



COUNCIL AGENDA - CITY OF BURBANK
TUESDAY, MAY 29, 2007
6:30 P.M.

CITY COUNCIL CHAMBER – 275 EAST OLIVE AVENUE

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

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:

WATER AWARENESS MONTH.

COMMENDATION:

POLICE DEPARTMENT REX ANDREWS SCHOLAR.

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).

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:

CONSENT CALENDAR: (Item 1)

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.

1. APPROVAL OF FINAL MAP NO. 63047 – 720 EAST SAN JOSE AVENUE:

Staff is requesting Council approval of Final Map No. 63047, a one-lot subdivision totaling 7,625 square feet located at 720 East San Jose Avenue. The property is in the R-3 Multiple-Family Low-Density Residential Zone and is owned by 720 East San Jose, a California Limited Liability Company (LLC).

On January 25, 2005, the property owner requested City approval to construct a two-story, five-unit multi-family residential building with semi-subterranean parking over one lot. On July 18, 2006, the property owner requested City approval to subdivide the five-unit multi-family residential building for condominium purposes. Final Map No. 63047 finalizes the condominium subdivision.

All requirements of the State Subdivision Map Act have been met. The following is a summary of information pertinent to the approval of Final Map No. 63047:

1. The tentative tract map was approved by the Community Development Director on August 10, 2006 pursuant to Burbank Municipal Code (BMC) Section 27-323 (Director's Decision on Tentative Map);
2. The Final Map contains five condominium units at 720 East San Jose Avenue, which is located in the R-3 Multiple-Family Low-Density Residential Zone;
3. This project is Categorically Exempt from the provisions of the California Environmental Quality Act pursuant to Section 15268(b) (3) pertaining to approval of final subdivision maps;
4. Conditions of approval for Tentative Tract Map No. 63047 have been cleared by the Planning Division for the purpose of Final Map approval. The condition of approval relating to Covenants, Conditions and Restrictions (CC&Rs) will be satisfied when the applicant submits two recorded copies of the CC&Rs to the Planning Division (applicant cannot record the CC&Rs until this tract map is approved by the Council and recorded at the Los Angeles County Recorder's Office); and,
5. According to the State Subdivision Map Act, Chapter 3, Article 4, Section 66458 and the provisions of Chapter 27 of the BMC, the Council must approve Final Map No. 63047 if it conforms to all the requirements. If such conformity does not exist, the Council must disapprove the map at the meeting it receives the map, or at its next regular meeting. If the Council has not authorized an extension to allow more time to disapprove the map, and the map conforms to all requirements, the map shall be deemed approved by operation of law.

Recommendation:

Adoption of proposed resolution entitled:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING
FINAL MAP OF TRACT NO. 63047 (720 EAST SAN JOSE AVENUE).

END OF CONSENT CALENDAR

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REPORTS TO COUNCIL:

2. CITY COUNCIL GOALS AND BUDGET CONSIDERATIONS:

The Council held its annual Goal Setting Workshop for Fiscal Year (FY) 2007-08 on May 5, 2007. During the workshop, each Council Member provided his or her top ten goals for the upcoming fiscal year. Staff is providing this information to give the Council an opportunity to discuss Individual Goals and work together to combine them into a consensus list. As part of this discussion, the Council will also have an opportunity to consider appropriating additional funds into the FY 2007-08 budget to implement those goals which have received a majority consensus by the Council, but require funds that are not currently included in the FY 2007-08 budget. Additionally, during the Council meeting of May 22, 2007, the Council requested that staff bring back for consideration, in conjunction with the Council Goals, the remaining Discussion Papers added during the Budget Study Sessions.

Recommendation:

Staff recommends that the Council discuss their Individual Goals for the upcoming fiscal year, provide staff with clarification if needed and work together to combine these individual goals into a consensus list of Council Goals.

Staff further recommends that the Council provide funding direction relating to goal items that have received majority support for implementation, but do not have associated budgeted dollars appropriated.

Finally, staff recommends the Council provide direction relating to the remaining Unfunded Budget Discussion Papers added during the Budget Study Sessions.

3. DOWNTOWN PARKING MANAGEMENT UPDATE:

In January 2006, staff presented a Comprehensive Parking Management Plan for the downtown area that was developed in conjunction with the Downtown Parking Management Committee (DPMC) with input from local merchant and business owners. The plan was approved by both the Traffic and Transportation Committee and the Burbank Town Center. The plan included pay parking for both on-street and off-street parking spaces, but provided a free initial parking period in the structures. In addition, the plan included an option for validated parking for additional free parking time. The Management Plan created parking turnover in the most convenient parking spaces to accommodate the maximum number of users in these prime spaces and allocated the less used remote spaces in outlying facilities to long-term parkers. The DPMC recommended that revenue from the program be directed to downtown enhancements, additional enforcement and adequate staff to administer the program. The Council directed staff to modify the plan to retain much more free parking.

In May 2006, staff presented a modified Downtown Parking Management Plan to the Council that included increased enforcement using new technologies to manage the

parking demand in the downtown. However, without new revenue from parking user fees, the Parking Authority (PA) budget is insufficient to offset the cost of an improved parking enforcement. The Council directed that staff further study the financial implications of the declining fund balance and return with a detailed report.

A detailed analysis of the Parking Authority Fund was presented to the Council in September 2006 illustrating the fund balance decline. The report also showed that those downtown businesses who most directly benefit from free public parking do not contribute to the program finances in any way and these businesses do not subsidize employee parking user fees (permits). The employee permits, which allow parking in excess of posted time limits, currently contribute a significant part of the parking program operating revenues. The Council directed staff to expand outreach to downtown businesses in an attempt to increase voluntary participation in the monthly parking permit program. The increased outreach efforts failed to achieve any significant change in permit purchases.

The Downtown Parking Management Program has two significant operational issues: Effective Management of the Program and the Projected Program Funding Deficit. The current parking program cannot be effectively managed or enforced, resulting in a wide-ranging perception of insufficient parking supply. However, a number of consultant and staff parking studies over the last fifteen years have all concluded that the downtown area has enough parking spaces, but the most convenient spaces are always full.

The cost of operating and maintaining the downtown parking system will exceed revenues by about half a million dollars each year for the next five years. Employee user fees (permits) and leases comprise the bulk of the downtown parking revenues. As a consequence, downtown employees who pay the permits bear a disparate burden of the parking system operating costs and the program encourages many employees to circumvent the permit process.

For fund viability, fiscal policy requires the PA to maintain a balance equal to 60 days operating expense. The PA is projected to fall below this reserved balance requirement during the next fiscal year. The DPMC discussed the PA deficit at their March 29, 2007 meeting, and voted by majority to recommend to the Council that General Fund monies be used to make up the deficit.

Recommendation:

Staff requests further Council direction on parking management policies, enforcement and budgeting.

4. SELECTION OF AT-LARGE COMMUNITY MEMBER TO SERVE ON THE JORDAN MIDDLE SCHOOL, JOHN BURROUGHS HIGH SCHOOL AND BURBANK HIGH SCHOOL JOINT OVERSIGHT COMMITTEE:

On April 17, 2007, the Council adopted a Memorandum of Understanding for Cooperative Joint Use and Improvement of Recreation Facilities between the City and

the Burbank Unified School District (BUSD) to fund improvements to the Jordan Middle School, John Burroughs High School and Burbank High School athletic facilities.

Related to providing project oversight of the improvement work at all three identified schools, the Council approved staff's recommendation to establish a Joint Oversight Committee (JOC). This committee will provide administrative oversight for the projects at all three schools and be responsible for periodic updates and status reports to the Council and School Board. The members of the JOC will work to ensure that construction planning, timelines, bidding, inspections and costs are reviewed before and during actual construction in accordance with the expectations of the City and the BUSD. Additionally, the JOC will assist with recommendations related to key architectural components and assist with any necessary value engineering decisions.

This JOC replaces the original Steering Committee which provided recommendations for the projects. As approved by the Council during the meeting of April 17, 2007, the JOC will consist of: Burbank City Manager; BUSD School Superintendent; two School Board Members to be appointed by the Board of Education (BOE); two Council Members to be appointed by the Council; and, two At-Large Community Members, one appointed by the Council and one appointed by the BOE.

During the May 5, 2007 Council Goal Setting Workshop, Mayor Ramos and Council Member Gordon were appointed by the Council to serve on the JOC. However, the Council has not yet had the opportunity to choose their one At-Large Community Member appointee.

The BOE has not officially appointed their two School Board Members; as well as their At-Large Community Member. However, School District staff will be recommending that Board Members Dave Kemp and Debbie Kukta serve on the JOC as they previously served on the Steering Committee.

Both City and BUSD staff have initiated pre-construction activities for all three schools. The architect selection for the high school projects is quickly approaching and the City and the BUSD staffs are eager to have an assembled JOC to provide input on the architect selection as well as other project issues. Therefore, the need for the Council and the BOE to appoint the remaining members of the Committee has become critical.

Recommendation:

Staff requests the Council select an At-Large Community Member to serve on the Jordan Middle School, John Burroughs High School and Burbank High School JOC.

5. STREAMLINING COUNCIL MEETINGS:

Several of the Council Members (Members) have indicated a desire to consider actions to streamline the Council meetings. Although streamlining of meetings may

mean a variety of things, it certainly at least includes frequency, length and timing of meetings, oral communications, electronic voting and public copies of the documents provided to the Members.

FREQUENCY OF MEETINGS

For many years the Charter has required that the Council conduct its regular Council meetings on a weekly basis. However, at the election held on Tuesday, April 10, 2007, the voters approved an amendment to the Charter which provides:

The regular meetings of the Council shall be held at least twice per month and such further regular meetings shall be held as determined by ordinance.

In making this recommendation to the electorate, the Charter Review Committee reviewed the Charters of a number of comparison charter cities most of which provided for at least two meetings per month. In looking at the actual practice of those cities, they generally have not exceeded that requirement. Certainly, there may be any number of reasons why seemingly comparable cities are not comparable for Council meeting purposes, but the fact that so many cities find that the business of the City may be accomplished while meeting only twice per month seems persuasive.

Under the new Charter provision, the Council may choose to meet two, three or four Tuesdays per month, or may choose to continue to meet each and every Tuesday. Additionally, the Council could choose to meet most Tuesdays but could formally outline a process where the Council does not meet on certain dates during the summer, and/or during certain parts of the holiday season and on election days. Should the Council choose to meet less frequently than currently, additional meetings, as necessary, could be set as provided in State Law for continued, special or, in the case of a disaster or other emergency, urgency meetings. Once a new meeting schedule is determined, the Council could certainly revisit the issue if it is determined to not be often enough to accomplish the business of the City.

LENGTH OF MEETINGS

Although there are numerous reasons for lengthy Council meetings, the result is that important governmental decisions oftentimes involving substantial public funds and important public and private interests cannot receive the clearest thought and attention by the Council or staff when the meetings extend into the wee hours of the morning. In an attempt to deal with this issue, some agencies have adopted a rule to place a cut-off time for meetings which could only be exceeded by the unanimous vote of the Council.

TIMING OF MEETINGS

For many years the meetings of the Council have been held in the evening. However, many cities hold all or part of their meetings in the daytime.

ORAL COMMUNICATIONS

As part of the Ralph M. Brown Act (Brown Act), Government Code §54954.3 states in pertinent part as follows:

(a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body;

(b) The legislative body of a local agency may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker; and,

(c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body.

The Ninth Circuit Court of Appeals in discussing regulation of Oral Communications (Communications) at meetings of Councils in California made this statement in *White v. City of Norwalk* (1990) 900 F.2d 1421, 1425:

[A] City Council meeting is still just that, a governmental process with a governmental purpose. The Council has an agenda to be addressed and dealt with.

It is a delicate balance to be struck between allowing reasonable Communications by interested members of the public and appropriately taking care of the public's business.

The Council has some latitude in how it structures Communications. The current practice has four periods of general Communications. First, Communications for a designated maximum of three minutes for each speaker are allowed prior to the Council going into Closed Session. Second, Initial Open Public Comment Period of Oral Communications for a maximum of two minutes for each speaker is held prior to the regular agenda items. These comments may include agenda items and any other item within the subject matter jurisdiction of the City. Next is the Agenda Item Oral Communications which allows a maximum of four minutes for each speaker. During this period of Communications, speakers may address any action item on the agenda. Finally, the Final Open Public Comment Period of Oral Communications allows two minutes for each speaker and is held at the end of the meeting. This speaking period is again open to any item within the subject matter jurisdiction of the Council, but is limited to those speakers who did not speak at the Initial Open Public Comment Period of Oral Communications.

ELECTRONIC VOTING

Rather than the traditional roll-call vote or the call for the ayes and nays by the presiding officer, more and more public agencies are moving to electronic voting. This is a rather simple process which records the votes by each member of the public body and when recorded by the Clerk is also displayed for the public to view. Electronic voting has several benefits, not the least of which is expediting the meeting.

PUBLIC COPIES OF DOCUMENTS PROVIDED TO THE COUNCIL

As part of the Brown Act, Government Code §54957.5(b) provides in pertinent part:

Writings that are public records . . . and that are distributed during a public meeting shall be made available for public inspection at the meeting if prepared by the local agency or a member of its legislative body, or after the meeting if prepared by some other person.

It is becoming a more common practice for members of the public as they come to speak to the Council under the various periods of Communications to also provide documentary material. Although it is not required to provide the public with copies until after the meeting because the material was not prepared by the City, staff has endeavored to make copies available immediately so that the public can have access to the same material that is being reviewed by the Council. It is, however, difficult to borrow one of the copies being reviewed by a Member in order to make the copies for the public because they are pertinent to what the member of the public is saying and that benefit would be lost if a copy is taken off to make additional copies. Additionally, the Clerk needs a copy of material provided to the Council to keep in the file of what were considered at the meeting and such additional copy is rarely provided.

Recommendation:

It is recommended that the Council consider adopting a package of changes to streamline the Council meetings, including the following:

1. Frequency of meetings:
Generally meet on the first three Tuesdays of each month, with no meetings on holidays or City election days. However, the Council would look at whether additional meetings would be needed, particularly in May for budget purposes, would not meet on the first Tuesday of July, August or September, and would meet only on the first two Tuesdays of November and December.
2. Timing of Meetings:
Meetings would begin at 5:00 p.m., with Study Sessions, Budget Study Sessions and Closed Sessions to be held in the afternoon.
3. Oral Communications:
Rather than the current four periods of Communications, the Communications would be revised as follows: Two minutes before Closed

Session; up to four minutes before Agenda items (on agenda items and any item within the subject matter jurisdiction of the Council. Individual speaking time may be reduced if the number of speakers would make it difficult to conclude the business of the City within a reasonable time.); four minutes for speakers at Public Hearings; and no additional period of Communications at the conclusion of the meeting.

4. Length of Meetings:
Meetings may not last past 11:00 p.m. without a unanimous vote of the Members present.
5. Documents Presented to the Council:
Speakers seeking to present documents to the Council must provide twenty-five copies or the documents will not be accepted. This caution would be displayed on the agenda.

ADOPTION OF PROPOSED ORDINANCES:

6. EXTENSION OF THE DEVELOPMENT REVIEW ORDINANCE FOR PROJECTS WITH POTENTIAL TRAFFIC IMPACTS AND REPORT ON ANALYSIS OF THE GENERAL PLAN DEVELOPMENT MODEL:

In April 2006, the City released for public review draft updates to the Land Use and Mobility Elements (LUME) of the General Plan (Plan). The draft documents included provisions that would limit the intensity of commercial and industrial development Citywide based upon the amount of traffic that the development was expected to generate. The proposed development control has come to be known as the Trip-Based Intensity Measurement Standard or TIMS. Following the release of the draft documents, the Chamber of Commerce (Chamber), business owners and property owners all expressed concern about the potential impacts of TIMS. As proposed, TIMS would introduce new restrictions on property development and in some cases could substantially reduce the amount of development that could be built on a property under existing Plan and zoning requirements.

In June 2006, the Council directed staff to seek outside consultants to evaluate TIMS and make recommendations regarding its viability and appropriateness as a development control in response to the concerns raised by the Chamber and others. Specifically, the Council directed staff to hire a consultant to conduct an economic analysis to determine the economic viability of the development control and to hire a consultant with expertise in traffic engineering to review TIMS, the City's Travel Demand Model and the assumptions that were used in the model to create TIMS. In August 2006, the Council directed staff to proceed with executing a Professional Services Agreement with Keyser Marston Associates (KMA) for an economic analysis of TIMS and with Kaku Associates, now known as Fehr & Peers (F & P) for a traffic analysis.

At the time the Council was discussing the Plan update and the proposed TIMS regulation, many Development Review applications for commercial and industrial projects were required by the Zoning Ordinance to be processed as ministerial applications. Ministerial applications must be approved by the City if they are found to meet all Municipal Code requirements; no traffic study or other environmental analysis is conducted. In June 2006, the Council directed staff to return as quickly as possible with recommendations for an interim measure to modify the Development Review process until the Council considered the Plan update and TIMS. The purpose of the interim measure was to provide a threshold above which traffic analysis is required to ensure that potential traffic impacts from individual projects are adequately analyzed until the Plan update is considered by the Council.

On July 25, 2006, the Council approved Ordinance No. 3702 to change the Development Review process such that all Development Review applications for non-residential projects that are expected to generate 50 or more vehicle trips during the AM or PM peak traffic hours are processed as discretionary applications and are subject to environmental review. Such applications are approved or denied by the Planning Board (Board) following a noticed public hearing. Per the ordinance, the Board must find before approving an application that the proposed project would not have an adverse impact on traffic flow and circulation, or that the benefits to the community of the proposed project would outweigh the potential adverse impacts.

The ordinance was intended by the Council to serve as an interim measure until the Council considered the proposed Plan update and other controls are implemented. As such, the ordinance was approved with a sunset date of July 31, 2007. This date was recommended by staff because it was believed at the time that the Plan update would be completed within that time frame. If the Council does not act to extend the ordinance, it will expire on that date. The previous Development Review process would again take effect, where non-residential projects that are not regionally significant and not located within 150 feet of a single-family residential zone are processed as ministerial applications.

KMA analyzed the potential economic effects of TIMS by comparing the economics of sample development projects that could be built under today's zoning requirements with comparable projects that could be built under TIMS' restrictions. The economic factors studied were the land value that would be supported by the project, the number of jobs that would be generated by the project and the tax revenue to the City that would be generated by the project through Property Taxes, Sales Taxes and Utility User Taxes. KMA concluded that TIMS would result in adverse impacts relative to all three of the factors studied. In general, TIMS allows for a lesser intensity of development than existing zoning regulations. This causes the land value of commercial and industrial properties to be lower under TIMS than under existing zoning. Furthermore, KMA found that projects developed under TIMS limitations would create fewer jobs and result in lower tax revenues than projects built under current zoning regulations.

F & P performed a review of TIMS to evaluate the general methodology and assumptions behind it and its potential as an accurate system to relate traffic impacts of specific projects to overall, long-range Citywide forecasts used to develop the Plan

update. F & P evaluated the proposed methodology and compared its implementation to current established industry standards for determining traffic impacts. They also conducted research of other jurisdictions that have similar trip-based development controls as part of the project review process. F & P concluded that the TIMS approach has merit as a method for informing elected officials and project applicants about traffic impacts of new development as they relate to the overall land use forecasts in the City. However, the analysis identified a number of technical issues that should be addressed if the TIMS standard were to be implemented.

When the Council directed staff to conduct further analysis of TIMS, the Council also directed staff to work closely with representatives from the Chamber to ensure that the business and development community were involved in the TIMS review and had input into the process. Staff has met regularly with Chamber representatives who have provided input, helped select the sites to be studied by KMA and reviewed KMA's analysis and findings. Staff and a Chamber subcommittee have met to discuss alternative approaches to TIMS and the City's development model. The Chamber representatives have provided staff with perspective about current and future market conditions in Burbank as staff examines specific sites that are believed likely to recycle during the Plan planning period.

Based upon the findings of KMA and F & P and additional analysis performed by staff, staff is recommending that the Council direct staff to make several revisions to TIMS and its underlying methodology, if the Council wishes to continue pursuing a traffic-based development regulation. The analysis of these changes and further revisions to the draft LUME will not be completed by the time the Development Review ordinance sunsets at the end of July. Since the ordinance was intended as a stopgap measure until the LUME are considered by the Council, staff recommends that the Council extend the sunset date of the ordinance for one year until July 31, 2008. Staff hopes that the revisions to TIMS and the Plan elements and the related Environmental Impact Report can be completed and brought back to the Board and the Council for consideration by that time.

This ordinance was introduced at the May 22, 2007 Council meeting.

Recommendation:

Adoption of proposed ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING CHAPTER 31 OF THE BURBANK MUNICIPAL CODE EXTENDING ORDINANCE NO. 3702, WHICH RELATES TO THE DEVELOPMENT REVIEW PROCESS (Project No. 2006-008, Zone Text Amendment).

7. ORDINANCE AMENDING CHAPTER 29 (VEHICLES AND TRAFFIC) OF THE BURBANK MUNICIPAL CODE:

Staff is requesting Council approval of an ordinance amending Chapter 29, Vehicles and Traffic, of the Burbank Municipal Code to bring the Code in line with procedural practice and to revise obsolete language.

Chapter 29 contains twenty-nine articles that address traffic administration and regulations. Over the years, the Council adopted ordinances amending particular items within this chapter to update and clarify the Code relative to current practices and procedures. This proposed ordinance amends Chapter 29 in its entirety to remove outdated references such as the Golden Mall, streetcars, etc., and to eliminate practices that are no longer performed with current procedures or operations. In cases where an item was more appropriately addressed in the California Vehicle Code, the section was deleted in its entirety.

All proposed changes to Chapter 29 were reviewed, modified and approved by the Police and Community Development Departments. The Traffic and Transportation Committee endorsed the proposed changes for the Council's consideration during their February 2007 meeting.

This ordinance was introduced at the May 22, 2007 Council meeting.

Recommendation:

Adoption of proposed ordinance entitled:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING
VARIOUS SECTIONS OF CHAPTER 29 OF THE BURBANK MUNICIPAL CODE
REGARDING VEHICLES AND TRAFFIC.

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**