



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, APRIL 24, 2007
5:00 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:

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

- b. Conference with Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
 1. **Name of Case:** Pacific Gas & Electric Company et al. vs. Arizona Electric Power Cooperative, Inc., et al.
Case No.: BC369141
Brief description and nature of case: A breach of contract action against the City of Burbank relating to the sales of electricity in the California Energy Market during the California Energy Crisis of 2000-2001.

 2. **Name of Case:** Garden Grove v. Orange County Superior Court, Real Party in Interest Felix Kha
Case No.: G036250 – 4th District Court of Appeal
Brief description and nature of case: A request for amicus assistance on a case involving the question of whether medical marijuana must be returned to party once the case against them is dismissed.

3. **Name of Case:** Save Tara v. City of West Hollywood
Case No.: (2007) 147 Cal.App.4th 1091
Brief description and nature of case: A request for amicus assistance from the City of West Hollywood dealing with a recent Court of Appeals decision on the right of California cities to enter into agreements with developers conditioned on future CEQA compliance.

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.

5:30 P.M.

STUDY SESSION - UPDATE ON SUSTAINABILITY REPORT:

On June 5, 2005, the United Nations unveiled the Green Cities Declaration and Urban Environmental Accords (UEA), a series of 21 actions that can be adopted at the city level to achieve urban sustainability, promote healthy economies, advance social equity and protect the world's ecosystem. The action items may be used by cities as reference points for setting achievable goals and standards that can be tailored to fit the specific structures of individual communities.

Several items pertaining directly to sustainability were included in the Council's Fiscal Year 2006-07 Goals. A committee of executive staff was formed in December 2006 to develop a recommendation on how to achieve these goals. The committee determined that it would be appropriate and feasible for the City to adopt an action plan containing the 21 actions set forth in the UEA. In addition, staff developed an additional action related to social justice.

The study session report will summarize the work efforts completed by the committee and provide a recommended action plan to achieve urban sustainability as promoted by the United Nations Green Cities Declaration and UEA.

6:30 P.M.

INVOCATION:

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

FLAG SALUTE:

ROLL CALL:

PROCLAMATION:

EARTH DAY.

ANNOUNCEMENT:

MAYOR'S CUP CHARITY GOLF TOURNAMENT DAY.

RECOGNITION: ARMENIAN GENOCIDE REMEMBRANCE.

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).

6:30 P.M. PUBLIC HEARINGS:

1. APPEAL HEARING FOR TRYGVE ENTERPRISES, INC., TO APPEAL A NOVEMBER 8, 2006 DENIAL DECISION BY THE PERMIT APPEALS PANEL FOR THE OPERATION OF A HOME OCCUPATION BUSINESS FROM A RESIDENCE LOCATED AT 2511 NORTH ORCHARD DRIVE:

On November 8, 2006, the Permit Appeals Panel convened to conduct a hearing for the purpose of reviewing an appeal by Trygve Enterprises, Inc. (Trygve). This hearing was conducted as an appeal from a May 9, 2006 decision by the License and Code Services (License) Division. The decision was to deny a business permit application dated April 26, 2006 for Trygve to operate as a residentially-based business (home occupation) located at 2511 North Orchard Drive. The description of the business activity on the April 26, 2006 application stated Lawful Activity Medical Services and Sales Hearing Aids.

On May 9, 2006, the License Division denied the permit based on an inspection which revealed that this business activity would conflict with rules and regulations of the Burbank Home Occupation Ordinance (Ordinance) if conducted as desired by the applicant. The principle conflicts with the home occupations rules and regulations involved: increases in vehicular and pedestrian traffic brought about by the business activity; equipment not recognized as part of a normal household being utilized on the premises for the conduct of the business; sales of products on the premises; and, repairs or alterations of products on the premises. All of which are not permitted by the Ordinance.

The November 8, 2006 Permit Appeals hearing panel was comprised of a representative from the City Manager's Office (Assistant City Manager Michael Flad) and two Department Heads (Fire Chief Tracy Pansini and Park, Recreation and Community Services Director Eric Hansen). The panel received testimony from the applicant and City personnel. The panel's deliberations resulted in a motion to uphold the previous decision by the License Division to deny the permit which resulted in a 3-0 vote. The grounds for this further denial by the Permit Appeals Panel were:

- Burbank Municipal Code (BMC), Section 31-672(e) No commodity shall be sold or displayed on the premises (Trygve desired to display and sell hearing aid products from this residential premise);
- BMC, Section 31-672(h) which states in part...only materials, equipment, and/or tools recognized as part of a normal household or necessary or convenient for domestic purposes shall be used in the home occupation (Trygve maintained on the premises a hearing booth which is approximately the size of a refrigerator for the purpose of conducting hearing tests on their customers);
- BMC, Section 31-672(i) which states in part...the home occupation shall not create any pedestrian or vehicular traffic in excess of that which is normal to a residential use of the premises (If hearing tests and retail sales of hearing aid products were to take place on this residential premises, this would require customers to come to the premises thereby increasing pedestrian and vehicular traffic. This pedestrian and vehicular traffic would otherwise not be present in this small residential cul-de-sac street which only has seven homes); and,
- BMC, Section 31-673(f) which states in part the prohibition of...those occupations that entail the repair, processing, or alteration of goods, materials, or objects... (Trygve stated that from time to time a part of the business would involve repairing and adjusting hearing aids).

As stated, a decision of the Permit Appeals Panel can be further appealed to the Council. The City Clerk's Office received a proper request for appeal from Trygve which has resulted in this matter being set for a public hearing on April 24, 2007 before the Council.

Recommendation:

Adoption of proposed resolutions entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DENYING THE APPEAL BY TRYGVE ENTERPRISES, INC., AND AFFIRMING THE DECISION BY THE PERMIT APPEALS PANEL (2511 NORTH ORCHARD DRIVE).

2. APPEAL OF DEVELOPMENT REVIEW 4201-4207 WEST MAGNOLIA AVENUE:

The purpose of this report is for the Council to consider an appeal of the Planning Board's decision to deny Project No. 2006-47 Development Review. The appeal was received from the applicant and architect, Hamlet Zohrabians. Mr. Zohrabians states that the proposed project meets all zoning and building codes including density, height, floor area ratio, setbacks and required dedications. Additionally, he revised the plans including the elimination of the third story, and reduced the total building square footage. The applicant further states that the building style is compatible with the neighborhood and that required parking is provided. No variances are required.

Recommendation:

Adoption of proposed resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING
PROJECT NO. 2006-047 DEVELOPMENT REVIEW (4201-4207 WEST MAGNOLIA
BOULEVARD).

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:

3. APPROVAL OF A COOPERATION AGREEMENT, APPROPRIATION OF FUNDS AND APPROVAL TO USE AGENCY FUNDS IN A NON-PROJECT AREA, PROFESSIONAL SERVICES AGREEMENT, CONTRACT DOCUMENTS, AND AWARD OF THE CONSTRUCTION CONTRACT FOR BID SCHEDULE NO. 1233 – BURBANK BOULEVARD STREET IMPROVEMENT PROJECT:

The proposed street improvement project will beautify Burbank Boulevard by improving traffic flows, public transit stops, pedestrian safety, signal timing and the City's infrastructure including use of recycled water where possible and reducing congestion. During the design stage of the project, staff held several meetings with residents, businesses and property owners within a 1000-foot radius of the Burbank Boulevard corridor to solicit comments on the proposed improvements.

On May 2, 2006, the Council and Redevelopment Agency (Agency) Board approved the Design Development Plans and directed staff to continue with the final construction drawings. Staff was directed to return to the Council prior to bidding the project, so the Council could review the final construction cost estimates before going out to bid.

On January 23, 2007, staff returned to the Council for review of the final construction cost estimates. The Council approved the proposed budget. However, staff was directed to consider some project modifications and bidding options.

After making some project modifications, as directed by the Council, Bid Schedule (BS) No. 1233 was advertised on March 10 and 14, 2007. A bid opening was conducted on April 3, 2007. Nine contractors submitted bids ranging from \$6,315,096.30 to \$8,742,276.83. All American Asphalt submitted the lowest bid of \$6,315,096.30, which is 5.8 percent below the engineer's estimate of \$6,700,000. The State of California Contractor's State License Board has confirmed that All American Asphalt's license is current, active and in good standing. Additionally, staff contacted several references, who provided confirmation that All American Asphalt had satisfactorily completed their projects. Construction of this project is planned to occur between June 2007 and February 2008.

The Burbank Boulevard Street Improvement Project is estimated to cost \$8,282,360.75. The Agency is proposing to fund \$8,182,360.75 with 2003 Golden State bond proceeds. The remaining \$100,000 for future improvements is being included in the Fiscal Year 2007-08 budget request.

Staff recommends the Agency Board approve a Cooperation Agreement between the City and the Agency to transfer funds for the street improvements, making the necessary Health and Safety Code Section 33445 findings and appropriate funds in the amount of \$8,182,360.75. Staff also recommends that the Council adopt a resolution containing the following actions:

- Approving the Cooperation Agreement;
- Consenting to Agency expenditures in a non-Redevelopment Project Area (33445 findings);
- Approving a Professional Services Agreement with LAN Engineering for construction management and inspection services; and,
- Approving a construction contract and related documents to award the bid to All American Asphalt for BS No. 1233 – Burbank Boulevard Street Improvement Project.

Recommendation:

Adoption of proposed City Council resolution entitled:
(4/5 vote)

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE TERMS AND PROVISIONS OF A COOPERATION AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK AND THE CITY OF BURBANK; APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH LAN ENGINEERING; AND APPROVING AND ADOPTING CONTRACT DOCUMENTS, PLANS AND SPECIFICATIONS, AND DETERMINING THE LOWEST RESPONSIBLE BIDDER, ACCEPTING THE BID, AND AUTHORIZING EXECUTION OF A CONTRACT, BID SCHEDULE NO. 1233 -- ALL AMERICAN ASPHALT (BURBANK BOULEVARD STREET IMPROVEMENT PROJECT).

Adoption of proposed Redevelopment Agency resolution entitled:

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK APPROVING THE TERMS AND PROVISIONS OF A COOPERATION AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK AND THE CITY OF BURBANK AND AMENDING THE FISCAL YEAR 2006-2007 BUDGET IN THE AMOUNT OF \$8,182,360.75 FOR THE BURBANK BOULEVARD STREET IMPROVEMENT PROJECT.

4. AFFORDABLE HOUSING AGREEMENT – 261 WEST VERDUGO AVENUE FOLLOW-UP ITEMS:

The purpose of this report is to provide a status on a variety of follow-up items related to the acquisition of 261 West Verdugo Avenue, as requested by the Council/Redevelopment Agency (Agency) Board at their meeting on March 20, 2007. On January 23, 2007, the Council/Agency Board considered and approved the funding of a Burbank Housing Corporation (BHC) real property acquisition of 261 West Verdugo Avenue (as well as two other properties at 2219 and 2329 North Niagara Street) for the purpose of increasing the City's inventory of affordable housing. While the staff report focused on the merits of funding the proposed BHC property acquisition, the Council/Agency Board voiced its collective concern regarding the fact that information pertaining to a recent, private party, real estate transaction was not addressed in the staff report of January 23, 2007.

With the concerns raised over the funding of the acquisition of 261 West Verdugo Avenue, several opportunities for program refinement have been identified: staff will in the future, include as part of any acquisition or acquisition-related staff report, a summary of all real estate transactions associated with the property under consideration for the previous three years; staff will bring all property acquisitions and/or acquisition-related matters to the appropriate Council Subcommittee prior to making recommendations to the full Council/Agency Board; staff will continue to pursue other qualified appraisers with whom to work; and, a comprehensive audit of the BHC will be performed in the upcoming months.

These measures are anticipated to strengthen the City's affordable housing program and assist the Council/Agency Board as it continues in its commitment to provide safe, clean, service enriched, affordable housing to those residents of the community who find it difficult to afford adequate housing for their families.

Recommendation:

Staff recommends the Council discuss the matter.

CONSENT CALENDAR: (Items 5 and 6)

The following items may be enacted by one motion. There will be no separate discussion on these items unless a Council Member so requests, in which event the item will be removed from the consent calendar and considered in its normal sequence on the agenda. A **roll call** vote is required for the consent calendar.

5. DECLARING THE RESULTS OF THE GENERAL MUNICIPAL AND SPECIAL ELECTIONS HELD ON APRIL 10, 2007:

Pursuant to the provisions of Section 28 of the City Charter, the purpose of this report is to present the results of the General Municipal and Special Elections held on April 10, 2007 for Council approval. On April 10, 2007, a General Municipal Election was conducted for the purpose of filling two City Council seats. Consolidated with the General Election were Special Elections for voter consideration of: Measure A – Transient Occupancy Tax; Measure B – Appointed City Clerk; Measure C – Appointed City Treasurer; Measure D – Transition of Elected City Clerk and City Treasurer; Measure E – Filling Council Vacancies; Measure F – Budget Adoption and Amendment; and, Measure G – New Charter.

The votes cast were received and canvassed as required by law. The canvass of the Election was completed on Friday, April 13, 2007 with the official results posted on the same day. The five-day protest period expired on Wednesday, April 18, 2007 at 5:00 p.m., and no protests were received.

A summary of the votes cast indicates the following results: Gary R. Bric (6,348 votes - Elected); Phil Berlin (3,293 votes); Anja Reinke (6,332 votes - Elected); and, Carolyn Berlin (3,365 votes). Gary R. Bric and Anja Reinke are therefore declared to be duly and regularly elected to office for a full term of four years.

In addition, the following votes were cast for the measures. Measure A – Transient Occupancy Tax (Yes - 4,647, No – 4,947); Measure B – Appointed City Clerk (Yes – 4,482, No – 5,093); Measure C – Appointed City Treasurer (Yes - 4,329, No – 5,028); Measure D – Transition of Elected City Clerk and City Treasurer (Yes – 4,820, No – 4,428); Measure E – Filling Council Vacancies (Yes - 5,190, No – 4,003); Measure F – Budget Adoption and Amendment (Yes - 4,934, No – 4,294); Measure G – New Charter (Yes - 5,252, No – 3,890). Measures E, F and G were approved by the voters and will go into effect. Measures A, B and C were not approved by the voters and will not go into effect. Measure D, however, was to provide for the orderly transition from an elected to an appointed City Clerk and City Treasurer, should Measures B and C be approved. Since Measures B and C were not approved by the voters, by its terms Measure D will not go into effect, and is declared void.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DECLARING THE RESULTS OF THE CONSOLIDATED GENERAL MUNICIPAL AND SPECIAL ELECTIONS HELD ON APRIL 10, 2007.

6. AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR THE 2007 CALIFORNIA SEAT BELT COMPLIANCE CAMPAIGN AND AMENDING THE FISCAL YEAR 2006-07 BUDGET BY APPROPRIATING FUNDS:

Staff is requesting Council approval of a proposed resolution that authorizes the City Manager to accept a grant from the California Office of Traffic Safety (OTS) for the 2007 California Seat Belt Compliance Campaign (Campaign) and amend the Fiscal Year (FY) 2006-07 budget by appropriating the funds.

The goal of the Campaign is to increase seat belt use statewide to 93 percent by July 2007. Through the combined efforts of State and local enforcement, a seat belt enforcement campaign will be conducted for a twenty one-day period in May and June 2007 in support of the Click It or Ticket national mobilization. Burbank Officers have participated in this enforcement campaign in previous years and it has proven to be very effective.

The funds provided from this OTS grant will provide reimbursement for enforcement hours on an overtime basis for first line supervisors, officers and administrative time to meet grant reporting requirements. The City has been approved for \$39,996 in grant funding.

Recommendation:

Adoption of proposed resolution entitled:

(4/5 vote)

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR THE 2007 CALIFORNIA SEAT BELT COMPLIANCE CAMPAIGN AND AMENDING THE FISCAL YEAR 2006-07 BUDGET BY APPROPRIATING FUNDS.

END OF CONSENT CALENDAR

REPORTS TO COUNCIL:

7. APPROVAL AND FILING OF THE FISCAL YEAR 2007-08 ANNUAL PLAN UNDER THE CONSOLIDATED PLAN SUBMISSION (2003-08) FOR COMMUNITY PLANNING AND DEVELOPMENT PROGRAMS:

The Consolidated Plan is required every five years and was last submitted for the period 2003-08. It requires an Annual Plan update each year detailing Federal, State, local and private programs and resources available to meet eight priority needs including housing, homeless and special population(s) programs, community facility and infrastructure, economic development, and community services.

The 2007 Annual Plan details resources totaling over \$16.2 million, including \$1.35 million in Federal Community Development Block Grant (CDBG) entitlement, reallocated funds, and program income, and \$809,339 in Home Investment Partnership (HOME) funds. The Annual Plan must be submitted to Housing and Urban Development (HUD) no later than 45 days prior to the start of the fiscal year, or on or about May 15, 2007 this year.

Compared with 2006 [\$1,348,903 and \$813,379], this year's CDBG funding is only minimally higher (\$1,800) at \$1,350,705, while HOME is slightly lower (\$4,000) at \$809,339.

FY 2007 CDBG FUND RESOURCES

2007 Entitlement:	\$1,208,364
Program Income:	\$ 142,341
Total FY 2007 CDBG:	\$1,350,705

FY 2007 FUNDS BY CATEGORY

Capital Projects:	\$ 877,958
Public Services:	\$ 202,606
Administration:	\$ 270,141
Total Funds Available:	\$1,350,705

Of the Fiscal Year 2007 HOME funds available (\$809,339), \$728,405 will be used by the Burbank Housing Corporation [a Community Housing Development Organization

(CHDO)] for housing acquisition and rehabilitation activities, with HOME program administration funded at \$80,934.

Capital projects as recommended by the Goals Committee and the Executive Staff were considered and approved by Council Resolution 27,422 on February 13, 2007. The approval was based on an estimated 2007 capital fund total of \$881,875. However, when CDBG entitlement notices were released by HUD actual capital funds available were reduced to \$877,958 or a difference of \$3,917. Both the Goals Committee and the Executive Staff recommend reducing Public Works Department programs by this amount making the revised total \$344,958.

For public services, the Goals Committee and the Executive Staff public service recommendations differ for six organizations. Compared with 2006, the Goals Committee recommends increases for the Salvation Army, Family Service Agency, Kids Community Dental Clinic, and Build Rehabilitation, while recommending decreases for the Burbank Unified School District (BUSD), Boys and Girls Club, Heritage Clinic-CAPS Burbank, Armenian Relief Society, and We Care for Youth. For the remaining departments and organizations, the Goals Committee recommends the same level of funding as in 2006, and recommends zero funding for the new request by Everybody Wins Los Angeles.

The Executive Staff recommends increases for Build Rehabilitation, Burbank Temporary Aid Center, and Kids Community Dental Clinic, while recommending decreases for the BUSD, Boys and Girls Club, and the Heritage Clinic. Executive Staff recommends that all other departments and organizations be funded at last year's levels and agrees with the Goals Committee concerning the zero funding for Everybody Wins Los Angeles.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING THE FILING OF THE FISCAL YEAR 2007-2008 ANNUAL PLAN UNDER THE CONSOLIDATED PLAN SUBMISSION (FISCAL YEARS 2003-08) FOR COMMUNITY PLANNING AND DEVELOPMENT PROGRAMS AND AUTHORIZING THE EXECUTION OF RELATED AGREEMENTS.

8. CONSIDERATION OF REQUEST TO VIDEOTAPE THE COUNCIL'S GOAL SETTING WORKSHOP ON MAY 5, 2007:

At the April 17, 2007 Council meeting, Council Member Gordon requested that the Council consider taping the Council's annual Goal Setting Workshop for airing on Burbank TV6. Each year, right after the annual Council Reorganization Meeting on May 1st, the Council holds an informal Goal Setting Workshop on a Saturday. The Council's 2007 Goal Setting Workshop will be held on Saturday, May 5, 2007 in the Administrative Services Building. If it is the desire of the Council, the Public Information Office (PIO) will videotape the meeting for replay at a later date on

Burbank TV6. Since this has not been budgeted, costs will be absorbed within the PIO's regular budget.

Recommendation:

It is recommended that the Council discuss whether they desire to videotape the Goal Setting Workshop on May 5, 2007 and provide direction to staff.

9. COUNCIL DIRECTION REGARDING THE SUSTAINABILITY REPORT STUDY SESSION:

The purpose of this agenda item is to allow for subsequent public comment and Council action and direction as a result of the Sustainability Report Study Session.

ADOPTION OF PROPOSED ORDINANCES:

10. PROJECT NO. 2006-46 PLANNED DEVELOPMENT, DEVELOPMENT REVIEW AND DEVELOPMENT AGREEMENT – 3805 WEST OLIVE AVENUE AND 109 NORTH SCREENLAND DRIVE:

This matter is the second reading of the ordinance approving Planned Development No. 2006-046 for a mixed use project, a Development Agreement and Development Review for 3805 West Olive Avenue and 109 North Screenland Drive. The description of the project has been revised as directed by the Council to provide that at least 122 parking spaces shall be constructed within the on-site subterranean parking garage and surface parking lot. Condition of Approval No. 43 was modified to indicate the Council's intent to allow flexibility in the design of parking spaces. A new Condition of Approval (No. 44) has been added to require at least 122 on-site parking spaces, and to clarify that the applicant may apply for vacation of public right-of-way if such right-of-way is necessary to achieve the minimum number of required parking spaces. A vacation of public right-of-way will require a separate action and would include the necessary reservations of rights for vehicle travel and public services and utilities.

The motion approving the resolution adopting the Mitigated Negative Declaration and introducing the ordinance did not address modifications to a few other Conditions of Approval discussed during deliberations. Therefore, staff is requesting clarification of the following:

1. **Did the City Council intend to alter the requirement that the applicant secure additional off-site parking to meet the peak parking demand of the project?** This requirement is addressed in the ordinance under the second finding for Development Review (i.e., the third paragraph under "b."), the second finding for granting the Planned Development (i.e., paragraph "b."), and Condition of Approval Nos. 5 and 39; and,

2. **Did the Council intend to limit the hours of operation for the second floor uses during periods when the off-site parking is unavailable?** This requirement is addressed in the ordinance under the second finding for Development Review (i.e., the third paragraph under “b.”), the second finding for granting the Planned Development (i.e., paragraph “b.”), and Condition of Approval Nos. 7 and 8.

If it was the Council’s intention to alter the findings and Conditions of Approval as described above, then the motion approving the ordinance should include instructions to make the necessary changes to the findings and the relevant Conditions of Approval.

This ordinance was introduced at the April 17, 2007 Council meeting.

Recommendation:

Adoption of proposed ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING PLANNED DEVELOPMENT ZONE NO. 2006-046 AND APPROVING THE DEVELOPMENT AGREEMENT FOR PLANNED DEVELOPMENT NO. 2006-046 (3805 West Olive Avenue and 109 North Screenland Drive – Dasher Lawless, Inc., Applicant).

11. REVISION TO THE DIVERSION OF CONSTRUCTION AND DEMOLITION DEBRIS ORDINANCE:

The purpose of this ordinance is to make mandatory the City’s voluntary Diversion of Construction and Demolition Debris Ordinance No. 3652, adopted November 20, 2004. By requiring at least 50 percent of construction and demolition debris from residential and non-residential projects in the City to be reused, recycled, or recovered, as recommended by the California Integrated Waste Management Board, the ordinance will reduce the amount of waste sent to landfills and help meet and exceed State mandates and City sustainability goals.

This ordinance was introduced at the April 17, 2007 Council meeting.

Recommendation:

Adoption of proposed ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING PROVISIONS OF CHAPTER 7, ARTICLE 20 OF THE BURBANK MUNICIPAL CODE RELATING TO DIVERSION OF CONSTRUCTION AND DEMOLITION DEBRIS.

RECONVENE the Redevelopment Agency meeting 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.

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