



COUNCIL AGENDA - CITY OF BURBANK  
TUESDAY, JUNE 26, 2007

**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.

**6:30 P.M.**

INVOCATION:

\*

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

FLAG SALUTE:

ROLL CALL:

ANNOUNCEMENT:        DARK MEETING ON JULY 3, 2007.

RECOGNITION:        CHILDREN'S BURN FOUNDATION DONATION.

PROCLAMATION:        PARK AND RECREATION MONTH.

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: (Items 1 through 6)

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

#### 1. REVISION OF THE SPECIFICATION FOR THE CLASSIFICATION OF POLICE OFFICER:

Staff is requesting Council approval of several revisions to the specification for the classification of Police Officer. These changes are designed to bring the specification up to date, more clearly express the City’s expectations for applicants and employees in this position and make it easier for applicants to understand the requirements.

The revisions include the addition of the requirements that officers: successfully complete required training (rather than simply attend required training); successfully

complete a required medical examination, including a psychological suitability exam; are physically fit; and, are of good moral character with no felony convictions. The revised specification also eliminates the Basic Police Officer Standards and Training (POST) requirement, which is particular to law enforcement agencies in the State of California. This change will allow the Department to recruit and hire out-of-state police officers and to recruit and hire officers directly out of an academy, which will increase the City's applicant pool. Police officers hired from out-of-state agencies or directly out of an academy will receive the Basic POST certificate after one year of service with the City.

This classification will continue to be a Civil Service position and subject to the Fair Labor Standards Act. This classification is not included in the City's Conflict of Interest Code. The Burbank Police Officers Association will continue to represent this classification and has been advised of these revisions. The Police Chief concurs with staff's recommendation. The Civil Service Board approved these changes at its regular meetings of February 8, May 2 and June 6, 2007.

There is no fiscal impact associated with the revision of the specification for the classification of Police Officer. The salary for this position will retain the current range, which is \$5,157 to \$6,440.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SPECIFICATION FOR THE CLASSIFICATION OF POLICE OFFICER (CTC No. 0651).

2. APPROVAL OF FINAL MAP NO. 63442, 2410-2414 NORTH NAOMI STREET:

Staff is requesting Council approval of Final Map No. 63442, a one-lot subdivision totaling 13,429 square feet located at 2410-2414 North Naomi Street. The property is in the R-4 Multiple-Family High-Density Residential Zone and is owned by Naomi Garden, LLC, a California Limited Liability Company.

On December 15, 2003, the property owner requested City approval to construct a two-story, 12-unit apartment building with 26 semi-subterranean parking spaces. Through Tentative Tract Map Project No. 2005-148, dated January 24, 2006, the property owner requested City approval to subdivide a 12-unit multi-family residential building with semi-subterranean parking for condominium purposes. Final Map No. 63442 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. 63442:

1. The tentative tract map was approved by the Community Development Director on February 28, 2006 pursuant to Burbank Municipal Code (BMC) Section 27-323 (Director's Decision on Tentative Map);

2. The Final Map contains 12 condominium units at 2410-2414 North Naomi Street, which is located in the R-4 Multiple-Family High-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. 63442 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. 63442 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. 63442 (2410-2414 NORTH NAOMI STREET).

3. APPROVAL OF A TRUST AGREEMENT WITH THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO PROVIDE RETIREE BENEFIT TRUST SERVICES, AND APPROVAL OF ALL RELATED DOCUMENTS TO FACILITATE THE FUNDING, INVESTMENT MANAGEMENT AND ADMINISTRATION OF OTHER POST EMPLOYMENT BENEFITS:

The purpose of this report is to seek approval by the Council of a trust agreement, along with all related documents, to contract with the California Public Employees' Retirement System (CalPERS) to provide retiree benefit trust management and investment services. This agreement will allow the City to comply with the Governmental Accounting Standards Board (GASB) Statement No. 45 for the accounting of Other Post Employment Benefits (OPEB).

The GASB issued GASB Statement No. 45 in order to provide more complete, reliable and decision-useful financial reporting. This includes reporting of the costs and financial obligations that governments incur when they provide post-employment benefits other than pensions as part of the compensation for services rendered by their employees.

In March 2007, as part of the mid-year financial update, staff recommended and the Council appropriated \$5 million of the remaining Pension Obligation Bond (POB) reserve in the General Fund to prefund this obligation and gave staff direction to seek an agreement with CalPERS to provide the trust mechanism in which to invest and manage these funds.

While there are numerous other complicated and detailed issues, the general direction that the Council gave staff and the recommendations that staff is proposing are:

- Fully fund the Annual Required Contribution (ARC) of the OPEB. This is the most fiscally responsible option. It eliminates any potential negative credit rating issue with the City, as well as putting money in an irrevocable trust to pay for the benefits for the employees; and,
- Contract with CalPERS to provide benefit trust services that include investment management and administration.

Final OPEB rates are 1.6 percent for the General Fund and 2.1 percent for all other funds. Staff has used these percentages in preparing the Fiscal Year 2007-08 budget and will go into effect July 1, 2007, so there is no fiscal impact at this time.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE AGREEMENT AND ELECTION OF THE CITY OF BURBANK TO PREFUND OTHER POST EMPLOYMENT BENEFITS (OPEB) THROUGH THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS) AND APPROVING THE DELEGATION OF AUTHORITY TO REQUEST DISBURSEMENTS.

4. ESTABLISHMENT OF THE SPECIFICATION, TITLE AND SALARY FOR THE CLASSIFICATION OF DEPUTY HOUSING AND REDEVELOPMENT MANAGER:

Staff is requesting Council approval of the establishment of the specification, title and salary for the classification of Deputy Housing and Redevelopment Manager (CTC No. 0261). Due to the increasing number, complexity and diversity of the projects initiated and implemented by the Community Development Department's (CDD) Housing and Redevelopment Division, staff has identified a need for an additional high level technical and managerial position to help meet the demands of the Division's ongoing work.

The Deputy Manager will report directly to the Assistant CDD Director for Housing and Redevelopment and will oversee one or more sections of the Division. Additionally, the new classification will provide a deeper level of technical and managerial support to the staff and will help project and program staff growth in complex, technical areas including economic analysis, negotiations and legal issues. The Deputy Manager will also act as the Project Director for the largest and most complex redevelopment and housing projects, providing technical and procedural guidance to all managers and

staff, including those who are not direct reports. The addition of the Deputy Housing and Redevelopment Manager is consistent with the staff structures in both the Building and Planning and Transportation Divisions in CDD, which have a Deputy Building Official and a Deputy City Planner, reporting directly to the Division Managers.

This position will be a Civil Service position, represented by the Burbank Management Association (BMA), exempt from the Fair Labor Standards Act, and included in the City's Conflict of Interest Code. BMA has been advised of this establishment. The CDD Director concurs with staff's recommendation. The Civil Service Board approved the establishment of the specification and title for this classification at its regular meeting of June 6, 2007.

The proposed salary range for the Deputy Housing and Redevelopment Manager was established by reviewing internal salary relationships within CDD to maintain consistency among positions within the associated chain of command. The proposed salary range for this classification is \$8,066 to \$9,800.

There will be no fiscal impact from the establishment of this classification at this time. CDD plans to upgrade a Redevelopment Project Manager position to the Deputy Housing and Redevelopment Manager position. The Department will use salary savings from several other positions that are currently underfilled to cover the difference in salary between the two positions for Fiscal Year (FY) 2007-2008. Any budget impacts beyond FY 2007-2008 will be included in the budget process.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND SPECIFICATION FOR THE CLASSIFICATION OF DEPUTY HOUSING AND REDEVELOPMENT MANAGER (CTC NO. 0261) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.

5. COOPERATIVE FIRE SERVICE AGREEMENT WITH WARNER BROS STUDIO FACILITIES:

The purpose of this report is to request authorization to execute a cooperative fire service agreement with Warner Bros (WB) Studio Facilities. The agreement provides that WB will pay for a full-time Burbank Fire Captain, who will be dedicated to overseeing the safety of each production on the WB lot and provide an improved communications link between WB and the City.

In 2004, the Fire Department (FD) began a series of discussions with WB executive staff to identify ways in which the two entities could collaborate to form an enforcement policy that was proactive and generally improve communications between studio personnel and Department staff. The bulk of the conversations dealt with the required services provided by the FD for the studio's filming activity and the fees that accompany those services. The meetings ultimately resulted in WB offering

to pay the annual costs of a full-time Fire Prevention Captain position. This person would be located at WB and be able to provide consistent oversight of enforcement policies and serve as a communications link between the two organizations. The Fire Captain position was approved as part of the Fiscal Year 2005-06 budget process, and a full-time Fire Captain began reporting to the WB lot on July 1, 2006. At that time, the City Attorney's Office began working with the legal staff at WB to develop a contract that will formalize the agreement.

The new Fire Captain works a 40-hour work week and is stationed full-time at the WB Studio Facilities. This arrangement has been mutually beneficial to both parties. WB receives more timely and consistent service as it relates to the overall permitting process and the availability of FD personnel to oversee production activity. The FD receives an additional staff member to help offset the workload in the Fire Prevention Bureau, and is no longer required to schedule personnel for studio standby service each time a production takes place on the WB lot. Most importantly, the new Fire Captain position acts as a liaison between the Burbank FD, the WB FD, and the staff of the many productions taking place on the lot, improving the overall communications between all parties involved.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE COOPERATIVE FIRE SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND WARNER BROS. STUDIO FACILITIES.

6. AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THE CALIFORNIA AIR RESOURCES BOARD, ACCEPT GRANT FUNDS FOR A HYDROGEN HYBRID FUEL CELL TRANSIT BUS UNDER THE ALTERNATIVE FUEL INCENTIVE PROGRAM AND TO AMEND THE FISCAL YEAR 2006-07 BUDGET:

The California Air Resources Board (CARB) is the clean air agency of the State of California. The mission of CARB is to promote and protect public health, welfare and ecological resources through the effective and efficient reduction of air pollutants. Assembly Bill (AB) 1811 authorizes CARB and the California Energy Commission (CEC) to jointly develop a plan to expend \$25 million in State funds, through the Alternative Fuel Incentive Program (AFIP) to further the goal of reducing air pollution and greenhouse gas emissions. Each fiscal year, CARB solicits grant proposals through several categories that are consistent with AB 1811 provisions. The focus of this grant application is for the demonstration and development of zero emission and zero emission enabling technologies for buses operating in California. The total available funding this year through the AFIP for zero emission buses and zero emission enabling bus technology is \$2 million.

As the City continues its commitment to furthering clean air technologies and to be a leader in implementing alternative-fueled vehicles and technologies, staff was approached by the private company Mobile Energy Solutions (MES) and its two



subcontractors, Hydrogenics Corporation (Hydrogenics) and Martin Marietta Composites (MMC), requesting that the City submit a grant application under the AFIP for a zero emission transit bus. In April 2007, the City along with MES, Hydrogenics and MMC, submitted an application to CARB as a public-private partnership to fund the development and demonstration of a zero emission transit bus.

On May 24, 2007, staff received notification from CARB that the City was awarded a grant in the amount of \$1,370,000 with a local match of \$615,982 to construct and operate a hydrogen hybrid bus. The \$615,982 costs would be shared in this public-private partnership. MMC will be providing \$250,000 and MES will be providing \$226,982 to construct and test the hydrogen hybrid bus. The City will be responsible for covering the remaining 23 percent of the shared costs, or \$139,000 as a local match to fund a portion of the one-year operation costs. Staff has estimated that the hydrogen bus will be in service by summer 2008.

Recommendation:

Adoption of proposed resolution entitled:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE CITY MANAGER TO ENTER INTO A GRANT AGREEMENT BETWEEN THE CITY OF BURBANK AND THE CALIFORNIA AIR RESOURCES BOARD (CARB) AND AMENDING THE 2006-2007 BUDGET TO AUTHORIZE RECEIPT OF GRANT FUNDS IN THE SUM OF \$1,370,000 AND APPROPRIATING AN ADDITIONAL \$30,000 FOR A HYDROGEN HYBRID FUEL CELL TRANSIT BUS.

END OF CONSENT CALENDAR                    \*\*\*                    \*\*\*                    \*\*\*

REPORTS TO COUNCIL:

7. CLASSIFICATION OF LAND USES IN THE RANCHO AREA:

In March 2007, the Council denied an appeal of the Planning Board's (Board) decision to deny a proposed Whole Foods supermarket in the Rancho area. During the deliberations for the project, some Board and Council Members expressed concern that allowing markets as a permitted use in the Rancho area was not consistent with the original intent of the Rancho Master Plan (RMP). The Board and Council both requested that staff return to the Council for further discussion on the issue.

Prior to 1998, permitted uses for each zone were listed in separate lists under each zone. Most of the uses in the lists were not defined in the Zoning Ordinance. The use lists that existed when the Rancho Zoning standards were created included multiple use categories for food sales establishments, including food market and food specialty store, neither of which was defined. When the Rancho Zones were adopted in 1993, food specialty store was listed as a permitted use in the Rancho Commercial Zone and other Rancho Zones.

In 1997, the Council adopted an ordinance that required a Conditional Use Permit for late night operations for residentially-adjacent markets. The ordinance created a new definition for grocery/markets that incorporated the separate food related use categories, including food specialty stores. In 1998, the Council adopted an ordinance to reorganize the Zoning Ordinance and replace the lists of permitted uses for each zone with a single use table. One of the goals of creating the table was to simplify the lists of permitted uses by combining use categories whenever feasible. Based upon the definition of grocery/market that was created under the 1997 ordinance, food retail uses including food market and food specialty store were combined under a single use category. Grocery/market uses were permitted by right in those zones where food markets and/or food specialty stores had previously been permitted.

The transition to the use list table in 1998 resulted in many changes to the use categories including the creation of new categories and the deletion, renaming and consolidation of categories, as occurred with grocery/markets. Other ordinances have also changed the use list over time by adding new uses or changing the permissibility of existing uses. While these changes have occurred for specific reasons and can be traced to specific ordinances, most of the changes occurred as a result of the 1998 conversion from the multiple use lists to the consolidated use list table. Due to the large number of different use categories, it was not practical at the time to provide a detailed explanation for the reasons behind each change. The Zoning Ordinance is an evolving document and is continuously amended in response to changing community needs and concerns. There are numerous differences between the current use list and the original use lists from the Rancho Zoning. Because there are few definitions of the use categories, the consistency of the current zoning with the intent of the original RMP and zoning is open to interpretation in many cases.

If the Council initiates a Zone Text Amendment (ZTA) to change the lists of permitted uses in the Rancho Zones, it will be important to clearly define the different uses in the Zoning Ordinance such that the need for subjective interpretation by staff, the public and the decision makers is reduced and the intent of the zoning is clear. Staff would recommend community participation in the creation and review of any new definitions to ensure that the intent of the RMP is properly memorialized when appropriate. Staff notes however that some of the subsequent amendments to the use list have provided additional protections to the Rancho area and any changes to the use list should be carefully considered to ensure that the protections are not lost.

#### Recommendation:

If the Council is concerned that the land uses permitted in the Rancho Zones today may be inconsistent with the intent of the original RMP and zoning, staff recommends that the Council initiate a Zone Text Amendment and direct staff to prepare the appropriate revisions to the use list and seek public input at the appropriate time. If the Council is specifically concerned about grocery/markets as permitted uses in the Rancho area, the Council could direct staff to immediately process a ZTA to make grocery/markets a conditionally permitted use (requiring a Conditional Use Permit) or prohibited use in the Rancho Zones with no public outreach while simultaneously working on another ZTA to address other differences in the use list.

## 8. VIEW PROTECTION PHASE II – VEGETATION CONTROLS:

At the Council meeting of October 25, 2005, staff was directed to proceed with the second phase of the view protection ordinance. This report seeks direction on specific view protection options, as relating to vegetation that may be included in this second phase of the view ordinance.

Given the direction of the Council, staff held a community meeting to gauge residents' general concerns and present view protection and restoration options for consideration. A second meeting explored vegetative control and dispute resolution processes utilized in other communities and sought input on control options. The meetings addressed trees occurring on both private and public property, and further addressed public trees located on streets, in parks and hillside areas not maintained by the City.

The majority of communities with vegetative controls do not attempt to regulate vegetation that has yet to be planted or obstruct a view. The focus is placed on addressing views already obstructed by vegetation. Many communities do not have absolute criteria to be considered in every situation, regardless of uniqueness. Rather, they provide a series of unranked criteria to be considered on a case-by-case basis as it is applicable to the dispute at issue.

With respect to existing obstructions, a majority of communities with view protection ordinances employ a private dispute resolution process for trees and vegetation located on private property. Mediation and arbitration processes are utilized, but there is no municipal facilitation or enforcement of outcome. The City of Rancho Palos Verdes takes a very different approach. For trees and vegetation on private property, the City facilitates mediation. If mediation is unsuccessful or either party is dissatisfied, decisions may be rendered by the Planning Commission and ultimately the Council. Further, remediation actions are strictly enforced by staff. Most cities do not subject themselves to the same mediation and arbitration processes when the subject tree is City owned, regardless of its location on a street, in a park or nature. Instead, many communities outline a process where a complaint is submitted and evaluated by a City Department.

At the community meetings, there was great support for a City facilitated process for trees located on private property with strict enforcement of remedial actions similar to that used in Rancho Palos Verdes. If the Council wishes to pursue vegetation controls, staff would recommend a hybrid approach utilizing elements of private and public dispute resolution methods. Staff would facilitate mediation between the complainant and foliage owner; both parties would be required to attend. If mediation is unsuccessful, or the outcome of the mediation is not satisfactorily completed, the complainant would have the opportunity to litigate the dispute. In short, staff would require participation and facilitate dispute resolution, but would not enforce the resultant outcome.

Community residents suggested that any process impacting trees on private property be similarly applied to trees and vegetation occurring on public property. The City

does not currently trim, thin, shape, top or remove trees for the purposes of restoring or protecting a view occurring on public property. Staff again recommends a compromise. Any person seeking view relief would file a complaint to be evaluated by appropriate staff. However, when considering the relief request staff would impose a balancing test to additionally consider the view impacted, public interest, and survivability of the subject tree. In the event remediation is warranted, action would be taken by staff or a contractor as approved by staff, with remedial costs to be paid by the property owner.

How to best address future regulation of vegetation in the hillside depends upon the Council's concerns about public facilitation of a process, enforcement of remediation actions and also about providing a sufficient course of action for hillside residents. Staff is recommending a hybrid approach for trees occurring on private property, taking components from both private and public dispute resolution approaches, having some City involvement so as to facilitate but not enforce. For trees located on streets and in parks, staff would attempt to equitably balance the interests of the property owner with those of the public and further ensure the continued survivability of the tree.

Recommendation:

Staff recommends that the Council provide staff with further direction regarding Phase II of the View Protection Ordinance as relating to vegetative controls.

ADOPTION OF PROPOSED ORDINANCES:

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

Staff is requesting Council adoption 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.

This ordinance was introduced at the June 19, 2007 Council meeting.

Recommendation:

Adoption 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 .

10. ORDINANCE OUTLINING THE REDEVELOPMENT AGENCY'S EMINENT DOMAIN PROGRAM IN COMPLIANCE WITH SENATE BILL 53:

The purpose of this report is to adopt 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.

This ordinance was introduced at the June 19, 2007 Council meeting.

Recommendation:

Adoption 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.

**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)**