



COUNCIL AGENDA - CITY OF BURBANK  
TUESDAY, JUNE 19, 2007  
4:00 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 – Existing Litigation:**

Pursuant to Govt. Code §54956.9(a)

1. **Name of Case:** Burbank-Glendale Airport Authority Noise Variance Hearing  
**Case No.:** OAH No. L2001-110412  
**Brief description and nature of case:** California Department of Transportation Hearing on whether noise variance should be extended.
  
2. **Name of Case:** Southern California Regional Rail Authority, et al. vs. Wysocki, et al.  
**Case No.:** EC036018  
**Brief description and nature of case:** Court Appeals arising from lawsuits filed related to the Metrolink accident on January 6, 2004.

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.

**5:00 P.M.**

**STUDY SESSION - PLANNING APPLICATION PROCESS:**

At the Council meeting of May 8, 2007, a Council Member Gordon requested that staff bring back for Council discussion information regarding the Development Review (DR) process and projects that are appealed to the Council as the first step in the two-step

process. The Council previously directed staff on April 3, 2007 to schedule a study session for Council discussion of a staff-proposed Zone Text Amendment (ZTA) that would reorganize sections of the Burbank Municipal Code dealing with planning application processes and procedures. Because these two issues are closely related, staff has consolidated a discussion of both issues into a single study session report.

The study session will include discussion about the planning application process for all different types of projects and applications, the proposed ZTA and the questions raised by the Council regarding appealed DR applications. Burbank has over 20 different types of planning permit and entitlement applications. These different applications correspond with all different types and sizes of projects from small accessory structures on Single-Family Residential Properties to Complex Mixed-Use Development Projects. There are numerous steps that are followed as a planning application is processed and ultimately approved or denied.

The proposed ZTA is part of staff's ongoing effort to make the Zoning Ordinance more user-friendly and to eliminate redundancy. The primary reasons behind the ZTA are to create uniformity among the different application process types, increase the internal consistency of the Zoning Ordinance, simplify the process of adding new application types in the future and facilitate the use of the recently-implemented software system that is now being used to track planning applications and manage project workload.

Staff will seek direction from the Council regarding the previously proposed ZTA, as well as any additional direction regarding further consideration of changes to the DR process. This study session serves as the first step in the process regarding the discussion of DR. If the Council wishes to agendaize any discussion about further changes to the Zoning Ordinance, staff would return at a future meeting as the second step. The second step could occur in conjunction with the public hearing on the ZTA, or on another date prior to the public hearing as a separate agenda item.

Recommendation:

Staff recommends that the Council provide direction to staff regarding the proposed ZTA and regarding a possible second step report for further discussion of the DR process.

**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:

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).

AIRPORT AUTHORITY MEETING REPORT:

1. AIRPORT AUTHORITY COMMISSIONER REPORT:

At the request of the Burbank representatives to the Airport Authority, an oral report will be made to the City Council following each meeting of the Authority.

The main focus of this report will be issues which were on the Airport Authority meeting agenda of June 18, 2007. Other Airport-related issues may also be discussed during this presentation.

Recommendation:

Receive report.

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, HOUSING AUTHORITY, PARKING AUTHORITY, PUBLIC FINANCING AUTHORITY AND YOUTH ENDOWMENT SERVICES FUND BOARD:

2. ADOPTION OF THE FISCAL YEAR 2007-08 BUDGET, CITYWIDE FEE SCHEDULE AND APPROPRIATIONS LIMIT:

The purpose of this report is to request that the Council, Redevelopment Agency, Housing Authority, Parking Authority, Public Financing Authority and Youth Endowment Services (YES) Fund Board adopt the Fiscal Year (FY) 2007-08 Citywide Budget, Citywide Fee Schedule and Appropriations Limit.

On May 8, 2007, staff presented a preliminary overview of the Proposed FY 2007-08 budget, along with the Five-Year Forecast. The Proposed Budget documents were distributed on May 3, 2007 for the Council's review prior to the annual Goal Setting Workshop held on May 5, 2007.

Budget Study Sessions were held on May 8, May 15 and May 22, 2007. The purpose of these sessions was to give the Council the opportunity to review each department's budget, ask questions and make modifications to the budget. Additionally, on May 29, 2007, the Council reviewed their respective goals for the upcoming year and recommended funding for various items.

The Annual Public Hearing for the Budget was held on June 12, 2007, and after hearing public comments and completing its final review, the following items were addressed by the Council:

**Additional Discussion Items:**

The Council agreed to fund two additional discussion items that were originally requested by Mayor Ramos at the June 5, 2007 Council meeting. A holding account of \$100,000 for parking enforcement was approved. Specific use of these funds will be discussed when the overall downtown parking management item is brought back before the Council. Additionally, \$59,004 was included in the budget for an Education Ambassador that not only will educate citizens/businesses with respect to the new smoking ordinance, but also with other new ordinances such as the shopping cart ordinance.

**Smoothing of Refuse Fund Rate Increases:**

The proposed budget includes a nine percent refuse rate increase for FY 2007-08. This increase would amount to an increase of only \$1.81 to the monthly 64 gallon container fee. Lifeline customer rates will remain unchanged. The rate increase is recommended to help the Refuse Fund cover its growing operating costs and comply with legal bond coverage requirements.

During the public hearing, the Council directed staff to explore the feasibility of smoothing the proposed nine percent refuse rate increase for FY 2007-08. Staff will look at what can be done to minimize any rate increase while helping bring the Fund back into fiscal health and also enable the fund to comply with other legal requirements and the City's Fiscal Policies. Please note that reducing the rate increase to six percent reduces the monthly cost to rate payers by only 60 cents while throwing the fund into a potential deficit. Staff will provide additional information related to this issue during the adoption of the budget.

The following chart provides a citywide snapshot of the resources and appropriations for FY 2007-08:

	<b>PROPOSED RESOURCES</b>	<b>PROPOSED APPROPRIATIONS</b>
General Fund	\$139,693,338	\$139,693,338
Special Revenue Funds (incl. Cap. Projects Fund)	21,979,014	19,836,310
Internal Services Funds	31,668,698	29,612,813
Water Reclamation & Sewer	20,890,375	20,890,375
Golf Fund	5,205,858	5,205,858
Water and Electric (BWP)	414,478,103	414,478,103
Refuse Collection and Disposal	14,514,860	14,514,860
Redevelopment Agency	67,291,110	59,500,306
Public Financing Authority	6,478,864	6,478,864
Housing Authority	8,664,879	8,664,879
Parking Authority	883,165	883,165
<b>TOTAL ALL FUNDS</b>	<b>\$731,748,264</b>	<b>\$719,758,871</b>

The adoption of the Budget sets the initial appropriations for the new fiscal year. For FY 2007-08, total General Fund appropriations of \$139,693,338 have been balanced against estimated revenue in addition to the use of fund balance. If adopted as is (including the items added by Council), the General Fund budget will be balanced with a projected balance of \$127,722 remaining at year's end. This year's General Fund budget is roughly six percent larger than the adopted FY 2006-07 budget. Staff will continue to update the Five-Year Financial Forecast appropriately and update the Council on the City's fiscal condition on a quarterly basis.

Recommendation:

Adoption of proposed Council resolutions entitled:

1. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADOPTING THE BUDGET FOR FISCAL YEAR 2007-2008, AND MAKING APPROPRIATIONS FOR AMOUNTS BUDGETED.
2. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DETERMINING AND ESTABLISHING THE CITY'S APPROPRIATIONS LIMIT FOR FISCAL YEAR 2007-2008.
3. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADOPTING THE BURBANK FEE RESOLUTION.

Adoption of proposed Redevelopment Agency resolution entitled:

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK ADOPTING THE BUDGET FOR FISCAL YEAR 2007-2008.

Adoption of proposed Housing Authority resolution entitled:

A RESOLUTION OF THE HOUSING AUTHORITY OF THE CITY OF BURBANK ADOPTING THE BUDGET FOR FISCAL YEAR 2007-2008.

Adoption of proposed Parking Authority resolution entitled:

A RESOLUTION OF THE PARKING AUTHORITY OF THE CITY OF BURBANK ADOPTING THE BUDGET FOR FISCAL YEAR 2007-2008.

Adoption of proposed Public Financing Authority resolution entitled:

A RESOLUTION OF THE PUBLIC FINANCING AUTHORITY OF THE CITY OF BURBANK ADOPTING THE BUDGET FOR FISCAL YEAR 2007-2008.

Adoption of proposed Youth Endowment Services Fund Board resolution entitled:

A RESOLUTION OF THE YOUTH ENDOWMENT SERVICES FUND OF THE CITY OF BURBANK ADOPTING THE BUDGET FOR FISCAL YEAR 2007-2008.

RECESS the Housing Authority, Public Financing Authority and Youth Endowment Services Fund Board to continue the City Council, Redevelopment Agency and Parking Authority meetings.

RECONVENE for the City Council meeting.

CONSENT CALENDAR: (Items 3 and 4)

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.

3. MINUTES:

Approval of minutes for the regular meetings of January 9, January 16, January 23 and January 30, 2007.

Recommendation:

Approve as submitted.

4. APPROVING THE AGREEMENT BETWEEN THE CITY OF BURBANK AND THE COUNTY OF LOS ANGELES TO PROVIDE FOR A PROBATION OFFICER FOR THE PREVENTION AND INTERVENTION PROGRAM:

Staff is requesting authorization to continue an agreement with the Los Angeles County Probation Department to provide a contract probation officer as part of the Prevention and Intervention Program (PIP) for the City. This agreement with the County, previously known as the Gang Alternative Prevention Program (GAPP) is for a one-year period and has been renewed annually since 1992. This probation officer works directly with the Police Department Outreach Center and fulfills a number of community-based needs, including targeting at-risk youth, providing intensive community-based supervision to juveniles on probation and allowing the Department a more timely method of dealing with juvenile detainees. The probation officer's detachment from a full County caseload enables him to quickly take action on anti-social behavior occurring in our local schools, which although serious, fails to rise to the level of criminal behavior.

The annual cost of this program is approximately \$130,000 and is split between the City and the County of Los Angeles. The City's portion is part of the Police Department's Fiscal Year 2007-08 Budget. The Department continues to feel this is an appropriate use of funds, as the contract probation officer's efforts have proven to be a strong tool to reduce gang activity, drug abuse and juvenile-related criminal activity.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE AGREEMENT BETWEEN THE CITY OF BURBANK AND THE COUNTY OF LOS ANGELES TO PROVIDE A PREVENTION AND INTERVENTION PROGRAM (PIP).



REPORTS TO COUNCIL:

5. AUTHORITY TO PROCEED WITH CONSTRUCTION OF THE DEBELL CLUBHOUSE REPLACEMENT PROJECT AND RELATED ACTIONS FOR BID SCHEDULE NO. 1153:

The DeBell Golf Course, driving range and clubhouse represent an important and long-standing recreational amenity that continues to be enjoyed and extensively used by the community. The City is proud of this recreational asset but like most facilities that are extensively used, the time inevitably comes when assets need to be substantially refurbished or replaced.

The existing DeBell Clubhouse was dedicated in April 1970 and is far beyond the twilight of its economic life. The clubhouse: is functionally obsolete by today's clubhouse operational and functional standards; does not meet current Americans with Disabilities Act (ADA) standards for accessibility or structural integrity for earthquake standards; does not have a fire suppression system other than fire extinguishers and an American National Standards Institute (ANSI) system for its kitchen equipment; and, is not energy efficient.

In addition, the existing surface parking lot is in poor condition and does not meet current Burbank Municipal Code (BMC) standards. The recommended project changes will improve safety, circulation and lighting, enhance current landscaping and provide important storm water run-off mitigation measures in conformance with BMC and Regional Water Quality Control Board requirements.

The decision to replace the existing clubhouse and surface parking lot with new facilities was made prior to June 2002. This decision has been re-affirmed several times since then, given the facility's continued declining condition.

The following list of key events summarizes the activities that have culminated in staff's current recommendation that the Council approve the project as presented:

1. Public outreach efforts presented several Conceptual Clubhouse Program alternatives for consideration in August 2004 and May 2005;
2. A final public outreach effort held December 2005 resulted in near unanimous acceptance of a conceptual program for a new clubhouse and parking facilities. This program was reviewed, evaluated and generally accepted by the Oversight Committee (OC) in January 2006;
3. On March 7, 2006, the Council accepted an \$8 million Schematic Design Program and directed staff to proceed with the Design Development Phase;

4. On July 25, 2006, the Council accepted the \$8 million Design Development Phase Program and directed staff to proceed with the Construction Documents Phase;
5. The Building and Safety Division's plan check approval was secured on February 26, 2007;
6. General Contractor Bid Proposals were received on April 10, 2007; and,
7. April and May 2007 – Staff evaluated General Contractor bids and completed additional background investigation work. The OC met twice to review results and develop Council recommendations.

Summit Builders of Lakewood, California submitted the lowest bid of \$6,776,000. An investigation of Summit Builder's current and local project experience was performed and the outcome was favorable. Further investigation indicated that three or more bids were received by Summit from subcontractors for all primary trades. This represents favorable competitive bidding for approximately 82 percent of Summit's construction bid.

The current Total Projected Project Cost is \$9.4 million, which reflects a 17.5 percent increase over the \$8 million amount presented to the Council on July 25, 2006. The primary causes for this \$1.4 million increase include increased costs for architectural and engineering, construction management, temporary power, water and sewer connections and consumption, and construction and project contingency.

The Golf Fund had originally programmed \$6.5 million for the DeBell Clubhouse Replacement Project. Resolution No. 27,189, which was passed and adopted on March 7, 2006, authorized a \$1.5 million advance from the General Fund to the Golf Enterprise Fund to be repaid over a ten-year period with principal and interest payments commencing in January 2008. The two funding sources represent the \$8 million Total Projected Project Cost previously accepted by the Council as of July 25, 2006 based on completion of the Design Development Phase.

If the Council authorizes the project to proceed with construction based on staff's and the OC's recommendation, there will be a \$1.4 million fiscal impact that will require an additional advance from the General Fund. This authorization will result in a total advance from the General Fund of \$2.9 million. Staff requests that principal and interest payments for the total advance commence in January 2009.

Based on discussions with the OC, staff recommends revising the resolution adopted in March 2006 that advanced \$1.5 million from the General Fund to the Golf Fund, adding an additional \$1.4 million for a total advance of \$2.9 million.

The project currently has \$3,177,716 in appropriated funds. Staff recommends that the Council appropriate an additional \$6,222,284 to the project for a total of \$9.4 million.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND ADOPTING CONTRACT DOCUMENTS, PLANS AND SPECIFICATIONS, AND DETERMINING THE LOWEST RESPONSIBLE BIDDER, ACCEPTING THE BID, AND AUTHORIZING EXECUTION OF A CONTRACT FOR THE DEBELL CLUBHOUSE REPLACEMENT PROJECT (BID SCHEDULE 1153) TO SUMMIT BUILDERS; AUTHORIZING AN ADVANCE OF \$1.4 MILLION FROM THE GENERAL FUND TO THE GOLF FUND; AND, AMENDING THE 2006-2007 FISCAL YEAR BUDGET TO PROVIDE \$6, 222, 283. 60 FOR THE PROJECT.

6. CONTINUATION OF THE DOWNTOWN PARKING MANAGEMENT UPDATE:

On May 29, 2007, staff presented an update on Downtown Parking Management. Due to the length of the Council meeting on that date, the Council directed that their discussion regarding the item be postponed to a future date. The purpose of this item is to receive Council direction regarding the Downtown Parking Management Update presentation.

Recommendation:

Staff requests that the Council provide further downtown parking management direction regarding policies, enforcement and budgeting.

7. ADDITIONAL ART PIECE ON THE CHANDLER BIKEWAY – STEP 1:

At the May 8, 2007 Council meeting, Mayor Ramos requested that staff place an item on the agenda to discuss the potential of developing another public art installation on the Chandler Bikeway. Prior to extending significant staff effort, this item has been placed on the agenda as the first step, in what is referred to as the one-step, two-step process, for additional Council discussion and consideration.

Currently, there are two bronze sculptures installed along the bikeway. W. Stanley Proctor's The Wagon Pull was dedicated in December 2005 and Gary Lee Price's Family Outing was dedicated in May 2007. There are other potential installation sites available.

Funding this proposed project can be secured by appropriating a specific amount from the general fund or by utilizing a portion of the Public Art Fund. Currently, there is approximately \$454,000 in the fund. The Public Art Fund policies govern the manner in which projects are brought forward by entities other than the Council. However, they do not specify a procedure which the Council must follow.

Previously, the Council directed staff to initiate a search to secure proposals for realistic bronze sculptures that would depict activities which occur along the bikeway. Once

proposals have been evaluated, finalists would be selected and shared with the Friends of Chandler for their input. All finalists would be presented to the Council for selection and appropriation. The Council appropriated \$50,000 for The Wagon Pull and up to \$60,000 for Family Outing.

Recommendation:

Staff recommends that the Council discuss the installation of an additional art piece on the Chandler Bikeway.

8. ORDINANCE AMENDING CHAPTER 23 (PUBLIC TRANSPORTATION) OF THE BURBANK MUNICIPAL CODE:

Staff is requesting Council approval of an ordinance amending Chapter 23, Public Transportation, of the Burbank Municipal Code (BMC) to authorize the Traffic and Transportation Committee (T&TC) to establish a surcharge for extraordinary or unusual costs incurred in providing specialized transportation services.

BMC Section 23-129 currently requires that a taxicab fare cannot be greater than that charged in the City of Los Angeles (LA) for a similar trip. The section also requires that taxicab rates of fare must be consistent throughout the City.

G & S Transit and Tri-City Transportation have requested a \$2.50 per trip surcharge for trips from Bob Hope Airport (BHA). This charge is consistent with the current surcharge within the City of LA for trips from Los Angeles International Airport (LAX). The LAX surcharge funds additional services at the airport and the surcharge at BHA will also fund additional services to passengers at the local airport. The airport and the taxi companies have agreed to stage taxis at a remote location, with a supervisor to control the staging and to coordinate the dispatching of the vehicles to the airport proper. This operation, currently in place, will minimize taxis waiting in the terminal area and provide just-in-time taxi services to riders at the terminal. Since taxis serve over 200,000 passenger trips annually from BHA, the service will reduce traffic congestion in the terminal area. The surcharge is intended to fund the additional supervisor, communications and computerized dispatching for this specialized service.

The proposed changes in the BMC retain the consistency of base fares within the region based on LA rates. However, the changes will allow the T&TC, which currently regulates the number and operating rules of Burbank licensed taxis, to establish surcharges as necessary for specialized operations.

Recommendation:

Introduction of proposed ordinance entitled:  
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTION 23-129 OF THE BURBANK MUNICIPAL CODE RELATING TO RATES OF FARE FOR TAXICAB SERVICE .

9. ORDINANCE OUTLINING THE REDEVELOPMENT AGENCY'S EMINENT DOMAIN

## PROGRAM IN COMPLIANCE WITH SENATE BILL 53:

The purpose of this report is to introduce an ordinance to satisfy the requirements of State Legislation Senate Bill (SB) 53 regarding the Burbank Redevelopment Agency's (Agency) Eminent Domain Program. On September 29, 2006, SB 53 was signed into California law. This new measure requires the legislative body (Council) of every city and county with a redevelopment agency to adopt an ordinance by July 1, 2007 that describes their program to acquire real property by eminent domain.

SB 53 also requires redevelopment plans adopted after January 1, 2007 to describe the agency's program to acquire real property by eminent domain. Such plans can prohibit certain types of eminent domain actions such as prohibiting the use of eminent domain on owner-occupied single-family homes. The Agency currently has no plans to create a new project area requiring the adoption of a plan. The legislation did not define the term program, but since each of the Agency's existing redevelopment plans already have policies placing restrictions on the use of eminent domain, the Agency's program has been defined as those already-existing restrictions. Any modifications to those restrictions would require a redevelopment plan amendment, an approximate nine to twelve-month process, since the legislation did not provide authority to do otherwise.

The proposed ordinance mirrors the restrictions outlined in each of the Agency's Project Area Redevelopment Plans.

Those restrictions are summarized here by Project Area:

1. City Centre Project Area - The Agency's authority to use eminent domain expires 12 years from the amendment to the Redevelopment Plan or 2011. The Agency may not acquire any residentially-occupied property in City Centre;
2. South San Fernando Project Area - The Agency's authority to use eminent domain expires 12 years from Redevelopment Plan adoption or 2009;
3. Golden State Project Area - The Agency's authority to use eminent domain has expired; and,
4. West Olive Project Area - The Agency's authority to use eminent domain has expired.

### Recommendation:

Introduction of proposed ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK DESCRIBING THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK PROGRAM TO ACQUIRE REAL PROPERTY BY EMINENT DOMAIN AS REQUIRED BY SECTION 33342.7 OF THE CALIFORNIA HEALTH AND SAFETY CODE.

## 10. COUNCIL DIRECTION REGARDING THE PLANNING APPLICATION PROCESS

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 Planning Application Process Study Session.

RECONVENE the Redevelopment Agency, Housing Authority, Parking Authority, Public Financing Authority and Youth Endowment Services Fund Board meetings 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](http://www.ci.burbank.ca.us)**