and water resources to Burbank Third Graders as a companion piece to BWP’s online Energy Efficiency World information.

Ms. Meyer reported that there are sufficient funds available in the BWP budget to cover the cost of the proposed programs.

Dr. Gordon expressed concern with the Thermal Energy Storage System at the Disney Cancer Center, stating that the Center is a private non-profit hospital and not a government facility, and would prefer the demonstration be done at a public facility such as a school or library.

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

1503 Energy Efficient Educational Programs **RESOLUTION NO. 27.326:**  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING IMPLEMENTATION OF THE ENERGY EFFICIENCY AND EDUCATIONAL PROGRAMS OF BURBANK WATER AND POWER FOR FISCAL YEAR 2006-2007.

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.

204 Subsidizing Candidate Statements A report was received from the City Clerk’s Office requesting Council consideration of whether the City will subsidize the cost of candidate statements for the 2007 Municipal Elections. Pursuant to the Burbank Municipal Code, each candidate for an elective office may prepare a candidate statement and the Council is required to determine, by resolution, whether charges shall be levied against



candidates for the cost of sending the candidates' statements to the registered voters.

The report indicated that the cost of the statements may be paid either partially or entirely by the candidates or the City, and the preliminary estimate for a half-page candidate statement is \$750, based on the number of registered voters to whom the Voter Information Pamphlet is mailed. Staff indicated that beginning with the 2006 Special Election, the City is required to print an entirely bilingual Sample Ballot (English/Spanish) pursuant to the Federal Voting Rights Act. However, any candidate who desires to have their statement in any language other than English or Spanish will have to pay for the entire cost (\$750) of that foreign language statement.

Motion It was moved by Mr. Golonski, seconded by Mrs. Ramos and carried with Mr. Campbell and Mr. Vander Borcht abstaining that, "a \$300 subsidy be approved and staff be directed to return with the appropriate resolution."

201-1  
Use of Videos  
During  
Orals Mr. Barlow, City Attorney, reported that the Council has expressed interest in restricting the playing of campaign video tapes during the several periods of oral communications at Council meetings. He expressed a concern that limiting certain types of video tapes would be a content-based restriction and would probably be struck down by the Courts and as such, staff recommended that if a restriction would be considered, all video tapes and DVDs be prohibited. He also elaborated on the copyright issues related to use of music and non-City videos that may be copyrighted and protected, and would pose a liability issue if run on the City's broadcast.

Following Council deliberation, staff was directed to establish a pledge system to request candidates to refrain from, and discourage their supporters from airing campaign videos during oral communications.

Ordinance Submitted It was moved by Mr. Golonski and seconded by Dr. Gordon that "Ordinance No. 3707 be read for the second time by title only and be passed and adopted." The title to the following ordinance was read:

Reinstatement  
Of AUP Req.  
For ORDINANCE NO. 3707:  
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK  
AMENDING SECTION 31-1407.1 OF THE BURBANK MUNICIPAL

9/26/06

Downtown Restaurants CODE RELATING TO THE ADMINISTRATIVE USE PERMIT REQUIREMENTS FOR DOWNTOWN RESTAURANTS.

Adopted The ordinance was adopted by the following vote:

Ayes: Council Members Golonski, Ramos, Vander Borght and Campbell.

Noes: Council Member Gordon.

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 Appearing to comment was David Piroli, on use of videotapes during oral communications.

Staff Response Members of the Council and staff responded to questions raised.

1:09 A.M. Adjournment There being no further business to come before the Council, the meeting was adjourned at 1:09 a.m.

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Margarita Campos, CMC  
City Clerk

APPROVED DECEMBER 19, 2006

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Mayor of the Council  
of the City of Burbank