

TUESDAY, FEBRUARY 13, 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 5:34 p.m. by Mr. Campbell, Mayor.

CLOSED SESSION

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

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

5:34 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:

Conference with Legal Counsel – Anticipated Litigation:
Pursuant to Govt. Code §54956.9(b)(1)
Number of potential case(s): 1

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:33 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 Claudette Banares.

ROLL CALL

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

301-1 African American Month Proclamation Mayor Campbell presented a proclamation in honor of African American History Month to Stacey Milner and Ted Milner, a member of the Burbank Civil Service Board.

301-1 Children's Dental Health Month Mayor Campbell presented a proclamation in honor of Children's Dental Health Month to Louanna Fonnegra.

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Reporting on
Council Liaison
Committees

Mrs. Ramos reported on attending the San Fernando Valley Service Sector Council of the Metropolitan Transportation Authority.

Dr. Gordon reported on attending the Treasurer's Subcommittee meeting with Mr. Golonski.

6:48 P.M.
1704-5
602
Public Hearing
Project No.
2006-059
347 North
Ontario Street.

Mayor Campbell stated that "this is the time and place for the hearing on the appeal of the Planning Board's decision denying Project No. 2006-059, Variance and Second Dwelling Unit, a request by Mr. Vincent Yaniello. The project was denied by the Planning Board on September 11, 2006."

Meeting
Disclosures

Mrs. Ramos reported on meeting with Mr. Yaniello.

Mr. Campbell stated he had a brief e-mail exchange 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 the City Clerk's Office received a letter from the applicant and three e-mails in opposition to the project.

Staff Report

Ms. Yelton, Assistant Planner, Community Development Department, requested the Council consider an appeal of the Planning Board's decision to deny Project No. 2006-059, Variance and Second Dwelling Unit (SDU). She explained that the applicant requested to construct a 500-square foot SDU without the required additional parking space. She noted that the appeal was submitted by Mr. Vincent Yaniello who resides at the subject property, stating that the proposed project meets all requirements for SDUs except for the additional parking space, and that the findings can be made for the approval of a Variance.

She informed the Council that the property is located at 347 North Ontario Street in the R-1 Single-Family Residential Zone, with an existing garage constructed approximately six feet from the existing home which does not allow room for a car to maneuver between the building and into the rear yard. She noted that the applicant states that he utilizes the existing garage for his vehicle and that the proposed SDU will be for his son who will also utilize the garage. She reported that the Planning Board denied the project because the applicant could not meet the parking requirement for an SDU and two of the four findings

required for a Variance could not be made. She also noted that three of the four members of the public who spoke at the Planning Board hearing were also opposed to the project, stating there is another illegal SDU near the subject site and that parking is already an issue on the street. She added that the individual who spoke in favor of the project stated that parking is not an issue at any time of the day.

Ms. Yelton informed the Council that in appealing the Planning Board's decision, Mr. Yaniello states that there are no alternatives for constructing an SDU without a parking Variance, parking is not an issue on the street, the proposed SDU will have no detrimental impacts on the aesthetics of the neighborhood and he does not have control over the other illegal SDU within 300 feet of his property. She noted staff's assessment that two of the required four findings cannot be made and recommended the Council deny the appeal and uphold the Planning Board's decision to deny the project.

Applicant	Mr. Yaniello, applicant, requested the Council's consideration of his Variance and stated that contrary to staff's assessment, special circumstances exist by the fact that the property is only 45 feet wide, making it virtually impossible to drive a car to the back yard for additional parking. He noted the need for SDUs for children and elderly parents, and urged the Council to consider those who will benefit in such homes.
Citizen Comment	Appearing to comment in support of the project were: Alan Horwitz; Ellie Kahn; Kevin McKenna; Morton Steinman; and, Esther Espinoza. Commenting in opposition were David Heidenreich and Robin Wright. Also, Mark Barton commented on public comments made.
7:31 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, Dr. Gordon and Mr. Campbell stated they could not make the required findings. Mr. Vander Borcht stated that the 45-foot width of the lot could be considered extraordinary for the Variance but noted the challenge in making the findings. He also requested staff to provide a report on the other illegal SDUs.

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Mrs. Ramos requested clarification on the prevalence of 45-foot width lots in the neighborhood. Staff indicated that most of the lots on the street were 45 feet as well, with some that are 50 feet.

Motion It was moved by Mr. Golonski seconded by Dr. Gordon that "the following resolution be passed and adopted."

1704-5
602
Project No.
2006-059
347 North
Ontario Street.

RESOLUTION NO. 27,418:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK UPD HOLDING THE PLANNING BOARD'S DECISION AND DENYING PROJECT NO. 2006-059, A VARIANCE AND SECOND DWELLING UNIT (347 NORTH ONTARIO STREET).

Adopted The resolution was adopted by the following vote:

Ayes: Council Members Golonski, Gordon, Ramos, Vander Borgh and Campbell.
Noes: Council Members None.
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: Gael McGregor-Walsh, on the Whole Foods Project; Robert Phipps, in opposition to married couples serving on the City Council; David Ferialdi, Claudette Banares and Ella Shahjahanian, representing Providence High School, in support of the Close-Up Program; Rose Prouser, on Airport issues; Gary Garrison, on the Karaoke program at Joslyn Adult Center; Mark Barton, on speakers thanking the Council for speaking and in support of married couples serving on the City Council; Haydee Cortes and Veronica Menchaca, representing John Burroughs High School, in support of the Close-Up Program; Esther Espinoza, in support of two City Council candidates; Don Elsmore, on Airport issues; Eden Rosen, on affordable housing; Teresa Blanco, requesting waiver of City permit fee to conduct a health fair at Vallarta Market; Brett

Loutensock, in opposition to married couples serving on the City Council; Fred Prouser, on the Mayor's announcement about unsolicited e-mails; and, David Piroli, on Airport issues and on married couples serving on the City Council.

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 was: Rose Prouser, on the Community Development Block Grant capital projects and in support of the renovations at the Tuttle Senior Center.

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

Item Removed From Consent Mr. Golonski requested that the item regarding "Contribution to Burbank, Burroughs And Providence High School Students for the Annual Close-Up Program" be removed from the consent calendar for purposes of discussion. The Council concurred.

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

1204-1 Final Tract Map 62116 (355 N. Maple Ave.). RESOLUTION NO. 27,419:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING FINAL MAP OF TRACT NO. 62116 (355 NORTH MAPLE AVENUE).

1211 Decl. of Intent for Weed Abatement RESOLUTION NO. 27,420:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DECLARING THAT WEEDS GROWING UPON AND IN FRONT OF, AND BRUSH, RUBBISH, REFUSE, AND DIRT UPON AND IN FRONT OF CERTAIN PRIVATE PROPERTY IN THE CITY ARE A PUBLIC NUISANCE, AND DECLARING ITS INTENTION TO PROVIDE FOR THE ABATEMENT THEREOF.

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1011-2 RESOLUTION NO. 27,421:
1011-6 A RESOLUTION OF THE COUNCIL OF THE CITY OF
Defined BURBANK ADOPTING THE MODEL GOVERNMENTAL
Contribution Plan DEFINED CONTRIBUTION PLAN AND TRUST (401(a) PLAN)
And Trust 401(A) AND APPROVING THE ADOPTION AGREEMENT AND
For BFF and ADMINISTRATIVE AGREEMENT BETWEEN THE CITY OF
BFF-COU BURBANK AND NATIONWIDE RETIREMENT SOLUTIONS,
 INC. TO ESTABLISH A 401(a) PLAN FOR THE BURBANK
 FIRE FIGHTERS (BFF) AND BURBANK FIRE FIGHTERS –
 CHIEF OFFICERS (BFF – COU) UNIT LOCAL NO. 778.

Adopted The consent calendar was adopted by the following vote:

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

412 A report was received from the City Manager's Office requesting
Annual Council approval of a request from Burbank, Burroughs and
Close-Up Providence High Schools to contribute \$20,000 to aid Burbank
Program resident students with the cost of the annual Close-Up Program.
 The report indicated that the the Close-Up Program is an
 educational experience designed to acquaint high school
 students with the operation of the three branches of the Federal
 government.

Staff reported that this year, Burbank High School expects to send nine students to the Close-Up Program; Burroughs High School expects to send 18 students; Providence High School sent 14 students; and, Bellarmine-Jefferson High School planned to send 14 students on a New York City excursion which will include visits to the Statue of Liberty, Ellis Island, Times Square, the United Nations Building and Ground Zero, Fordham University and New York University. Staff stated that although this will be an exciting opportunity for Bellarmine-Jefferson students, staff feels that this type of excursion does not qualify for partial funding through the City's Close-Up Program Account. Funds in this account are specifically geared to assist Burbank resident students with the cost of attending the Close-Up Program; a nonprofit, nonpartisan foundation that has provided a "close up" experience of government to over 600,000 students since 1971. Staff indicated that the administration at Bellarmine-Jefferson accepted this determination.

Mr. Golonski stated that he was supportive of the Close-Up Program but noted that the amount contributed to each student varies each year depending on the number of participants. He suggested a \$500 subsidy and any left over funds could be rolled over to the next year with a \$20,000 cap. The Council concurred.

Motion

It was moved by Mr. Golonski, seconded by Dr. Gordon and carried to “approve a contribution totaling \$20,000 to eligible students from Burbank, Burroughs and Providence High Schools to partially offset the cost of the Close-Up Program and that a \$500 contribution cap per student be implemented provided the funding allocation allows, and any remaining funds be rolled over to the following fiscal year in the Annual Close Up account.”

804-3
CDBG
FY 2007-08
Annual Plan and
Final Statement
of Community
Development
Objectives and
Projected Use
of Funds.

Mr. Yoshinaga, Grants Coordinator, Community Development Department, requested the Council approve capital project uses funded with Community Development Block Grants (CDBG) and include them in the Fiscal Year (FY) 2007-08 Annual Plan and Final Statement of Community Development Objectives and Projected Use of Funds. He stated that Burbank submits an Annual Plan and applications for Federal funds, including CDBG, pursuant to regulations covering 24 Code of Federal Regulations Part 91, Consolidated Submissions for Community Planning and Development Programs. The Annual Plan and the Final Statement describe activities/projects planned to accomplish goals and objectives stated in the Consolidated Plan (FY 2003-08).

Mr. Yoshinaga explained that Burbank’s CDBG entitlement allocation for FY 2007-08 is estimated at \$1.36 million based on the City’s entitlement, United States Department of Housing and Urban Development (HUD) reallocated funds and program income for 2006. He noted that when the Annual Plan and Final Statement are approved by the Council in April 2007, capital project approvals will be adjusted to coincide with the actual 2007 entitlement and any HUD-reallocated funds. He added that currently, CDBG capital project funds are estimated at \$881,875. He reported that likewise, program administration and public services funding will be adjusted in April and will be appropriated at the statutory limits of 20 percent and 15 percent, respectively.

Mr. Yoshinaga added that the Annual Plan and Final Statement are scheduled for formal submission in May 2007. He noted that capital project requests are accepted earlier for City approval to allow sufficient lead time to complete pre-development tasks such as project design, preparation of specifications and bid scheduling. He stated that this advanced implementation

process permits projects to go forward immediately when Federal applications are approved by HUD and enables the City to spend CDBG funds in a timely manner to meet HUD expenditure requirements.

Mr. Yoshinaga reported that the Community Development Goals Committee met on November 16, 2006, and the Executive Staff met on December 6, 2006 to make their capital project recommendations. He noted that both Committees agree on the projects to be funded.

Motion It was moved by Mrs. Ramos, seconded by Mr. Golonski that "the following resolution be passed and adopted."

804-3 CDBG FY 2007-08 Annual Plan and Final Statement RESOLUTION NO. 27,422:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING CAPITAL PROJECT USES TO BE FUNDED WITH COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR FISCAL YEAR 2007-08 AND AUTHORIZING THEIR INCLUSION IN THE ANNUAL PLAN AND FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USES OF FUNDS.

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

1503 1504 Water and Power Operating Report Mr. Davis, Burbank Water and Power General Manager, provided the Monthly Water and Power Operating Report for the month of December 2006.
The Council noted and filed the report.

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 James Schad, on Council comments.

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

9:11 A.M. Adjournment There being no further business to come before the Council, the meeting was adjourned at 9:11 p.m.

Margarita Campos, CMC
City Clerk

APPROVED SEPTEMBER 18, 2007

Mayor of the Council
of the City of Burbank