

TUESDAY, APRIL 3, 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 6:33 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 Joshua Niwa; Daniel Bustos; Sam Treadway; and, Nicholas Huynh.

ROLL CALL

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

Absent - - - - Council Members None.

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

301-1
National Library
Week Mayor Campbell presented a proclamation in honor of National Library Week to Lori Tubert, Chairperson of the Board of Library Trustees.

301-1
Fair Housing
Month Mayor Campbell presented a proclamation in honor of Fair Housing Month to Richard Cooper, representing the Fair Housing Council of the San Fernando Valley.

301-1
Sexual Assault
Awareness
Month Mayor Campbell presented a proclamation in honor of Sexual Assault Awareness Month to Laurie Bleick, Executive Director of the Family Service Agency.

301-1
Valley
Community Clinic Alisha Lopez, representing the Valley Community Clinic, presented Certificates of Appreciation to the City Council for approving the Tobacco Retailers Licensing Ordinance. Wairise Flores, Outreach Prevention Specialist, Valley Community Clinic, presented a Certificate of Appreciation to Mr. Hirsch, Assistant Community Development Director/License and Code Services Division, for his vision, courage and leadership in the implementation of the Tobacco Retailers Licensing Ordinance.

301-1
Parochial
Baseball League
Tournament
Winners Mayor Campbell introduced Council Member Vander Borght, who commended the participants, coaches and parents of the Parochial Baseball League Tournament, for working tirelessly to achieve first place in their divisions. Certificates of Recognition were presented

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to the following team members: T-Ball Division, the Reds: Riley Hooper, Kattie Ross, Mulder Paredes, Michael Woods, Jake Kelley, Joshua Niwa, Sebastian Dominguez, Joseph Whelan, Kobe Siy, Chase Marcy, Jeffrey Bubbins and Riley Roberts. Division C, the Orioles: Daniel Bustos, Fisher Cabot, Jacob Noud, Christopher Peres, Thomas Wilson, Tanner Whitlock, Andrew Ford, Joey Bogart, Chris Acedo, Garrett Soliday, Justin Gonzalez, Brandon Mersola and Michael Ospina. Division B winners, the Mets: Michael Marshall, Sam Treadway, Colby Weist, Nathan Zavala, Robert Martinez, Sergio Quintanar, Miles Haddad, Harrison Hernandez, Joshua Martinez, Johnathan Teetsel and Ryan Veres. Division A, the Phillies: Griffin Paul, Alfredo Quinonez, Austin Whitlock, Christian Garcia, Steven Cseh, Kelsey Danzeken, Nicholas Huynh, Matthew Rivera, Justin Sabatine, Dillon Disiere, Tyler Meyers and Andrew Ortega.

301-1
LADOT
Commuter
Express 549
transit service

Phil Acker, with the Los Angeles Department of Transportation (LADOT), made a presentation on the LADOT Commuter Express 549 transit service.

Reporting on
Council Liaison
Committees

Mrs. Ramos reported on attending a League of California Cities Policy Committee meeting.

406
Airport Authority
Report

Commissioner Wiggins reported on the Airport Authority meeting of April 2, 2007. He stated that the Authority approved an increase in fines for Rules 8 and 9 violations and approved a Southwest Airlines development ground lease agreement. He also reported that the Authority was informed that the Star Parking Lot landscaping is being irrigated with reclaimed water.

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: Janice Chow, in support of the Secondhand Smoke Control Ordinance; Gary Garrison, on the karaoke program at Joslyn Adult Center; Don Elsmore, on waste management charges on his utility bill; Todd Wilson, on the closure of a local post office; Frank Kaden, on the purchase of the property at 261 West Verdugo Avenue and on Measure G; Rod Guilmette,

on continuation of Project No. 2006-26 – Zone Text Amendment; Robert Phipps, in opposition to married couples on the City Council; Tania Georges, on the Secondhand Smoke Control Ordinance; Ron Vanderford, in opposition to the proposed Charter Amendments and specific candidates; Esther Espinoza, in opposition to a Council candidate; James Schad, on the sale of 261 West Verdugo Avenue; Mark Barton, in opposition to a Council candidate; Rose Prouser, on the General Election and in opposition to the proposed Charter Amendments; Paul Dyson, on the Commuter Express 549 and in opposition to the duplicate service proposed by the Metropolitan Transportation Authority commuter bus; Eric Michael Cap, presenting gifts to Mayor Campbell and Council Members Ramos and Vander Borcht for their support for the Secondhand Smoke Control Ordinance; and, Ellie Knapp and Darrin Borders, on the integrity of City employees.

In addition, the following individuals expressed concerns with comments made at a Community Development Goals Committee meeting in reference to the Armenian Relief Society: Garen Yegparian; Saro Kerkonian; Ani Khodaverdian; Vicky Marachelian; Ara Boyadjian; Mo Topalian; Nora Boyajian; Ari Boyajian; Arbi Ohanian; and, Sam Asheghian.

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| 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 | <p>Appearing to comment in support of the Secondhand Smoke Control Ordinance were: Angela Wilson; Robert Phipps; Esther Schiller; Steven Gallegos; Alisha Lopez; Eric Michael Cap; Dave Jaffe; and, Nancy Sherwood, who also commented on the Planning Application Procedures Zone Text Amendment and the shopping cart ordinance.</p> <p>Commenting in opposition to the Secondhand Smoke Control Ordinance were Rod Guilmette and Fred Prouser. Also, Vahe Hovanessian, Esther Espinoza, Mark Barton, Eden Rosen, Caroline Georges and David Piroli expressed concerns with the proposed Secondhand Smoke Control Ordinance.</p> <p>Also appearing to comment were: Susan O'Carroll and Michelle Feather, requesting continuation of consideration of the Zone Text Amendment to reorganize the Burbank Municipal Code Planning</p> |

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Application Procedures; Rose Prouser, on the Planning Application Procedures and expressing concerns with the Secondhand Smoke Control Ordinance; and, Don Elsmore, on Airport issues.

Staff
Response

Members of the Council and staff responded to questions raised.

10:11 P.M.
Recess

The Council recessed at this time. The meeting reconvened at 10:20 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."

902
804-3
Grant Agt for
CNG Trucks

RESOLUTION NO. 27,446:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT AND ACCEPTANCE OF GRANT FUNDS TO ASSIST IN THE PURCHASE OF FIVE (5) CNG REFUSE TRUCKS.

1204-1
Final Map
No. 63102
E. Cypress Ave.

RESOLUTION NO. 27,447:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING FINAL MAP OF TRACT NO. 63102 (701 EAST CYPRESS AVENUE).

213
Amed to PSA w
Rutan and Tucker
LLP

RESOLUTION NO. 27,448:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND RUTAN & TUCKER, LLP.

Adopted

The consent calendar was adopted by the following vote:

Ayes: Council Members Golonski, Gordon, Ramos, Vander Borgh and Campbell (except Resolution No. 27,446).

Noes: Council Members None.

Absent: Council Members None.

Recused: Council Member Campbell (Resolution No. 27,446 only).

1702
Planning
Application
Procedures

Mr. Forbes, Principal Planner, Community Development Department, reported that the intent of the proposed ordinance was not to make any substantive changes to the processing of planning and zoning applications but to re-organize the Code to make it

ZTA more user-friendly, clarify language by removing ambiguity and to make it easier for staff to administer. He added that contrary to public comment, the ordinance does not provide more authority to the Community Development Director but maintains the authority already existing in the Code. He also made clarification with regard to the appeal process and stated that currently, Development Review applications acted upon by the Community Development Director may be appealed to the Planning Board and further to the Council, and that the proposed ordinance would not make any changes in that regard. He stated that as requested by the Council, the ordinance would add a process by which the Council would have the ability to act as a body to call up a Director's decision to be considered by the Planning Board in lieu of an appeal being filed. In addition, a 75-day period would be established such that all appeal hearings have to be held within 75 days after the appeal is filed.

The Council directed that the matter be brought back for consideration at a study session.

1705-2
PSA Agt
With Wayne
Healy for CSB Art
Piece

Mr. Hansen, Park, Recreation and Community Services Director, requested Council approval of a public art proposal for the Community Services Building (CSB) and authorization to enter into an agreement with artist Wayne Healy for the final design, fabrication and installation of the art project. He stated that the Council directed staff to initiate an artist search, without the use of an art consultant, with a total budget of \$150,000. He reported that a Request For Qualifications was distributed to artists on the City's open public artist interest list of over 150 individuals and an advertisement soliciting artists was placed in the Daily News. This yielded approximately 50 applications.

Mr. Hansen reported that on August 22, 2005, the Site Specific Art Selection Committee selected Mr. Healy out of five finalists. He added that Mr. Healy entered into a Design Agreement to create a proposal for the CSB and met with Architect Alex Ward to discuss various opportunity sites. He stated that on January 24, 2007, the Committee recommended the project as proposed.

Mr. Healy presented his art proposal which included skylights, canopies, historical photos, recreational images, images of workers providing services and building trades, a 19-foot tall sculpture reflecting images of family life and murals.

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

1705-2
PSA Agt

RESOLUTION NO. 27,449:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK

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With Wayne Healy for CSB Art Piece APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH WAYNE HEALY FOR THE DESIGN, FABRICATION AND INSTALLATION OF ARTWORK FOR THE COMMUNITY SERVICES BUILDING.

Adopted The resolution was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Members None.

1503 Mr. Davis, General Manager, Burbank Water and Power, reported on the Water and Power Monthly Operating Report for the month of April 2007.

1504 Water and Power Monthly Operating Report The report was noted and filed.

902 Mr. Forbes, Principal Planner, Community Development Department, elaborated on the modifications made by the Council on March 27, 2007 with regard to the Secondhand Smoke Control Ordinance.

Ordinance Submitted It was moved by Mr. Vander Borght and seconded by Mr. Campbell that "Ordinance No. 3717 be read for the second time by title only and be passed and adopted as proposed by staff, with the following modifications:"

A) Designated smoking area be no more than forty percent of the total floor area of the business.

B) Elimination of the demonstrated need clause in Section 17-705 B (2).

C) Section 17-703 L – to read as follows: Common residential areas. Smoking is prohibited in all enclosed common areas and within five feet of entrances, exits, walkways and hallways in residential development projects including apartments, condominiums, retirement homes, nursing homes, assisted living facilities, and residential portions of mixed use projects except within smoking areas designated pursuant to Section 17-705. Common areas are those areas that are accessible to all residents living in the development, including but not limited to hallways, stairways, elevators, lobbies, laundry rooms, trash rooms, recreation rooms, and gyms. Common area does not include swimming pools, decks, patios, yard areas, play areas, driveways,

and parking lots, garages, private balconies or patios that are not generally accessible to other residents.

D) Elimination of bus stops and revise Section 17-703 – F to read as follows. Public transit vehicles and stations Smoking is prohibited in all public transit vehicles and at all individual bus stops located in public rights-of-way, except within smoking areas designated pursuant to Section 17-705.

1. For the purposes of this Section, public transit vehicles include all buses, shuttles, and similar public transit vehicles owned or operated by the City of Burbank or its contractors on behalf of the City.

2. For the purposes of this Section, individual bus stops located in public rights of way means all enclosed and non-enclosed platforms, sidewalks, shelters, benches, and areas where people wait for trains, buses, taxis, or other public transit, and ancillary areas such as restrooms, vending machine or kiosk areas, bicycle parking areas, and pedestrian paths and walkways. This includes but may not be limited to the facility commonly known as the Downtown Burbank Station on Front Street, the facility commonly known as the Burbank Airport Station on Empire Avenue, and all bus stops and taxi stands. Smoking is further prohibited in all non-enclosed areas within 20 feet of those areas identified in Subsection 2. Smoking is not prohibited in vehicle parking lots or structures that serve transit stations or stops, except within 20 feet of those areas identified in Subsection 2.

E) Businesses be required to post smoking ban signage within 30 days after the effective date of the ordinance.

902
Secondhand
Smoke Control
Ordinance

ORDINANCE NO. 3717:
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 THROUGHOUT THE CITY.

Adopted

The ordinance was adopted by the following vote:

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

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1:07 A.M.
Mrs. Ramos
Recused

Mrs. Ramos stated that she would recuse herself from participating in the following item as she has conducted business with the property owner in the past. She left the Chamber at this time.

Ordinance
Submitted

It was moved by Mr. Golonski and seconded by Mr. Vander Borgh that "Ordinance No. 3718 be read for the second time by title only and be passed and adopted."

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

ORDINANCE NO. 3718:
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 ordinance was adopted by the following vote:

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

Final Open
Public Comment
Period of Oral
Communications
Citizen
Comment

Mr. Campbell called for speakers for the final open public comment period of oral communications at this time.

Appearing to comment were: Eden Rosen, congratulating the City Clerk upon being named Woman of the Year and on relocation protection legislation; and, David Piroli on the Secondhand Smoke Control Ordinance.

Staff
Response

Members of the Council and staff responded to questions raised.

1:18 A.M.
Adjournment

There being no further business to come before the Council, the meeting was adjourned at 1:18 a.m.

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Margarita Campos, CMC
City Clerk

APPROVED OCTOBER 30, 2007

Mayor of the Council
of the City of Burbank