

TUESDAY, JANUARY 30, 2007

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 6:37 p.m. by Mr. Campbell, Mayor.

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

Flag Salute           The pledge of allegiance to the flag was led by Council Member Golonski.

ROLL CALL

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

Absent - - - -       Council Members None.

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

301-1  
Recognition –  
Molly Stretten       Mayor Campbell recognized Molly Stretten, President of the Volunteers of the Burbank Animal Shelter, for her dedication to the organization.

301-1  
Be A Santa To A  
Senior Program       Mayor Campbell recognized Gary Reid for his leadership in creating the Be A Santa To A Senior Program.

301-1  
Fall Crest  
Program             Mr. Griffin, Administrative Analyst, Management Services Department, briefly described the City Resources Employing Students Today (CREST) Program and commended City departments that helped make the program successful by employing the students. Certificates of Completion were presented to the following graduates of the Fall CREST Program: Sebastian Durelli; Anthony Gaona; Brandon Gonzalez; Karine Hovagimyan; James Lichnovsky; Leah McCormick; Stewart Morales; Harout Moroyan; Cindy Sanchez; and, Talene Savadian.

301-1  
Wear Red for  
Women Day         Mayor Campbell read a proclamation in honor of Wear Red for Women Day, a campaign by the American Heart Association to raise awareness about heart disease in women.

Reporting on  
Council Liaison  
Committees         Mr. Vander Borght reported on attending the Art Specific Committee meeting for the Community Services Building (CSB) Project and the groundbreaking ceremony for the project.

6:48 P.M.           Mr. Golonski reported on attending the DeBell Clubhouse Subcommittee meeting.

Mayor Campbell stated that “this is the time and place for the

604 Public Hearing Tobacco Retailers Licensing Ord.	hearing on adding Article 25 to Chapter 8 of the Burbank Municipal Code to establish licensing requirements and procedures for all businesses who engage in the sale of tobacco products."
Meeting Disclosures	Mrs. Ramos reported on previously meeting with a representative of the California Grocers Association.  Mr. Campbell reported on speaking to Mr. Phipps prior to the meeting.
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 an e-mail in opposition to the ordinance, and a letter from the California Grocers Association requesting that the ordinance be amended to exempt those retailers not found in violation from the annual licensing fee.
Staff Report	Mr. Hirsch, Assistant Community Development Director/ License and Code Services, requested the Council consider a Tobacco Retailers Licensing Ordinance. He reported that the issue of licensing businesses which engage in the sale of tobacco products first came to the Council's attention in June 2003, and has remained of interest since that time. He noted that the primary goal of the ordinance is to reduce the number of illegal tobacco sales to underage children (under the age of 18), thereby creating less of an environment for children to begin a life-long addiction to tobacco products. He stated that jurisdictions that have established such ordinances have determined that aside from State laws and educational programs, one of the best tools of accomplishing the goal of reducing illegal tobacco sales to minors is through a licensing ordinance.  Mr. Hirsch informed the Council that various statistics in the City of Burbank indicate that 20 percent of 90 retailers were willing to sell cigarettes to underage children and that 29 percent of the eleventh graders that were polled in Burbank have tried tobacco products. He added that tobacco usage by children is a universal problem and the City now has an opportunity to address the issue by adopting a Tobacco Retailers Licensing Ordinance. He explained that the primary components of the ordinance are: establishing a licensing requirement; creating a license application process; establishing grounds for approval or denial of a license; creating license renewal and expiration periods;

formulating a fee structure for the license and licensing process; requiring a license to be maintained in good standing in order for the license to remain valid; allowing for compliance monitoring; creating a license revocation/ suspension process based on a threshold number of violations; establishing a re-application process for expired licenses and revoked/suspended licenses; setting penalties for violations of the ordinance; and, allowing tobacco sales only at fixed locations.

Mr. Hirsch recommended that the cost of the license be \$235 per fiscal year, and pro-rated on a quarterly basis. He explained that the fee is based upon \$200 for the enforcement and administrative cost, and \$35 for the application processing fee. He stated that this cost is below the State average of \$250, excluding the processing fee. He added that as is the process with most new license-related ordinances, staff will formulate an educational and enforcement element. To that end, staff will send notification letters to all businesses currently registered with the State and will send utility bill inserts, hold a community meeting, issue press releases and place the information on the Channel 6 scroll, City website and in the Chamber of Commerce newsletter.

A presentation would also be made to the School Board. He also stated that staff is recommending that the effective date of the ordinance be July 1, 2007 to coincide with the annual fiscal year renewal date of the City's other regulatory licenses, as well as provide staff with sufficient time to educate the business community on the requirements of the new ordinance. He also noted that although both the issuance of this regulatory license and the administration of the license will be the responsibility of the License and Code Services Division, the enforcement will be shared with the Police Department, and will be conducted both proactively through youth decoy stings and reactively in response to public complaints.

Citizen  
Comment

Appearing to comment in support of the ordinance were: Robert Phipps; Stan Hyman; Eric Michael Cap; Alisha Lopez; Robyn Russon; Steven Gallegos; Lauren Wygle; Christine Hoosepian-Mer; Albert Hernandez; Janice Chow; Mark Barton; Monty Messex; and, Wariesi Flores.

7:55 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, Mr. Vander Borght, Mrs. Ramos and Mr. Campbell expressed support for the ordinance. Dr. Gordon agreed with the

objectives of the ordinance but expressed concern that the fee may place an undue burden on the small businesses, and requested that the ordinance be reconsidered on an annual basis. There was no Council consensus to support such request.

Ordinance  
Introduced

It was moved by Mr. Campbell, seconded by Mr. Vander Borgh and carried that “the following ordinance be introduced and read for the first time by title only and be passed to the second reading.”

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK  
ADDING ARTICLE 25 TO CHAPTER 8 OF THE BURBANK  
MUNICIPAL CODE ESTABLISHING LICENSING  
REQUIREMENTS AND PROCEDURES FOR ALL BUSINESSES  
WHO ENGAGE IN THE SALE OF TOBACCO PRODUCTS.

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: Gary Garrison, on the karaoke program at the Joslyn Adult Center; Marva Lea Kornblatt, on the Rancho Master Plan; Anja Reinke, in support of the smoking ban and suggesting adding other locations where children can be present such as libraries and day care centers; Robert Phipps, in support of the smoking ban; Eric Michael Cap, in support of the renovation of the athletic fields at Burbank and Burroughs High Schools and the soccer field at Jordan Middle School, commenting on the candidate forum conducted by the League of Women Voters and inquiring as to the sale of the B-6 Property at the Airport; Mark Barton, on comments made at a previous meeting; Robert Berger and Steve Gallegos, in support of the smoking ban; and, David Piroli, on the enforcement mechanism for the Tobacco Retailers Licensing Ordinance.

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

Appearing to comment were: Robert Berger, Janice Chow, Robert

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Comment	Phipps and Eric Michael Cap, in support of smoking regulation; Stan Hyman, on the affordable housing agreements approved at a previous Council meeting; Molly Hyman, in opposition to restricting the freedoms of those who wish to smoke and on the art projects submitted for the intersection of Burbank and Victory Boulevards and Victory Place; Mark Barton, in support of the art piece depicting Dr. David Burbank; and, David Piroli, in support of the art piece depicting Dr. David Burbank and on restrictions on the freedoms of smokers.
Staff Response	Members of the Council and staff responded to questions raised.
9:25 P.M. Recess	The Council recessed to permit the Redevelopment Agency and Parking Authority to hold their meetings. The meeting reconvened at 9:27 p.m. with all members present.
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."
804-2 1102 Redevel. Agency Annual Report	<u>RESOLUTION NO. 27,412:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ACCEPTING AND RATIFYING THE TRANSMITTAL OF THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK'S ANNUAL REPORT OF FINANCIAL TRANSACTIONS TO THE STATE CONTROLLER.
1301-3 BS R-1228 AMC Trash Enclosure-133 E. Orange Grove Ave.	<u>RESOLUTION NO. 27,413:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK CONSENTING TO THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK EXPENDITURE FOR CERTAIN PUBLIC IMPROVEMENTS ON THE PARKING AUTHORITY PROPERTY (TRASH ENCLOSURE - 133 EAST ORANGE GROVE AVENUE).
1204-1 Final Tract Map 64157-2318 N. Fairview St.	<u>RESOLUTION NO. 27,414:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING FINAL MAP OF TRACT NO. 64157 (2318 North Fairview Street).
1301-3 Final Change Order-BS 1209	<u>RESOLUTION NO. 27,415:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING FINAL CHANGE ORDER IN THE AMOUNT OF \$110,103.30 FOR THE STREET REPAIR PROJECT, BID SCHEDULE NO. 1209 AND APPROVING THE PROJECT AS

MODIFIED.

1202-6  
Approve Agmt  
with Mag Park  
PBID

RESOLUTION NO. 27,416:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
APPROVING AN AGREEMENT WITH THE MAGNOLIA PARK  
PARTNERSHIP, INC. FOR THE ADMINISTRATION OF THE  
MAGNOLIA PARK PROPERTY AND BUSINESS IMPROVEMENT  
DISTRICT.

Adopted

The consent calendar was adopted by the following vote:

Ayes: Council Members Golonski, Gordon (except Resolution  
No. 27,416), Vander Borcht, Ramos and Campbell.  
Noes: Council Members None.  
Absent: Council Members None.  
Abstain: Council Member Gordon (Resolution No. 27,416  
only).

902  
Smoking  
Ban options

Mr. Forbes, Senior Planner, Community Development  
Department, reported that on December 5, 2006, the Council  
directed staff to return with options for an ordinance to regulate  
smoking and to provide stakeholder outreach and opportunities  
for public input. On January 16, 2007, staff indicated to the  
Council that the direction provided in December could result in a  
long process over a period of several months as options are  
formulated and public outreach is conducted. He stated that  
some Council members expressed concern about a prolonged  
process, and the Council directed staff to return as quickly as  
possible with information about approaches used by other cities,  
to be used as a basis for outlining the options available to  
Burbank.

Mr. Forbes reported that State law regulating smoking in places of  
employment became effective in 1995. The purpose of the State  
law is to reduce employee exposure to secondhand smoke. He  
stated that in addition to the workplace smoking law, other  
sections of California law also regulate smoking, and a number of  
California cities have their own smoking ordinances that  
supplement State smoking laws and vary in the type of  
restrictions imposed.

Mr. Forbes noted that based upon Council direction and the  
approaches used by other cities, staff has compiled a list of

locations where smoking could be prohibited or otherwise restricted within the City, including parks, pedestrian plazas, elevators, outdoor dining areas at restaurants and bars, outdoor service lines where people wait for goods or services, transit stations and stops, Downtown Burbank, Magnolia Park, the Chandler Bikeway and common areas of residential multi-family projects.

Mr. Forbes recommended the Council provide direction on the content of a draft smoking regulation ordinance, which would be made available for public review. In addition, copies of the draft ordinance would be provided to community business groups and other stakeholders. He stated that following public review of the draft ordinance, a public hearing will be scheduled for the Council to receive input from the community, tentatively scheduled for late March 2007. He reported that notice of the hearing would be provided to stakeholder groups and businesses most affected by the proposed ordinance, and possibly through a Citywide mailing, pending direction from the Council.

Mr. Forbes also requested direction from the Council as to: the indoor and outdoor locations where the Council desires to prohibit or otherwise regulate smoking; whether the proposed outreach effort and hearing schedule proposed by staff are adequate and appropriate; and, whether the Council desires to conduct a Citywide mailing or a targeted mailing to specific stakeholders.

Mr. Golonski and Dr. Gordon expressed preference for additional time to allow for as much public outreach and input as possible prior to a public hearing, even if the process is extended.

Mrs. Ramos, Mr. Vander Borght and Mr. Campbell noted the detrimental impacts of secondhand smoke and supported moving forward with the ordinance with the timeline as recommended by staff, including outreach to the community, stakeholders, Chamber of Commerce, Planning Board and Park, Recreation and Community Services Board.

Staff was directed to proceed with the development of a smoking ban ordinance, with focus on the following areas: outdoor shopping areas, multi-family common areas; restaurant and bar patios; outdoor service lines; City parks; identified gathering areas such as plazas, paseos and transit stations; and, Downtown Burbank. The ordinance would also include a clause that smoking would be permitted in certain areas if no non-smokers were within a specified

distance. The Council also directed that designated smoking areas be established in the outdoor areas.

1705-2  
Five Points  
Art  
Installation

Mr. Hansen, Park, Recreation and Community Services Director, requested the Council select an artist to design and fabricate a gateway public art installation at the intersection of Burbank and Victory Boulevards and Victory Place, formerly known as Five Points. He reported that on November 22, 2005, the Council directed staff to initiate an artist search and subsequently, the Council approved the development of a gateway art project and appropriated a total of \$300,000. In addition, a Site Specific Art Committee was appointed.

Mr. Hansen added that in May 2006, staff released a Request for Proposal/Request for Qualifications for the Five Points Art Installation and twenty-five proposals were received. The Committee carefully reviewed all proposals and selected seven semi-finalists prior to selecting three finalists.

Mr. Hansen then introduced the following artists who elaborated on their art piece proposals: Mr. Andrea Favilli, a South Pasadena artist, who proposed a slightly larger-than-life bronze sculpture of Dr. David Burbank standing in front of a flagpole on a large pedestal; Mr. Gordon Huether, a Napa Valley artist, who proposed a twenty-foot painted steel film reel, with a film strip of twenty to thirty photographic images in glass panels representing the history of Burbank; and, Ms. Beverly Precious from Indianapolis, Indiana, who proposed film strips arcing over a stainless steel reel forming a gateway or bridge to the City.

Mr. Hansen reported that the Committee recommended the Council select Mr. Favilli's art piece and noted that there is currently \$285,000 in the Five Points Art Installation Project fund.

Motion

It was moved by Mr. Vander Borght, seconded by Mrs. Ramos and carried to "select Mr. Favilli's art piece, Dr. David Burbank, with direction that staff work with the artist on the impact of the art piece with respect to scale, massing and height. Staff was also directed to return to the Council if additional funds are needed."

1702  
Universal

A report was received from the Community Development Department, stating that at the Council meeting of March 21,

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Parking Stall  
Size

2006, staff was directed to prepare a report on universal parking stall dimensions. The report noted that the Burbank Municipal Code requires a minimum width for parking stalls depending upon land use, but all parking stalls are required to have a length of 18-feet. Staff noted that the existing parking requirements ensure that land uses having higher traffic and parking generation characteristics (retail and commercial services, banks and savings and loan institutions and medical offices) be required to have nine-foot stalls to accommodate drivers entering and exiting the business with greater frequency. Land uses having lower traffic and parking generation characteristics (residential, general office and industrial) are allowed to provide eight-foot, six-inch stalls to accommodate the less frequented uses.

Staff reported that study of adjacent communities and relevant research materials indicate that, if a universal stall size were to be adopted, the eight-foot, six-inch by 18-foot stall would be most appropriate. However, if adopted, the width requirement for higher intensity uses would actually be decreased from nine-feet to eight-feet, six-inches, providing less maneuverability for vehicles entering and exiting the parking stall. In staff's assessment, it was not necessary, at this time, to consider modifying the existing stall requirements.

The Council noted and filed the report with no changes to the City's parking stall size standards.

12:20 A.M.  
Reconvene  
Agency and  
Parking Authority  
Meetings

The Redevelopment Agency and Parking Authority meetings were reconvened at this time for public comment.

Final Open  
Public Comment  
Period of Oral  
Communications

There was no response to the Mayor's invitation for speakers for the final open public comment period of oral communications at this time.

12:21 A.M.  
Memorial  
Adjournment

There being no further business to come before the Council, the meeting was adjourned at 12:21 a.m. in memory of Shirley Lee Grant Harmon and Donald Eugene Dennis.

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Margarita Campos, CMC  
City Clerk

APPROVED JUNE 19, 2007

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Mayor of the Council  
of the City of Burbank