

TUESDAY APRIL 24, 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 5:04 p.m. by Mr. Campbell, Mayor.

CLOSED SESSION

Present- - - - Council Members Golonski, Gordon, Vander Borgh and Campbell.  
Absent - - - - Council Member Ramos.  
Also Present - Ms. Alvord, City Manager; Mr. Stevenson, Senior Assistant City Attorney; and, Mrs. Wilson, Deputy City Clerk.

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

5:05 P.M. Recess The Council recessed at this time to the City Hall Basement Lunch Room/Conference Room to hold a Closed Session on the following:

Conference with Legal Counsel – Anticipated Litigation):

Pursuant to Govt. Code §54956.9(b)(1)

**Number of potential case(s): 1**

Conference with Legal Counsel – Existing Litigation:

Pursuant to Govt. Code §54956.9(a)

**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.

**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.

**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.

5:37 P.M. Infrastructure Subcommittee Report.

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Study Session

Present - - - Council Members Golonski, Gordon, Vander Borgh and Campbell.  
Absent - - - Council Member Ramos.  
Also Present - Ms. Alvord, City Manager; Mr. Stevenson, Senior Assistant City Attorney; and, Mrs. Wilson, Deputy City Clerk.

800  
Infrastructure  
Subcommittee  
Report

Ms. Teaford, Public Works Director, reported that the Council's Fiscal Year 2006-07 Goals included several items pertaining to sustainability and as such, a committee of Executive Staff was formed in December 2006 to develop a recommendation on how to achieve these goals. She reported that the basic concepts that the City will be seeking in a quest for a more sustainable Burbank include the concepts of building an economically-dynamic, socially-equitable and environmentally-sensitive future for Burbank and the world's population. She noted that staff looked at how other neighboring cities have incorporated sustainability into their operations and decision making and particularly liked the City of Pasadena's model which signed onto the Urban Environmental Accords (UEA), a series of 21 actions organized around seven themes that can be adopted at the city level to achieve urban sustainability, promote healthy economies, advance social equity and protect the world's ecosystem by the year 2012. She noted that the UEA were unveiled on June 5, 2005 by the United Nations and provided action items that 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. She noted that the urban themes included: energy; waste reduction; urban design; urban nature; transportation; environmental health; and, water resources. She reported that 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.

Ms. Teaford then discussed Burbank's Action Plan which included 22 actions, including social justice. She added that the City has 95 recommended strategies to achieve these goals, comprising of 34 existing/on going programs; 30 new administrative programs; and, 31 new legislative programs which will need Council approval. She elaborated on the 21 actions and she summarized that overall, the City has achieved four actions including: consumer waste; green jobs; habitat corridors; and, social justice. She added that staff anticipated achieving the following goals: energy; waste; urban design; transportation; environmental health; and, water. The unknown actions included parks, air quality and water efficiency.

301-1  
Earth Day  
Proclamation

Mayor Campbell presented a proclamation to Ms. Teaford, Public Works Director, and staff in recognition of Earth Day.

6:33 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 6:44 p.m. by Mr. Campbell, Mayor.
Invocation	The invocation was given by Reverend Ron White, American Lutheran Church.
Flag Salute	The pledge of allegiance to the flag was led by Council Member Vander Borght.
ROLL CALL	
Present- - - - Absent - - - - Also Present -	Council Members Golonski, Gordon, Vander Borght and Campbell. Council Member Ramos. Ms. Alvord, City Manager; Mr. Stevenson, Senior Assistant City Attorney; and, Mrs. Wilson, Deputy City Clerk.
301-1 2007 Mayors Cup Charity Golf Tournament	Mayor Campbell presented a proclamation to Mike Caggiano, representing the Burbank Sunrise Kiwanis Foundation, in recognition of the 2007 Mayors Cup Charity Golf Tournament.
301-1 Relay for Life Proclamation	Mayor Campbell presented a proclamation to Anita Dominguez and Danella Putna from the American Cancer Society, in recognition of the Relay for Life – Paint Our Town Purple Day event.
301-1 Armenian Genocide Remembrance Day	Mayor Campbell presented a proclamation to Vahe Shahinian from the Burbank Armenian National Committee, and Anna Simonyan and Andre Avanesians from Burbank High School, in honor of the Armenian Genocide Remembrance Day. Anna Simonyan made comments on the Armenian Genocide and presented copies of a book by Samantha Power entitled “A Problem From Hell” to the Council and Sharon Cohen, Library Services Director. Andre Avanesians commented on the achievements of the Burbank High School Armenian Club.
Council Comments	Mr. Campbell reported on attending the California Association of Public Information Officials Conference in Yosemite on Sustainability. He also requested that staff draft a letter to President Bush urging him to recognize the Armenian Genocide.  Mr. Vander Borght reported on a trip to the quarry in Minnesota for

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the selection of material for the Community Services Building Project.

Mr. Golonski thanked Mr. Campbell and Mr. Vander Borgh for their dedicated service and leadership on the Council.

7:17 P.M.  
604  
602  
Appeal of Bus.  
Permit Denial  
for - 2511 N.  
Orchard Dr

Mayor Campbell stated that "this is the time and place for the hearing on the appeal of the Permit Appeals Panel decision denying a business permit for a home occupation to Trygve Enterprises, Inc., for the property located at 2511 North Orchard Drive. The project was denied by the Permit Appeals Panel on May 9, 2006."

Notice  
Given

There were no meeting disclosures.

Notice  
Given

The Deputy 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 on the matter.

Staff Report

Mr. Stevenson, Senior Assistant City Attorney, reminded the Council that this is a de novo hearing and the applicant has the burden of proof to overturn the Permit Appeals Panel's decision.

Mr. Hirsch, Assistant Community Development Director/ License and Code Services, reported that on November 8, 2006, the Permit Appeals Panel conducted a hearing for the purpose of reviewing an appeal by Trygve Enterprises, Inc. (Trygve) and voted to uphold the decision by the License and Code Services Division to deny the business permit application for a Home Occupation. He stated that the business is located at 2511 North Orchard Drive and is operated by Maxwell and Linda Cotter. As way of background, he reported that Trygve applied for a business permit at 2511 North Orchard Drive in August 2002 and were granted approval as there was no indication that the operation of the business would be out of compliance with the Burbank Municipal Code. He added that two months later, an application was received and approved requesting to change their business address to a commercial location at 500 East Olive Avenue, Suite 102. On April 26, 2006, an application was received to change the business address back to 2511 North Orchard Drive and an inspection was conducted which revealed that the business would be in conflict with rules and regulations of the Burbank Home Occupation Ordinance (Ordinance) if conducted as desired by the applicant. He noted that the principal conflicts

with the Ordinance involved: increases in vehicular and pedestrian traffic; 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.

Mr. Hirsch reported that staff has received several complaints concerning the operation of the business from the residence and elaborated on the findings made by the Permit Appeals Panel in denying the application. He noted that subsequent to the Permit Appeals Panel's denial, staff learned that Trygve applied for another business permit to operate at a commercial location in Burbank at 2600 West Olive Avenue under the fictitious name Alternative Health and Hearing Aids. He stated that the application has been approved and the business is currently in operation. He stated that 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.

Applicant	Mr. Cotter, applicant, urged the Council to approve his application. He stated that his immediate neighbors are in support of the business operation and responded to the findings made by the Permit Appeals Panel as the basis for denying his application. He noted that he is of retirement age and desires to work out of his home and not have to pay expensive office space rental costs.
Citizen Comment	There was no response to the Mayor's invitation for speakers at this time.
7:39 P.M. Hearing Closed	There being no further response to the Mayor's invitation for oral comment, the hearing was declared closed.
Council Deliberation	<p>Mr. Vander Borcht suggested allowing the business to operate on a trial basis to see if problems arose. He however noted that complaints have been filed from the neighborhood and if the permit was going to be granted, it would require strict conditions and be on a short-term basis.</p> <p>Mr. Golonski stated that the purpose of the Home Occupation Ordinance was to allow for a business in a residential area provided the business does not have negative impacts on the neighborhood.</p>

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He stated that this will set a precedent and noted that the appellant has not met the burden of proof. He added that the business is a commercial activity and belongs in a commercial zone.

Dr. Gordon stated that he did not believe the business is comparable to a dentist, chiropractor or other occupations that generate more traffic, and that if approved there should be conditions placed on the permit. He also noted that the immediate neighbors are in support of the business and did not believe the traffic generated will cause a traffic problem. He requested the Council consider continuing the hearing until such a time that the Code is amended to allow for exceptions.

Mr. Campbell expressed concern over setting a precedent. He was also not supportive of amending the Code.

Motion  
Fails

It was moved by Mr. Vander Borght, seconded by Dr. Gordon and failed with Mr. Golonski and Mr. Campbell voting no and Mrs. Ramos absent that "the hearing be continued to allow for a Code amendment to provide for an Administrative Use Permit process."

Motion

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

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).

Failed

The motion to adopt the resolution failed by the following vote:

Ayes: Council Members Golonski and Campbell.  
Noes: Council Members Gordon and Vander Borght.  
Absent: Council Member Ramos.

Denial  
Stands

The Permit Appeals Panel's denial of the Home Occupation Application stands.

8:23 P.M.  
1703  
602  
Appeal of Project  
No. 2006-047,  
DR 4201-7 W.  
Magnolia Ave.

Mayor Campbell stated that "this is the time and place for the hearing on the appeal of the Planning Board's decision denying Project 2006-047, Development Review, requested by the Applicant, Hamlet Zohrabians for the property located at 4201-4207 West Magnolia Avenue. The project was denied by the Planning Board on October 23, 2006."

Meeting Disclosure	<p>Mr. Golonski disclosed that he met with applicant and architect approximately two months after the Planning Board's denial.</p> <p>Mr. Vander Borcht stated that he met the applicant at a social function approximately two years ago.</p>
Notice Given	<p>The Deputy 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 17 pieces of written correspondence on the matter.</p>
Staff Report	<p>Ms. Yelton, Assistant Planner, Community Development Department, requested the Council consider an appeal of the Planning Board's decision to deny Project No. 2006-47 Development Review application to construct a three-story office building on a 12,500-square foot lot over three levels of subterranean parking. She reported that the appeal was received from the applicant and architect, Hamlet Zohrabians, stating that the proposed project meets all zoning and building codes including density, height, floor area ratio, setbacks and required dedications. Additionally, the project plans were revised to eliminate the third story and reduce the total building square footage. She reported that three community meetings were held at which concerns were expressed with regard to access via the alley adjacent to a single-family residence, the roof-top terrace, three-story design, traffic and the building's architecture. She added that a subsequent community meeting was held after the Planning Board's denial at which additional concerns were expressed with regard to traffic, the two-story height, building size, inadequate parking, subterranean parking and setbacks. She stated that staff has requested the applicant install a right-turn-only sign at the exit of the parking garage onto Evergreen Street and noted that the applicant is also willing to install mirrors and a drop arm. She added that the applicant further states that the building style is compatible with the neighborhood and the required parking has been provided. She concluded that the project meets Code requirements and all findings can be made. She also noted that no variances have been requested.</p>
Applicant	<p>Mr. Zohrabians, applicant/architect, highlighted the project's features, and the design iterations which resulted in eliminating the third level in response to neighborhood concerns. He noted the uniqueness of the project site and commented on the surrounding zoning and developments. He stated that the office building is a permitted use and that the project meets all Code requirements.</p>

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Citizen  
Comment

Appearing to comment in opposition to the project were: Mark Stebbeds; Donna Stebbeds; Ellen Dinem; Kelly Miller; Steve Urbanovich; Bill Lucas; Rich Kontas; Guy Vardaman; and, Bethany Hartley, who also submitted a petition in opposition to the project. In addition, Dr. Jay Adams commented on height, parking and architectural issues and Michael Shonafelt, stated that he will respond during rebuttal comments

Rebuttal  
Comments

Michael Shonafelt, representing the applicant, responded to public comment and stated that the applicant has responded to concerns with regard to massing, setbacks, safety, egress and ingress, and building size. He noted that the project meets all Code requirements and urged the Council to approve the project.

Mr. Zohrabians responded to public comment with regard to the change in the project's square footage and highlighted that the project meets all Code requirements and does not require any variances.

9:38 A.M.  
Hearing  
Closed

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

Council  
Deliberation

Mr. Golonski acknowledged the residents' concern with underground parking and the project's incompatibility with existing buildings. He however noted that it was impossible to conform to both the Code and the existing buildings, as the existing buildings are significantly under-parked. He also acknowledged that the site has a unique configuration and noted that the applicant has made several significant changes. He expressed concern with the egress and ingress out of the subterranean garage and agreed with the Traffic Engineer that egress/ingress onto Magnolia Boulevard was not a good option. He also stated that having no setbacks on Evergreen Street creates a safety issue and expressed concern with the overall size of the building.

Mr. Vander Borcht noted the need to balance the reality of zoning that currently allows the project to be built while addressing the major issues. He was supportive of the two-story building but suggested a 30-foot height limit for all building elements. He also expressed support for setbacks on Evergreen Street to provide for adequate visibility out of the driveway and suggested a seven-foot setback for at least a 50-percent portion of the width along Evergreen Street on either side of the exit. He also stated that the subterranean parking structure will be utilized as there are no parking alternatives.

Dr. Gordon requested clarification with regard to a Condition of Approval requiring additional landscaping in the absence of setbacks. He noted that although the project is not seeking variance approval, he was unable to make several findings relative to adverse impacts on the existing or intended neighborhood character, compatibility, impact to residential structures and traffic. He stated that the project needs to be scaled down and the safety issues need to be addressed.

Mr. Campbell stated that height was the major issue to be addressed and noted that the building was still massive and incompatible with the neighborhood. He agreed with the main issues already mentioned relative to setbacks and ingress and egress. He was supportive of the suggestion for a 30-foot height limit for all building elements.

Motion

It was moved by Mr. Vander Borcht and seconded by Mr. Golonski that "the following resolution be passed and adopted subject to additional conditions that: total building square footage be limited to 14,000 square feet; the maximum height of any component of the building not exceed 30 feet; the building envelope not exceed 27 feet; there will be a minimum of a seven-foot setback on Evergreen Street for the specific purpose of providing visibility out of the driveway to the maximum length possible that still allows the project to comply with Code; there will be a minimum of an additional five-foot setback in the rear of the building to be used for landscaping, for purposes of buffering the north portion of the property. In addition, a formal landscape plan would be brought back for formal approval by the Council and the developer would be required to install the appropriate number of street trees on Magnolia Boulevard."

1703  
602  
Project No. 2006-  
047, DR 4201-7  
W. Magnolia  
Ave.

RESOLUTION NO. 27,458:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
APPROVING PROJECT NO. 2006-047 DEVELOPMENT REVIEW  
(4201-4207 WEST MAGNOLIA BOULEVARD).

Adopted

The resolution was adopted by the following vote:

- Ayes: Council Members Golonski, Vander Borcht and Campbell.
- Noes: Council Member Gordon.
- Absent: Council Member Ramos.

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Reporting on Closed Session Mr. Stevenson, Senior Assistant City Attorney, reported on the items considered by the Council during the Closed Session meeting.

Initial Open Public Comment Period of Oral Communications Mr. Campbell called for speakers for the initial open public comment period of oral communications at this time.

Citizen Comment Appearing to comment were: Laurie Bleick, thanking Mr. Campbell and Mr. Vander Borght for their service on the Council and in support of Community Development Block Grant (CDBG) funding for the Family Service Agency; Robert Phipps, on the Secondhand Smoke Control Ordinance and announcing that the Glendale Galleria is going smoke free; Jim Schad, requesting disclosure of information for individuals lodging complaints; Michelle Feather, on web streaming and on the Goal Setting Workshop; Esther Espinoza, on an accident at Costco; Mark Stebbeds, on approval of a commercial project on Magnolia Boulevard; Fred Prouser, on allowing the public to use a City laptop during the meeting; Mark Barton, on the election; Rose Prouser, on the improvement needs of the shuffle board court at the Tuttle Center; and, Vahe Hovanessian, commending the Council for the Armenian Genocide Proclamation and the offer to send a letter to President Bush urging him to recognize the Armenian Genocide.

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 period at this time.

Citizen Comment Appearing to comment in support of Community Development Block Grant (CDBG) funding for their organizations were: Louanna Fonnegra, Kids Community Dental Clinic; Shanna Warren, Boys and Girls Club; Barbara Howell, Burbank Temporary Aid Center; and, Vicki Marachelian and Shant Minas, Armenian Relief Society (ARS), Burbank Chapter.

Also appearing to comment were: Kirk Bowren, on the characterization of the statements made by the Community Development Goals Committee; Clancyna Atkins, in support of the Burbank Boulevard Street Improvement Project; David Piroli, on services provided by the ARS; Rose Prouser, on the Affordable Housing Agreement for 261 West Verdugo Avenue and on CDBG

funding; Fred Prouser, in support of videotaping the Council Goal Setting Workshop and on CDBG funding; Esther Espinoza, on CDBG funding; and, Vahe Hovanesian, on videotaping the Community Development Goals Committee meetings and on the need for diversity training.

1301-3  
Joint Mtg w the  
Redev Agency  
BS No. 1233 –  
Burbank  
Boulevard St  
Improvement  
Project

Mr. Moheize, Principal Civil Engineer, Public Works Department, requested approval of a: Cooperation Agreement consenting to Redevelopment Agency (Agency) expenditures in a non-Redevelopment Project Area; Professional Services Agreement with LAN Engineering for construction management and inspection services; and, construction contract and related documents to award the bid to All American Asphalt for Bid Schedule (BS) No. 1233 – Burbank Boulevard Street Improvement Project. He gave a brief overview of the project and noted that during the design stage, staff held several meetings with residents, businesses and property owners to solicit comments on the proposed improvements. He added that on May 2, 2006, the Council and Agency Board approved the Design Development Plans and directed staff to continue with the final construction drawings. He noted that on January 23, 2007, staff returned to the Council for review of the final construction cost estimates and approval of the proposed budget. Staff was directed to consider some project modifications and bidding options.

Mr. Moheize reported that the proposed street improvements include: landscape medians; new roadway pavements; street trees, furniture lighting, landscaping and irrigation; selected accent areas; and, traffic signal modifications and interconnections. He added that BS No. 1233 was advertised on March 10 and 14, 2007 and at a bid opening conducted on April 3, 2007, nine contractors submitted bids ranging from \$6.3 million to \$8.7 million. He stated that All American Asphalt submitted the lowest bid of \$6.3 million, which is 5.8 percent below the engineer's estimate of \$6.7 million. He added that the project is estimated to cost \$8,282,360.75, with the Agency funding \$8,182,360.75 with 2003 Golden State bond proceeds. The remaining \$100,000 for future improvements would be included in the Fiscal Year 2007-08 budget.

Mr. Moheize also reported that 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. He reported that the project completion date was February 2008.

Motion

It was moved by Mr. Vander Borgh and seconded by Mr. Campbell that "the following resolutions be adopted."

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1301-3  
BS No. 1233 –  
Burbank  
Boulevard St  
Improvement  
Project

RESOLUTION NO. 27,459:

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).

Red Agency  
Reso Adopted

Redevelopment Agency Resolution No. R-2181 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 was adopted.

Adopted

The resolutions were adopted by the following vote:

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

1208  
Jt Mtg w the  
Agency  
Affordable  
Housing Agt –  
261 W. Verdugo  
Avenue

Mr. Lynch, Senior Redevelopment Project Manager, Community Development Department, provided a status on the acquisition of 261 West Verdugo Avenue, as requested by the Council/Redevelopment Agency (Agency) Board at the meeting on March 20, 2007. He stated that the subject property was acquired by the Burbank Housing Corporation (BHC) for the purpose of increasing the City's inventory of affordable housing and was financed by the Agency.

Mr. Lynch noted that concerns have been raised by the Council with regard to the funding process including the fact that a previous sale was not adequately addressed as part of the staff report. He reported that staff has examined the acquisition procedures and is recommending several changes, including: providing a summary of

all real estate transactions associated with the property under consideration for the previous three years as part of any acquisition or acquisition-related staff report; bringing all property acquisitions and/or acquisition-related matters to the appropriate Council Subcommittee prior to making recommendations to the full Council/Agency Board; continuing to pursue other qualified appraisers with whom to work; and, performing a comprehensive audit of the BHC. He noted that an audit scope will be brought back for Council approval on May 22, 2007 and that staff will keep the Council updated with regard to the direction that staff and the BHC make efforts to rescind the transaction.

Mr. Golonski suggested a policy that when there is a need for a recusal by a senior staff/or Executive, it should be disclosed to the Council and public.

The Council noted and filed the report.

Motion It was moved by Mr. Golonski and seconded by Dr. Gordon that “the following items on the consent calendar be approved as recommended.”

204-3 RESOLUTION NO. 27,460:  
General Election A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
Results DECLARING THE RESULTS OF THE CONSOLIDATED  
GENERAL MUNICIPAL AND SPECIAL ELECTIONS HELD ON  
APRIL 10, 2007.

907 RESOLUTION NO. 27,461:  
804-3 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
OTS Grant for AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE  
Seat Belt CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR THE 2007  
Compliance Prog CALIFORNIA SEAT BELT COMPLIANCE CAMPAIGN AND  
and Amend FY AMENDING THE FISCAL YEAR 2006-07 BUDGET BY  
2006-07 Budget APPROPRIATING FUNDS.

Adopted The consent calendar was adopted by the following vote:

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

804-3  
CDBG  
Fiscal Year 2007-  
2008 Annual Plan  
- Consolidated  
Plan Submission  
(Fiscal Years  
2003-08)

Mr. Yoshinaga, Grants Coordinator, Community Development Department, reported that the proposed resolution requests approval to: file Fiscal Year 2007-08 Annual Plan under the Consolidate Plan; file Federal fund applications for the Community Development Block Grant (CDBG) and HOME programs; file the 2007 Final Statement of Community Development Objectives and Projected Use of Funds; authorize the City Manager to execute Housing and Urban Development (HUD) funding agreements, act as the City's certified officer under Federal environmental review procedures and execute sub-recipient contracts with organizations utilizing CDBG and/or HOME funds; and, permit the extension of specific CDBG reimbursable contracts for capital projects.

Mr. Yoshinaga reported that the 2007 Annual Plan details resources totaling over \$16.2 million, including \$1.35 million in Federal CDBG entitlement, reallocated funds and program income, and \$809,339 in HOME funds. He stated that compared with 2006 [\$1,348,903 and \$813,379], the 2007 CDBG funding was only minimally higher (\$1,800) at \$1,350,705, while HOME funding was slightly lower (\$4,000) at \$809,339. He explained that of the Fiscal Year 2007 HOME funds available, \$728,405 will be used by the Burbank Housing Corporation for housing acquisition and rehabilitation activities, with HOME program administration funded at \$80,934. He added that specific projects will be brought back for Council approval once identified.

Mr. Yoshinaga informed the Council that capital projects as recommended by the Goals Committee and the Executive Staff were considered and approved by Council Resolution No. 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. He noted that both the Goals Committee and the Executive Staff recommended reducing Public Works Department programs by this amount making the revised total \$344,958.

For public services, Mr. Yoshinaga reported that the Goals Committee and Executive Staff recommendations differ for six organizations. Compared with 2006, the Goals Committee recommended 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 recommended the same level of funding as in 2006, and zero funding for the new request by Everybody Wins Los Angeles. He noted that the Executive Staff recommended 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. He added that the Executive Staff recommended that all other departments and organizations be funded at last year's levels and agreed with the Goals Committee concerning zero funding for Everybody Wins Los Angeles.

**Motion** It was moved by Mr. Golonski and seconded by Mr. Vander Borcht to "adopt the Executive Staff recommendations with the following changes: an additional \$2,500 for the Family Service Agency; an additional \$2,500 for the Burbank Temporary Aid Center; a reduction of \$5,000 from Build Rehabilitation; a reduction of \$2,500 from We Care for Youth; and, funding in the amount of \$2,500 for Everybody Wins Los Angeles."

804-3 RESOLUTION NO. 27.462:  
 CDBG A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
 Fiscal Year 2007- APPROVING AND AUTHORIZING THE FILING OF THE FISCAL  
 2008 Annual Plan YEAR 2007-2008 ANNUAL PLAN UNDER THE CONSOLIDATED  
 - Consolidated PLAN SUBMISSION (FISCAL YEARS 2003-08) FOR  
 Plan Submission COMMUNITY PLANNING AND DEVELOPMENT PROGRAMS  
 (Fiscal Years AND AUTHORIZING THE EXECUTION OF RELATED  
 2003-08) AGREEMENTS.

**Adopted** The resolution was adopted by the following vote:

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

102-3 Mr. McMannus, Public Information Officer, reported that at the April  
 Consideration of 17, 2007 meeting, Council Member Gordon requested that the  
 Videotaping Council consider videotaping the Council's annual Goal Setting  
 the Council's Workshop for airing on Burbank TV6. He stated that each year, the  
 Annual Goal Council holds an informal Goal Setting Workshop on a Saturday  
 Setting Workshop and that the Council's 2007 Goal Setting Workshop was scheduled  
 for Saturday, May 5, 2007 in the Administrative Services Building.  
 He added that if it is the desire of the Council, the Public

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Information Office would videotape the meeting for replay at a later date on Burbank TV6.

Motion  
Fails

It was moved by Dr. Gordon, seconded by Mr. Golonski and failed with Mr. Vander Borgh and Mr. Campbell voting no that "the 2007 Council Goal Setting Workshop to be held on May 5, 2007 be videotaped."

The report was noted and filed.

Ordinance  
Submitted

It was moved by Mr. Golonski and seconded by Mr. Vander Borgh that "Ordinance No. 3719 be read for the second time by title only and be passed and adopted."

1702  
PD No.2006-46  
PD, DA, DR and  
MND – Dasher  
Lawless –  
3805 W. Olive  
and 109 N.  
Screenland Dr.

ORDINANCE NO. 3719:  
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).

Adopted

The ordinance was adopted by the following vote:

Ayes: Council Members Golonski, Vander Borgh and Campbell.

Noes: Council Member Gordon.

Absent: Council Member Ramos.

Ordinance  
Submitted

It was moved by Mr. Vander Borgh and seconded by Mr. Campbell that "Ordinance No. 3720 be read for the second time by title only and be passed and adopted."

500  
Diversion of  
Const. and  
Demolition Debris  
Ord

ORDINANCE NO. 3720:  
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.

