



COUNCIL AGENDA - CITY OF BURBANK
 TUESDAY, MARCH 20, 2007
 5:30 P.M.

CITY COUNCIL CHAMBER – 275 EAST OLIVE AVENUE

This agenda contains a summary of each item of business which the Council may discuss or act on at this meeting. The complete staff report and all other written documentation relating to each item on this agenda are on file in the office of the City Clerk and the reference desks at the three libraries and are available for public inspection and review. If you have any question about any matter on the agenda, please call the office of the City Clerk at (818) 238-5851. This facility is disabled accessible. Auxiliary aids and services are available for individuals with speech, vision or hearing impairments (48-hour notice is required). Please contact the ADA Coordinator at (818) 238-5021 voice or (818) 238-5035 TDD with questions or concerns.

CLOSED SESSION ORAL COMMUNICATIONS IN COUNCIL CHAMBER:

Comments by the public on Closed Session items only. These comments will be limited to **three** minutes.

For this segment, a **PINK** card must be completed and presented to the City Clerk.

CLOSED SESSION IN CITY HALL BASEMENT LUNCH ROOM/CONFERENCE ROOM:

Conference with Legal Counsel – Existing Litigation:

Pursuant to Govt. Code §54956.9(a)

Name of Case: In the Matter of the Application of the Burbank-Glendale-Pasadena Airport Authority.

Case No.: OAH No. L2001-110412

Brief description and nature of case: Application of Burbank-Glendale-Pasadena Airport Authority made to Department of Transportation, State of California for Noise Variance.

When the Council reconvenes in open session, the Council may make any required disclosures regarding actions taken in Closed Session or adopt any appropriate resolutions concerning these matters.

6:30 P.M.

INVOCATION:

Ron White, American Lutheran Church.

The Courts have concluded that sectarian prayer as part of City Council meetings is not permitted under the Constitution.

FLAG SALUTE:

ROLL CALL:

PROCLAMATION: CAESAR CHAVEZ WEEK.

RECOGNITION: LUTHER BURBANK SPIRIT SQUAD.

COUNCIL COMMENTS: (Including reporting on Council Committee Assignments)

INTRODUCTION OF ADDITIONAL AGENDA ITEMS:

At this time additional items to be considered at this meeting may be introduced. As a general rule, the Council may not take action on any item which does not appear on this agenda. However, the Council may act if an emergency situation exists or if the Council finds that a need to take action arose subsequent to the posting of the agenda. Govt. Code §54954.2(b).

AIRPORT AUTHORITY MEETING REPORT:

1. AIRPORT AUTHORITY COMMISSIONER REPORT:

At the request of the Burbank representatives to the Airport Authority, an oral report will be made to the City Council following each meeting of the Authority.

The main focus of this report will be issues which were on the Airport Authority meeting agenda of March 19, 2007. Other Airport-related issues may also be discussed during this presentation.

Recommendation:

Receive report.

6:30 P.M. PUBLIC HEARINGS:

2. ABANDONED SHOPPING CART ORDINANCE:

The issue of abandoned shopping carts has been of interest to the Council since 2003. In previous deliberations, the Council has expressed concern about the growing numbers of abandoned shopping carts which negatively impacts the quality of life in Burbank through increased visual blight and potential hazards upon the public rights-of-way. Staff has determined by conducting citywide surveys that the number of abandoned shopping carts in Burbank can vary from 300 to over 500 carts daily.

The Council has directed staff to draft a City of Glendale-style Abandoned Shopping Cart Ordinance (Ordinance). The Glendale Ordinance, which Burbank has modeled a draft Ordinance from, is based on amending the zone text of the Burbank Municipal Code to address the issue of abandoned shopping carts. The Council directed staff to present the issue of abandoned shopping carts to the Planning Board (Board) because the proposed Ordinance amends the zone text.

The Board deliberated on this matter on November 13, 2006, which resulted in a 4-0 vote in favor of the Council moving forward with the proposed Ordinance. The Board made two recommendations, neither of which affected the text of the proposed Ordinance. They desired the Council to consider providing a “ramp-up” period of time for businesses to prepare for the implementation of the Ordinance, in addition to concerns about senior citizens not having access to shopping carts to transport their purchases.

At the heart of Ordinance is a requirement stating that a threshold number of abandoned shopping carts must be exceeded before a business is required to install or enact a shopping cart containment system. Under the proposed Ordinance, a business would be considered in compliance with the Ordinance if the business’ current shopping cart policies prevent fewer than five shopping carts abandoned within a 24-hour period. If fewer than five carts are removed and abandoned within a 24-hour period, the practices for that business, whether due to successful retrieval or successful containment system, will be considered effective.

The type of containment system installed by a business is not specified in the Ordinance. The only requirement is that the containment system must be approved by the City to qualify as satisfying the requirements of the Ordinance. A business is considered in compliance with the Ordinance if there is no record that their business has more than five shopping carts abandoned within a 24-hour period.

Recommendation:

Introduction of proposed ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK ADDING SECTION 31-1121 TO CHAPTER 31 OF THE BURBANK MUNICIPAL CODE RELATING TO SHOPPING CARTS.

3. PROJECT NO. 2006-26 – ZONE TEXT AMENDMENT: REORGANIZATION OF BURBANK MUNICIPAL CODE PLANNING APPLICATION PROCEDURES:

Article 19 of Chapter 31 of the Burbank Municipal Code (BMC) prescribes procedures for City consideration of various types of planning applications including Development Review, Conditional Use Permits, Variances and other planning permits and entitlements. As currently structured, each type of planning application has its own processing requirements, including those pertaining to hearings, noticing and decision making. Aside from Article 19, other sections of Chapter 31 establish the processing requirements for other types of applications. Processing requirements for tract and parcel maps are specified in Chapter 27 of the BMC.

In the current BMC, many of the requirements for different application types are duplicative, which results in redundant information appearing in the BMC. In other cases, requirements that could be applied uniformly to all application types are instead applicable only to certain types of applications but not others. The proposed Ordinance seeks to standardize the application process for all types of planning

applications. The Ordinance would establish five application processes. All planning applications would be processed pursuant to the provisions of one of the five processes. The general procedures in place now for individual application types would not change, but would be grouped into the process categories. The majority of changes included in the proposed Ordinance deal with the organization and language of the BMC, and would not result in any substantive changes to the process or other requirements.

In addition to improving the user friendliness of the Zoning Ordinance by removing redundancy and improving consistency, this Ordinance is being proposed by staff to simplify the process of adding new types of applications in the future. Further, the proposed use of standardized application processes is desired in conjunction with the use of a new project tracking software system that has been implemented for the Planning and Transportation Division. The system has greatly enhanced the Planning and Transportation Division's ability to manage project cases and to track previously-approved cases for compliance. Placing projects into broader processing categories as proposed would improve the workload management and reporting capabilities of the system because of the manner in which projects are categorized and filed in the software system.

The Planning Board (Board) held a public hearing to consider the proposed Zone Text Amendment (ZTA) on September 25, 2006. The Board asked a number of questions about various aspects of the proposed Ordinance, and voted to recommend one addition to the Ordinance, to include a statement regarding the applicability of timelines specified under various State laws to all planning applications. All of the Board members stated their support for the proposed ZTA and the creation of the standardized permit processes as a means to simplify and clarify application processing requirements. The Board voted 5-0 to recommend approval to the Council of the ZTA, including all proposed changes to Chapters 31 and 27.

Recommendation:

Introduction of proposed ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTIONS OF THE BURBANK MUNICIPAL CODE RELATING TO PLANNING APPLICATION PROCEDURES (CHAPTERS 27 AND 31).

4. CONTINUATION OF APPEAL OF PROJECT NO. 2005-86, DEVELOPMENT REVIEW – 401 Delaware Road:

The purpose of this report is for the Council to continue the consideration of an appeal of the Planning Board's decision to deny Project No. 2005-86, Development Review. This was a request by David Meissner for Delaware Investments, LLC, to construct an 11-unit multi-family project. The property is a triangular-shaped lot which fronts streets on all sides. Delaware Road is considered the front yard and East Avenue and Glenoaks Boulevard are considered street-facing side yards. The property is surrounded by R-4 and R-1 developments.

At a Public Hearing on January 23, 2007, the Council took public testimony and began deliberations. The Council voted 4-0 to continue the item to another meeting to allow the applicant the opportunity to make changes to the proposal. Specifically, the applicant was asked to reduce the size of the project, reduce the massing, meet with the neighbors to gather more input, increase the number of non-handicapped guest parking spaces, move the driveway toward the center of the property along East Avenue and preserve trees. The Council also asked staff to consider not widening Delaware Road to maintain the existing mature trees along this street. The applicant met with neighbors and has presented a revised project proposal.

Recommendation:

Adoption of proposed resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING
PROJECT NO. 2005-86 DEVELOPMENT REVIEW (401 DELAWARE ROAD).

REPORTING ON CLOSED SESSION:

INITIAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS: (Two minutes on any matter concerning City Business.)

There are four segments of Oral Communications during the Council Meeting. The first precedes the Closed Session items, the second and third segments precede the main part of the City Council's business (but follow announcements and public hearings), and the fourth is at the end of the meeting following all other City business.

Closed Session Oral Communications. During this period of oral communications, the public may comment only on items listed on the Closed Session Agenda(s). A **PINK** card must be completed and presented to the City Clerk. Comments will be limited to **three** minutes.

Initial Open Public Comment Period of Oral Communications. During this period of Oral Communications, the public may comment on any matter concerning City Business. A **BLUE** card must be completed and presented to the City Clerk. NOTE: Any person speaking during this segment may not speak during the third period of Oral Communications. Comments will be limited to **two** minutes.

Agenda Item Oral Communications. This segment of Oral Communications immediately follows the first period, but is limited to comments on action items on the agenda for this meeting. For this segment, a **YELLOW** card must be completed and presented to the City Clerk. Comments will be limited to **four** minutes.

Final Open Public Comment Period of Oral Communications. This segment of oral communications follows the conclusion of agenda items at the end of the meeting. The public may comment at this time on any matter concerning City Business. NOTE: Any member of the public speaking at the Initial Open Public Comment Period of Oral Communications may not speak during this segment. For this segment, a **GREEN** card

must be completed and presented to the City Clerk. Comments will be limited to **two** minutes.

City Business. City business is defined as any matter that is under the jurisdiction of the City Council. Although other topics may be of interest to some people, if those topics are not under City Council jurisdiction, they are not City business and may not be discussed during Oral Communications.

Videotapes/Audiotapes. Videotapes or audiotapes may be presented by any member of the public at any period of Oral Communications or at any public hearing. Such tapes may not exceed the time limit of the applicable Oral Communications period or any public comment period during a public hearing. The playing time for the tape shall be counted as part of the allowed speaking time of that member of the public during that period.

Videotapes must be delivered to the Public Information Office by no later than 10:00 a.m. on the morning of the Council meeting in a format compatible with the City's video equipment. Neither videotapes nor audiotapes will be reviewed for content or edited by the City prior to the meeting, but it is suggested that the tapes not include material that is slanderous, pornographic, demeaning to any person or group of people, an invasion of privacy of any person, or inclusive of material covered by copyright.

Printed on the videocassette cover should be the name of the speaker, the period of oral communication the tape is to be played, and the total running time of the segment. The Public Information Office is not responsible for "cueing up" tapes, rewinding tapes, or fast forwarding tapes. To prevent errors, there should be ten seconds of blank tape at the beginning and end of the segment to be played. Additionally, the speaker should provide the first sentence on the tape as the "in cue" and the last sentence as the "out cue".

As with all Oral Communications, videotapes and audiotapes are limited to the subject matter jurisdiction of the City and may be declared out of order by the Mayor.

Disruptive Conduct. The Council requests that you observe the order and decorum of our Council Chamber by turning off or setting to vibrate all cellular telephones and pagers, and that you refrain from making personal, impertinent, or slanderous remarks. Boisterous and disruptive behavior while the Council is in session, and the display of signs in a manner which violates the rights of others or prevents others from watching or fully participating in the Council meeting, is a violation of our Municipal Code and any person who engages in such conduct can be ordered to leave the Council Chamber by the Mayor.

Once an individual is requested to leave the Council Chamber by the Mayor, that individual may not return to the Council Chamber for the remainder of the meeting. BMC §2-216(b).

Individuals standing in the Council Chamber will be required to take a seat. Also, no materials shall be placed in the aisles in order to keep the aisles open and passable. BMC §2-217(b).

Your participation in City Council meetings is welcome and your courtesy will be appreciated.

COUNCIL AND STAFF RESPONSE TO THE OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS:

AGENDA ITEM ORAL COMMUNICATIONS: (Four minutes on Action Agenda items only.)

COUNCIL AND STAFF RESPONSE TO AGENDA ITEM ORAL COMMUNICATIONS:

JOINT MEETING WITH THE REDEVELOPMENT AGENCY:

5. AFFORDABLE HOUSING AGREEMENT - 261 WEST VERDUGO AVENUE:

On March 13, 2007, Council Member David Golonski requested to place on the City Council/Redevelopment Agency (Agency) Board agenda, a discussion regarding the sale of 261 West Verdugo Avenue to the Burbank Housing Corporation (BHC).

On January 23, 2007, the Council and Agency Board approved an affordable housing agreement among the City of Burbank, Agency and BHC. This agreement included Agency funding for the acquisition of real property at 261 West Verdugo Avenue for the purpose of increasing the City's inventory of affordable housing. The purchase price for this property was \$1.4 million which was within the range of fair market value as identified in an appraisal report by a certified, independent real estate appraiser. Due to the concerns raised regarding a recent, below market, private party real estate transaction, staff will implement measures to ensure that a three-year history of real estate transactions is included in future staff reports and will confer with the appropriate Council sub-committee prior to bringing any future real estate-related matters to the full Council/Agency Board.

Recommendation:

Staff recommends the Council discuss the matter and give direction as desired.

RECESS for the Public Financing Authority meeting.

RECONVENE for the City Council meeting.

REPORTS TO COUNCIL:

6. DENYING CONDITIONAL USE PERMIT NO. 2006-125, VARIANCE AND DEVELOPMENT REVIEW NO. 2006-105 (WHOLE FOODS MARKET):

This matter is a resolution denying Project No. 2006-105, including Conditional Use Permit No. 2006-105, Variance and Development Review No. 2006-105, for a Whole Foods Market proposed for 901 W. Alameda Avenue. Project No. 2006-105 was the subject of appeal hearings held before the Council on February 6 and 20, 2007.

This item was continued from the Council meeting of March 13, 2007.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DENYING CONDITIONAL USE PERMIT NO. 2006-105, VARIANCE AND DEVELOPMENT REVIEW NO. 2006-105 (WHOLE FOODS MARKET).

7. REQUEST BY THE BURBANK ARMENIAN CULTURAL FOUNDATION TO CONDUCT A CANDIDATE FORUM:

The purpose of this report is to present a request from the Burbank Armenian Cultural Foundation to conduct a candidate forum on either March 22, March 23 or March 24, 2007 for the April 10, 2007 General Election. The request was received in the City Manager's Office on March 13, 2007. It is similar in proposed format and style to the previous request submitted by the Burbank Armenian National Committee made in December 2006, to hold a forum prior to the Primary Nominating Election.

Previous requests were considered in light of Council Resolution 24,741, passed in 1996. The resolution reads in part "No organization which has endorsed or may endorse a candidate for office or has taken a position or may take a position on the merits of any City of Burbank ballot proposition shall be entitled to sponsor a program." This latest request differs from the previous request in one significant way, it comes from the Chairperson of the Armenian Cultural Foundation, not the Armenian National Committee. In proposed format and style, it is identical to the previous request.

There are other factors the Council may want to weigh in its consideration. New candidate statements for the four remaining City Council candidates were videotaped on March 16, 2007 and are currently airing on Channel 6. And, the League of Women Voters, which sponsored a forum prior to the Primary Nominating Election, has not requested to host a forum for the General Election. Additionally, due to the lateness of the request, and the need to go through the approval process, by the time this forum airs ballots would have already have been mailed out, and, based on passed history, some voters may have already returned their ballots.

Recommendation:

Staff recommends the Council consider the request from Mr. Stepan Boyajian, Chair of the Burbank Armenian Cultural Foundation, and decide if moving ahead with such a forum utilizing the Council Chamber and Channel 6 is timely and appropriate.

8. CONSIDERATION OF INSTALLING SECURITY CAMERAS IN THE BALLOT PROCESSING CENTER:

At the March 13, 2007 Council meeting, Dr. Gordon requested that staff bring back for Council discussion, the consideration of installing security cameras in the ballot processing center. Staff is bringing this item as a first step in the agenda process to determine if there is support on the Council for staff to proceed with such direction.

Recommendation:

Staff recommends the Council consider the matter and give direction as desired.

RECONVENE the Redevelopment Agency and Public Financing Authority meetings for public comment.

FINAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS: (Two minutes on any matter concerning the business of the City.)

This is the time for the Final Open Public Comment Period of Oral Communications. Each speaker will be allowed a maximum of **TWO** minutes and may speak on any matter concerning the business of the City. However, any speaker that spoke during the Initial Open Public Comment Period of Oral Communications may not speak during the Final Open Public Comment Period of Oral Communications.

For this segment, a **GREEN** card must be completed, indicating the matter to be discussed, and presented to the City Clerk.

COUNCIL AND STAFF RESPONSE TO THE FINAL OPEN PUBLIC COMMENT PERIOD OF ORAL COMMUNICATIONS:

ADJOURNMENT to Tuesday, March 27, 2007 at 5:00 p.m. in the Council Chamber, 275 East Olive Avenue, for an Air Quality Study Session.

**For a copy of the agenda and related staff reports,
please visit the
City of Burbank's Web Site:
www.ci.burbank.ca.us**