

TUESDAY MARCH 27, 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.

STUDY SESSION

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.

Mr. Forbes, Principal Planner, Community Development Department, introduced Mr. Jean Ospital, Health Effects Officer for the South Coast Air Quality Management District (SCAQMD). Mr. Ospital gave a brief overview of the SCAQMD, the history of the Southern California air quality and the continued improvements over the last 50 years. He discussed the associated health issues such as respiratory and cardiovascular diseases, cancer risks and other effects on children. He elaborated on the Federal Attainment Status of the South Coast Air Basin and California's disproportionate air pollution exposure. He mentioned the toxic air contaminants which have no air quality standard but are of concern since they contribute to significant health effects, especially the increased risk of cancer. He explained their origin such as from vehicles, dry cleaners, pesticides and plating operations. He also commented on the Multiple Air Toxics Exposure Studies (MATES) conducted in 1987 and in 1998-99 and the 10 monitoring sites. He added that a third MATES study is underway with additional substances and more frequent sampling, and reported that the sampling has been completed and the laboratory analysis is in progress. He noted that some summary data may be available in approximately two months but an initial look showed a downward trend in toxic levels. He also commented on the MATES III monitoring sites and discussed the data on the daily, monthly and annual averages of five toxics. He also compared this data between the MATES I, II and III studies.

Mr. Campbell noted the efforts that Burbank has taken in cooperation with the SCAQMD such as alternate fuels, diesel particulate traps, programs that encourage wet cleaning financing and non-perchloroethylene alternatives for dry cleaning. He requested clarification as to what strategies the City can take to reduce particulate matter exposure.

Mr. Golonski inquired as to the most effective steps cities can undertake to improve or accelerate the downward trend. Mr. Ospital responded that such strategies include having low- emission city fleets, encouraging development that reduces pollution level, such as housing close to work places and mass transit. On the policy side, he cited coming up with resources to encourage turnover of

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the fleets, especially heavy-duty diesel trucks, and urban forestry.

Dr. Gordon inquired as to the criteria used for selecting the only fixed monitoring site in Burbank and on the possibility of placing a monitor at Bob Hope Airport.

Mr. Vander Borcht inquired as to the length of time it will take for the University of California Los Angeles study on Los Angeles International Airport pollution issues. He also inquired as to whether there are any anticipated health benefits from the toxics that have been substantially reduced, and any air quality benefits from traffic controls that would integrate a plan to spread out the usage of freeways especially by large trucks, or from trading tailpipe exhaust from cars versus buses for mass transit, especially natural gas vehicles.

Mrs. Ramos requested for a preview of the Air Quality Management Plan. Mr. Ospital stated that the Draft Plan is available online. She also inquired as to the location of the nearest monitoring site to Burbank.

Mr. Campbell requested Mr. Ospital's perspective on regulating secondhand smoke. Mr. Ospital noted that secondhand smoke is not one of the substances regulated by the SCAQMD, but from a personal perspective, cigarette smoke increases the risk of cancer and cardiovascular disease among other effects, and that secondhand exposure is similarly harmful. He added that the State has adopted secondhand smoke as a toxic air contaminant.

Mr. Campbell expressed appreciation for all the efforts of the SCAQMD and pledged the City's support to the Air Quality Management Plan.

6:31 P.M.
Recess

The Council recessed at this time.

Regular Meeting
Reconvened in
Council
Chambers

The regular meeting of the Council of the City of Burbank was reconvened at 6:41 p.m. by Mr. Campbell, Mayor.

Invocation

The invocation was given by Pastoral Intern Dave Cameron, First Presbyterian Church.

Flag Salute

The pledge of allegiance to the flag was led by Taylor Alcantar, Lindsey Bacon, Brianna Vergara and Katrina Mulder.

ROLL CALL

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

Absent - - - - Council Members None.

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

301-1 Mayor Campbell presented a proclamation in honor of National Proclamation - Boys & Girls Club Week to Albert Hernandez, Program Manager at National Boys & Girls Club Week the Boys & Girls Club of Burbank.

301-1 Mayor Campbell presented a proclamation in honor of Colon Proclamation - Cancer Awareness Month to Ben Marks, representing the Awareness American Cancer Society. Month

301-1 Mayor Campbell commended the members of the Burbank Vikings Presentation - Competition Cheer Squad, who placed 4th at the 2007 JAMZ Youth Burbank Vikings Cheerleading and Dance National Championships in Las Vegas, Competition and qualified for the National Championships after placing 2nd at Cheer Squad the regional finals at Magic Mountain in December. Certificates of Recognition were presented to the following members: Taylor Alcantar; Lindsey Bacon; Lilly Beckwith; Michelle Foley; Samantha Hankings; Makayla Koons; Nicole Maldonado; Katrina Mulder; Brooke Oldaker; Chloe Rector; Noelle Ruiz; Amanda Velasquez; Brianna Vergara; Cameron Weist; and, Sami Young. Certificates of Recognition were also given to Coach Jamie Ruiz and Assistant Coach Leah Maldonado.

Council Dr. Gordon reported on attending the League of California Cities Comments Planners Institute.

Public Hearing Due to the large number of speaker cards, the comment time Comment Time allotted to each speaker was limited to three minutes, with a two- Adjusted minute follow-up if the speaker desired.

7:07 P.M. Mayor Campbell stated that "this is the time and place for the 902 hearing on amending Article 7, Chapter 17 of the Burbank Public Hearing Municipal Code to control exposure to secondhand smoke by Secondhand prohibiting smoking at certain locations throughout the City." Smoke Control

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Ordinance

Meeting
Disclosures

There were no meeting disclosures.

Notice
Given

The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that the City Clerk's Office received 140 pieces of correspondence from the Planning Division and 94 pieces from the Council Office.

Staff Report

Mr. Forbes, Principal Planner, Community Development Department, requested the Council consider an ordinance that would control public exposure to secondhand smoke by prohibiting smoking at certain indoor and outdoor locations in the City. As way of background, he reported that secondhand smoke is a complex mixture of over 4,000 gases and fine particles that result from the burning of tobacco products. He stated that many of these substances have been identified as toxic air pollutants with adverse health effects. He informed the Council that numerous Federal and State agencies have studied secondhand smoke and its health effects and subsequently, in 1993, the United States Environmental Protection Agency (EPA) classified secondhand smoke as a Group A carcinogen; in 2000, the National Institutes of Health identified it as a known human carcinogen; and, in 2006, the California Air Resources Board designated it as a toxic air contaminant and the State of California added it to the Proposition 65 list of substances known to cause reproductive toxicity. In addition, he stated that both the United States Surgeon General and the EPA have determined that there is no threshold level for exposure to secondhand smoke below which no adverse effects occur. He added that several other recent studies on exposure in outdoor environments such as patios, parks and sidewalks have found that concentration can be comparable to those previously associated with indoor areas depending upon the number of smokers, the distance from the smokers, direction and speed of the wind, and other weather conditions.

Mr. Forbes then elaborated on the California Workplace Smoking Law and noted that many other cities also have smoking ordinances regulating various indoor and outdoor locations. He explained that the proposed ordinance would complement the State Workplace Smoking Law by focusing primarily on prohibiting smoking in outdoor areas and was based on direction given by the Council on January 30, 2007. He added that the draft ordinance was released for public review on March 9, 2007 and proposes to prohibit smoking in the following locations: indoor and outdoor areas at all City parks and other City facilities and public areas within 20 feet with the exception that smoking be permitted at the

DeBell Golf Course; pedestrian sidewalks, alleys, paseos, plazas and walkways in a defined area of Downtown Burbank (bounded by First Street, Angeleno Street Third Street and Magnolia Boulevard and the Town Center area bounded by Magnolia Boulevard, Third Street, Burbank Boulevard and the Golden State Freeway) and all outdoor areas within 20 feet; the Chandler Bikeway and all public areas within 20 feet; outdoor dining areas, including at restaurants and bars and all outdoor areas within 20 feet; outdoor areas and lines where people wait for goods or services and all outdoor areas within 20 feet; public transit vehicles owned and operated by the City and pedestrian areas of transit stations and stops and all outdoor areas within 20 feet; outdoor areas where people are seated or gathered to witness or participate in a show, event, or competition and all areas within 20 feet; outdoor shopping areas such as Farmers Markets and swap meets, pedestrian areas of outdoor shopping malls, and all areas within 20 feet; all elevators; within 20 feet of a door, operable window, or air intake to a building that is open to the public; any area that a business or property owner has identified as a non-smoking area; and, common areas of multiple-family residential development projects. He noted staff's recommendation that contrary to the Council's direction, smoking not be prohibited in multi-family common areas.

Mr. Forbes added that the ordinance would allow designated smoking areas at City parks and facilities, transit stations and stops, outdoor events and gatherings areas, and multi-family residential common areas. Also, property or business owners would be able to identify designated smoking areas if certain criteria are met related to the size and location, but the City would not have to approve a designated area. However, he noted that the City could require the modification or removal of any designated area that does not meet the criteria.

Mr. Forbes informed the Council that the proposed ordinance would require that "no smoking" signs be installed at certain locations where smoking is prohibited. He also reported that staff recommended a public education campaign and requested Council direction on the scope and degree of education to be provided. He added that the Burbank Police Department would be responsible for enforcing the proposed ordinance and responsibility would also be placed on the business and property owners to assist with enforcing the law. He explained that a violation of the law would constitute a misdemeanor unless the prosecutor chose to prosecute the offense as an infraction. He also noted that if adopted, the proposed ordinance could result in substantial fiscal impacts to the City through direct costs, staff time, and resources related to implementation, public education and enforcement. He mentioned that there may also be some impacts to businesses which cannot be qualified at this time.

Mr. Forbes further stated that input regarding the proposed ordinance was solicited from many different groups including City boards, commissions and committees; business groups; and, other community stakeholder groups. Postcard notices regarding the proposed ordinance and the Council public hearing were mailed to every mail box in Burbank to ensure that residents and businesses were aware of the proposed ordinance and the ability to provide input to the Council. Notices were also published in the Leader, announced at Council meetings and broadcast on Channel 6 and the draft ordinance was available for review since March 9, 2007 on the City website, the three public libraries and the Planning and Transportation Division offices. He added that staff also received input from several community groups such as the Planning Board, Park, Recreation and Community Services Board, Youth Board, Senior Citizen Board, the Advisory Council on Disabilities, Downtown Property-based Business Improvement District (PBID) Board, Magnolia Park PBID Board, Magnolia Park Citizens Advisory Committee, Burbank Boulevard Merchants and others. He noted that the input received varied widely from total opposition to any type of smoking restrictions, to full support for all of the proposed restrictions.

Mayor Campbell invited the Honorable Barry Grovman, City of Calabasas, who addressed the Council regarding the City of Calabasas' experience with the implementation of their smoking ban ordinance.

Citizen
Comment

Appearing to comment in support of the ordinance were: Penny Proctor; Robert Phipps; Eric Michael Cap; Lisa Bianchi; Domenico Bianchi; Linda Thomas; Bob Olson; Jamie Chow; Dale Jaffee; Lisa Hubler; Linda Barnes; LaVerne Thomas; Marlene Gomez; Alisha Lopez; Esther Schiller; Steven Gallegos; Vince; Harry Gill; Byrd Holland; Michelle Phipps; James Schad; and, Celeste Francis.

Commenting in opposition to the ordinance were: Bechara Joe Georges; Tania Georges; Malcolm Klugman; Parchan Niaki; Ed Stark; Shelley Chester; Ernest Ghermann; Lawrence Dupre; Mark Stebbeds; George Shalhoub; Caroline Georges; Stephanie Wescott; Dan Humfreville; Robert Thomas; Alidz Talatinian; Paul Lovie; Rob Marenko; Tyler Browne; Ken Nolls; Brett Crane; Rod Guilmette; Barbara Wallace; Esther Espinoza; Gary Azizyan; Mary Schindler; Arin Shahmoradian; Gail Romero; Edvin Aghanian; David Piroli; Fred Prouser; and, Rose Prouser.

Also appearing to comment were Scott Scozzola, Director of Golf at DeBell Golf Course, on the golf course exemption; Shelley Herman, expressing concern with abrogation of freedoms guaranteed by the

Constitution; and, Mark Barton, suggesting the matter be placed on a ballot.

Staff
Response

Mr. Forbes responded to public comment with regard to the DeBell Golf Course exemption and liability implications on business owners.

Mr. McDougal, Senior Assistant City Attorney, clarified the difference between the proposed ordinance and the City of Calabasas' ordinance with regard to nuisance remedies and commented on liability issues and the DeBell Golf Course exemption. He also stated that there are no Constitutional rights that demand a stricter or intermediate level of scrutiny and as long as the Council finds that the evidence before them presents a rational basis for enacting the ordinance, they may do so, in addition to other considerations such as aesthetic and litter concerns.

Mr. McDougal and Mr. Hirsch, Assistant Community Development Director/License and Code Services, also responded to public comment with regard to enforcement issues.

10:35 P.M.
Hearing
Closed

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

10:35 p.m.
Recess

The Council recessed at this time. The meeting was reconvened at 10:42 p.m. with all members present.

Council
Deliberations

Dr. Gordon expressed concern with the ordinance's effect on businesses in Burbank. He also noted that there is a lot of evidence on the health effects of smoke but none of the agencies have concrete evidence that outdoor smoke is a serious threat to public health. He added that the health effects of tobacco smoking are documented, but the effects of diluted outdoor exposure are not scientific and stated that he has not seen empirical evidence.

Mr. Vander Borcht underscored the nuisance caused by cigarette smoke and noted that this level of nuisance should be regulated. He noted that the proposed ordinance is a compromise and will be applicable to areas that are impacted and serve the most good. He expressed preference for including the residential component and noted that the issue is not about the occasional puff of smoke but

about the nuisance. He also had no issue with police enforcement. He acknowledged that there are valid arguments from all sides and noted that the impact on businesses will not be significant.

Mr. Golonski stated that the health issues can be debated to no end but agreed that the issue is really about the nuisance. He stated that non-smokers have a right not to be subjected to secondhand smoke. He supported restricting secondhand smoke in situations where there is no choice and creating ways to provide additional choice. With regard to outdoor dining areas, he expressed preference for a different approach and stated that he would rather see the ordinance tread lightly and not be quite as draconian. He was supportive of regulations that require businesses with outdoor dining areas to post prominently whether they allow smoking or not, thereby providing their patrons a choice. He was not supportive of all provisions as proposed and wanted more information on the designated smoking areas as well as a phased implementation approach.

Mrs. Ramos stated that secondhand smoke certainly has its health effects and although the significance of the effects is arguable, it is definitely a public nuisance. She was generally supportive of many of the restrictions proposed and suggested establishing designated smoking areas in the downtown and other areas. She was also supportive of the ordinance being applicable to multi-family properties of more than 16 units with the ability to designate smoking areas.

Mr. Campbell stated that the preponderance of evidence is very clear with regard to the effects of secondhand smoke but people have a tendency to cherry-pick the evidence. He elaborated on the significant effects of environmental tobacco smoke and noted that this action is one of the single most important steps the Council could take to improve the community's public health due to the associated health risks such as premature death, sudden infant death syndrome, lung cancer, premature cardiac deaths, asthma exacerbation, low birth weight and pre-term deliveries among others. He was supportive of most of staff's proposal and working with the Council on the outdoor dining issue as businesses would be affected.

There was subsequent discussion on phasing the ordinance's implementation, providing exemptions, review of the outdoor eating area limits; providing designated smoking areas in parks and gathering events, consideration of whether multi-family properties should be subject to the ordinance; and, several changes were made to the language of the ordinance.

Motion

It was moved by Mr. Vander Borgh and seconded by Mrs. Ramos

that "the following ordinance be introduced and read for the first time by title only and be passed to the second reading, with the following modifications (grouped by area): **City Parks and Facilities**, no changes to draft ordinance; **Downtown Burbank**, allow designated smoking areas to be created in Downtown Burbank; and, reduce smoking prohibition buffer area from sidewalks and pedestrian areas in Downtown Burbank from 20 feet to 5 feet; **Chandler Bikeway**, no changes to draft ordinance; **Outdoor Dining Areas**, clarify that prohibition applies only to outdoor dining areas open to the public and not private areas not open to the public; allow designated smoking areas to be created in outdoor dining areas; and, reduce smoking prohibition buffer area from outdoor dining areas from 20 feet to 5 feet; **Outdoor Service Areas**, no changes to draft ordinance; **Public Transit Vehicles, Stations, and Stops**, no changes to draft ordinance; **Outdoor Gathering and Event Areas**, no changes to draft ordinance; **Outdoor Shopping Areas and Centers**, allow designated smoking areas to be created in outdoor shopping areas and centers; **Elevators**, no changes to draft ordinance; **Proximity to Buildings**, for the purpose of determining from where to measure the area in which smoking is prohibited: change "door" to "entrance or exit," change "operable window" to "open window," change "accessible to the general public" to "open to, and while open to the general public" to clarify that it only applies while building or business is actually open; **Designated Non-Smoking Areas**, no changes to draft ordinance; **Common Residential Areas**, no changes to draft ordinance; **Designated Smoking Areas**, reduce buffer distance from pedestrian paths, walkways, seating areas, and other areas where people congregate from 20 feet to 5 feet; change "any pedestrian path" to "the primary pedestrian path" for smoking prohibition buffer area purposes; and, **Smoking Within Private Vehicles**, allow smoking in private vehicles at all times without limitation (under the draft ordinance, smoking in private vehicles would have been prohibited under certain circumstances).

902
Secondhand
Smoke Control
Ordinance

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING ARTICLE 7 OF CHAPTER 17 OF THE BURBANK MUNICIPAL CODE TO CONTROL EXPOSURE TO SECONDHAND SMOKE BY PROHIBITING SMOKING AT CERTAIN LOCATIONS.

Introduced

The ordinance was introduced by the following vote:

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

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12:55 A.M.
Mrs. Ramos
Recused

Mrs. Ramos stated that she will be recusing herself from participating in the hearing on Project No. 2005-87, Planned Development and Development Review - 3901 Riverside Drive, Mixed-Use Project, as she has conducted business with the property owner in the past.

12:51 A.M.
1702
PD No.2005-87
DA, DR and MND
- Amitesh
Damudar –
3901 Riverside
Drive.

Mayor Campbell stated that “this is the time and place for the hearing on Planned Development No. 2005-87, Development Agreement, Development Review and Mitigated Negative Declaration concerning the development of a three-story building consisting of retail and restaurant space, eight residential units and two levels of subterranean parking. The Damudar Family Trust is the owner/applicant of the proposed project which will be located at 3901 Riverside Drive.”

Meeting
Disclosures

There were no meeting disclosures.

Notice
Given

The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that the City Clerk’s Office received no written correspondence.

Staff Report

Ms. Shavit, Assistant Planner, Community Development Department, requested the Council consider a three-story mixed-use project at 3901 Riverside Drive. She stated that the applicant is requesting a Planned Development and Development Review to approve the project with unique standards. She explained that the subject property is zoned Media District General Commercial MDC-3, with the surrounding zones including MDC-3 and Media District R-4. With a visual aid, she explained that the applicant proposed to construct a three-story building consisting of 7,648 gross square feet (GSF) of street-level retail space (4,620 GSF of restaurant space and 3,028 GSF of general retail space), two levels of residential units (eight-units), and two levels of subterranean parking providing a total of 63 parking spaces for the project including 12 tandem spaces. She elaborated on the project’s compliance with Code and the associated parking requirements and controls, the traffic study conducted for the project and mitigation measures. She requested the Council approve the project subject to the Conditions of Approval and noted that the findings required for approval of the Planned Development and Development Review can be made.

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| Applicant | Mr. Amitesh Damudar gave a brief history of the subject site which currently has a two-story thirty-unit motel that is no longer economically viable, and elaborated on the elements of the proposed project such as promoting the village-like pedestrian atmosphere intended by the City, four new retail and restaurant alternatives, eight residential units and the mitigation measures. He urged the Council to approve the project. |
| Citizen Comment | Appearing to comment was Mark Stebbeds, expressing preference for a two-story building and in opposition to a fast food restaurant in the building. |
| Rebuttal Comments | <p>Mr. Damudar responded to public comment with regard to the quality of fast food establishments that will be sought.</p> <p>Ms. Shavit clarified that the high turnover fast food restaurant is in reference to the Institute of Traffic Engineers' rate and the rate at which the trip generation for the traffic study was classified, and not necessarily the quality of restaurant proposed.</p> |
| 1:14 A.M. Hearing Closed Council Deliberation | <p>There being no further response to the Mayor's invitation for oral comment, the hearing was declared closed.</p> <p>Council deliberation centered around avoiding fast food chain restaurants such as McDonalds, Burger King or Taco Bell due to the traffic generated, the applicant's right to develop, the benefits of mixed-use projects, parking adequacy, amenity and open space requirements and the traffic impacts and study.</p> |
| 1:34 A.M. Recess | The Council recessed at this time. The meeting reconvened at 1:39 a.m. with all members present except Mrs. Ramos. |
| Council Deliberation | There was subsequent Council discussion with regard to the parking layout, guest and handicap spaces, number of stories, subterranean parking, ingress and egress and traffic mitigation measures. |
| Motion | It was moved by Mr. Vander Borcht, seconded by Mr. Golonski that "the following resolution be adopted and the ordinance be introduced and read for the first time by title only and be passed to the second reading." |

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1702
PD No.2005-87
DA, DR and MND
- Amitesh
Damudar –
3901 Riverside
Drive.

RESOLUTION NO. 27,440:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADOPTING A MITIGATED NEGATIVE DECLARATION FOR PLANNED DEVELOPMENT NO. 2005-87, A DEVELOPMENT AGREEMENT, AND DEVELOPMENT REVIEW (3901 Riverside Drive – Damudar Family Trust, Applicant).

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING PLANNED DEVELOPMENT ZONE NO. 2005-87 AND APPROVING THE DEVELOPMENT AGREEMENT FOR PLANNED DEVELOPMENT NO. 2005-87 (3901 Riverside Drive – Damudar Family Trust, Applicant).

Adopted

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

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

Noes: Council Members Gordon.

Absent: Council Members None.

Recused: Council Member Ramos.

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: Frank Schindler, in opposition to the Charter amendments; Michelle Feather, on an article in the Leader; Brett Loutensock, on a negative campaign flyer; and, James Schad, on the Burbank Police Officers Association's support for a candidate.

Staff
Response

Members of the Council and staff responded to questions raised.

Agenda Item
Oral
Communications

There was no response to the Mayor's request for speakers for the agenda item oral communications at this time.

Motion

It was moved by Mr. Golonski and seconded by Mr. Vander Borgh that "the following items on the consent calendar be approved as

recommended.”

904-2 RESOLUTION NO. 27,441:
 804-3 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
 Hazardous AMENDING THE FISCAL YEAR 2006-2007 BUDGET FOR THE
 Materials PURPOSE OF ACCEPTING AND APPROPRIATING THE
 Emergency HAZARDOUS MATERIALS EMERGENCY PLANNING (HMEP)
 Planning Grant GRANT PROGRAM FUNDS IN THE AMOUNT OF \$9,600.

1007-1 RESOLUTION NO. 27,442:
 Job Spec A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
 Revision REVISING THE SPECIFICATION FOR THE CLASSIFICATION OF
 Env. and Safety ENVIRONMENTAL COORDINATOR (CTC No. 0327) TO
 Manager ENVIRONMENTAL AND SAFETY MANAGER (CTC No. 0327).
 CTC 0327)

1007-1 RESOLUTION NO. 27,443:
 Job Spec A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
 Revision Mgr. REVISING THE SPECIFICATION FOR THE CLASSIFICATION OF
 Telecomm and MANAGER TELECOMMUNICATIONS (CTC No. 0532) TO
 Facilities MANAGER TELECOMMUNICATIONS AND FACILITIES (CTC
 (CTC 0532) No. 0532).

804-5 RESOLUTION NO. 27,444:
 Agt. with the A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
 State Franchise APPROVING THE STANDARD AGREEMENT BETWEEN THE
 Board STATE FRANCHISE TAX BOARD AND THE CITY AND
 AUTHORIZING THE CITY’S PARTICIPATION IN THE LOCAL
 GOVERNMENT SHARING PROGRAM.

Adopted The resolution was adopted by the following vote:

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

Item Postponed The item regarding “Continuation of Project No. 2006-26 – Zone
 to Future Agenda Text Amendment: Reorganization Of Burbank Municipal Code
 Planning Application Procedures” was postponed to the April 3,
 2007 Council meeting.

Council Direction Mr. Vander Borgh stated that Mrs. Ramos expressed interest in
 Regarding The pursuing an air quality element and requested an update on the dry

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Air Quality Study Session: cleaner incentive program to eliminate perchloroethylene, on the fleet review and any resource allocation to improve it.

Mr. Campbell requested that as the South Coast Air Quality Management District moves forward with the Air Quality Management Plan for submission to the Southern California Association of Governments and the Air Resources Board for approval, staff make a cursory review for any opportunity to strengthen any fine particulate matter pollution measures or measures that would improve the quality of life in Burbank. He also requested that staff continue to be vigilant in seeking funds for mobile source air pollution reduction to clean up the City's fleet or operations.

Ordinance Submitted: It was moved by Mr. Golonski and seconded by Mr. Vander Borgh that "Ordinance No. 3716 be read for the second time by title only and be passed and adopted, and the following resolution be adopted."

403 Abandoned Shopping Cart Ordinance: RESOLUTION NO. 3716:
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.

403 Abandoned Shopping Cart Loss Threshold: RESOLUTION NO. 27,445:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE CART LOSS THRESHOLD FOR THE SHOPPING CART CONTAINMENT ORDINANCE.

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

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.

2:08 A.M. Adjournment: There being no further business to come before the Council, the meeting was adjourned at 2:08 a.m.

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Margarita Campos, CMC
City Clerk

APPROVED OCTOBER 9, 2007

Mayor of the Council
of the City of Burbank