

TUESDAY, JUNE 26, 2007

A regular meeting of the Council of the City of Burbank was held in the Council Chamber of the City Hall, 275 East Olive Avenue, on the above date. The meeting was called to order at 6:37 p.m. by Mrs. Ramos, Mayor.

Invocation           The invocation was given by Reverend Greg Batson, First Methodist Church.

Flag Salute           The pledge of allegiance to the flag was led by Bob Kramer, Community Assistance Coordinator.

ROLL CALL

Present- - - -       Council Members Bric, Golonski, Gordon, Reinke and Ramos.

Absent - - - -       Council Members None.

Also Present -       Ms. Alvord, City Manager; Ms. Scott, Chief Assistant City Attorney; and, Mrs. Campos, City Clerk.

301-1  
Park and Rec  
Month  
Proclamation       Mayor Ramos presented a proclamation in honor of National Park and Recreation Month to Garen Yegparian, Vice Chair of the Park, Recreation and Community Services Board.

301-1  
Children's Burn  
Foundation  
Donation           Chief Pansini introduced Captain Bell, who briefly described the partnership of the Police Department and the Children's Burn Foundation. Ms. Keeley Quinn, Program Director, Children's Burn Foundation, presented a donation in the amount of \$14,000 to the Burbank Fire Department and commended the Fire Department for their commitment to the Burn Prevention and Fire Safety education program. Captain Bell presented Ms. Quinn with a plaque commemorating the partnership between the Children's Burn Foundation and the Burbank Fire Department.

Mayor Ramos introduced the Board of Governors of the San Fernando and Antelope Valley Chapter of the California Credit Union League who presented trauma teddies for distribution to the Burbank Fire and Police Departments, donated by credit union employees.

Council  
Comments           Mr. Bric reported on visiting the Vietnam Memorial Wall at Valhalla Memorial Park and expressed appreciation to the committee that organized the display.

Mr. Golonski also reported on visiting the Vietnam Memorial Wall and requested the Council recognize the committee that organized the display and City employees who participated in the Relay For Life event.

Mrs. Reinke also reported on visiting the Vietnam Memorial Wall

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and attending the American Cancer Society's Relay for Life event and the Magnolia Park Community Advisory Committee meeting.

Dr. Gordon commented on his visit to the Vietnam Memorial Wall and reported on the Environmental Oversight Committee meeting.

Mrs. Ramos reported on attending the Burbank-Burroughs All Alumni Picnic, Relay for Life and Vietnam Memorial Wall events, and the 75th US Mayors' Conference.

Initial Open  
Public Comment  
Period of Oral  
Communications

Mrs. Ramos called for speakers for the initial open public comment period of oral communications at this time.

Citizen  
Comment

Appearing to comment were: Gary Garrison, on the karaoke program at the Joslyn Adult Center; Dave Hanson, Jim Carroll, Perry Patel and Bob Kurasz, in support of view protection; Marva-Lea Kornblatt, on recycling of horse manure; Michelle Feather, requesting more information on upcoming community events and on land uses in the Rancho area; Jim Schad, in opposition to view protection; Bart Giovannetti, on recycling of horse manure; and, Howard Rothenbach, on utility issues.

Staff  
Response

Members of the Council and staff responded to questions raised.

Agenda Item  
Oral  
Communications

Mrs. Ramos called for speakers for the agenda item oral communications at this time.

Citizen  
Comment

Appearing to comment on classification of land uses in the Rancho area were: Marva-Lea Kornblatt; Susan O'Carroll; Paul Dyson; Esther Barr; Bart Giovannetti; Nancy Sherwood; Howard Rothenbach; Eden Rosen; Kandie Soderstrom; Roman Gora; Anne Peralta; Noreen Reardon; and, Patrick McHugh.

Also appearing to comment were Ted Dimaguila, in support of view protection and Esther Espinoza, on the eminent domain program compliance.

Staff  
Response

Members of the Council and staff responded to questions raised.

Motion

It was moved by Mr. Golonski and seconded by Dr. Gordon that

"the following items on the consent calendar be approved as submitted."

1007-1  
Revision of  
Spec for  
Police Officer  
CTC No. 0651

RESOLUTION NO. 27,489:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SPECIFICATION FOR THE CLASSIFICATION OF POLICE OFFICER (CTC No. 0651), with direction that the requirement for obtaining the Basic POST certificate within one year of service be included.

1204-1  
Final Map  
No. 63442  
2410-2414 N.  
Naomi Street

RESOLUTION NO. 27,490:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING FINAL MAP OF TRACT NO. 63442 (2410-2414 NORTH NAOMI STREET).

1005  
1004-4  
Agt to Prefund  
OPEB thru  
CALPERS and  
Approving  
Delegation of  
Auth to Request  
Disbursements

RESOLUTION NO. 27,491:

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.

1007-1  
Est. Class of  
Dep Housing  
and Redv Mgr  
CTC No. 0261

RESOLUTION NO. 27,492:

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.

904  
Approving Coop  
Fire Svs Agt w  
Warner Bros.  
Studio Facilities

RESOLUTION NO. 27,493:

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.

403  
1601  
804-3  
Grant Agt w  
CARB for

RESOLUTION NO. 27,494:

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

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Hydrogen Hybrid Fuel Transit Bus (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.

Adopted The consent calendar was adopted by the following vote:

Ayes: Council Members Bric, Golonski, Gordon (except Reso No. 27,492), Reinke and Ramos.

Noes: Council Member Gordon (Reso. No. 27,492).

Absent: Council Members None.

8:37 P.M. Recess The Council recessed at this time. The meeting reconvened at 8:42 p.m. with all members present.

1704 Classification of Land Uses in the Rancho Area Mr. Forbes, Principal Planner, Community Development Department, reported that in March 2007, the Council denied an appeal of the Planning Board's (Board) decision which denied a proposed Whole Foods supermarket in the Rancho area. He reported that during deliberations, 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 1993 Rancho Master Plan (RMP). He noted that the Board and Council both requested that staff return to the Council for further discussion on the issue. He reported that prior to 1998, permitted uses for each zone were listed in separate lists under each zone. When new zones were created for the Media District, Rancho and Burbank Center Plan areas, additional use lists were created for those zones and several use categories were included for stores selling products including food market and food specialty store. However, the Code provided no definitions for the food uses.

Mr. Forbes added that 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. He added that 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. He explained that one of the goals of creating the table was to simplify the lists of permitted uses by combining use categories whenever feasible. He stated that 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 zones where food markets and/or food specialty stores had previously been

permitted.

Mr. Forbes noted that 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 existing categories. He stated that other ordinances have also changed the use list over time by adding new uses or changing the permissibility of existing uses. He mentioned that the Zoning Ordinance is an evolving document and is continuously amended in response to changing community needs and concerns. He stated that there are numerous differences between the current use list and the original use lists from the Rancho Zoning. He noted that 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.

Mr. Forbes mentioned that 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. He stated that staff recommended community participation in the creation and review of any new definitions to ensure that the intent of the RMP is properly memorialized when appropriate. He noted 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.

Mr. Forbes informed the Council that if there was concern 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. He noted that if there was a specific concern 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 or a prohibited use in the Rancho Zones with no public outreach, while simultaneously working on another ZTA to address other differences in the use list.

Motion

It was moved by Mr. Golonski, seconded by Mr. Bric and carried with Dr. Gordon and Mrs. Ramos voting no that "staff be directed to proceed with a Zone Text Amendment to make grocery/markets a conditionally-permitted use in the Rancho Zones and to work with the Rancho community during the General Plan Update process."

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1704  
View Protection  
Phase II –  
Vegetation  
Controls

Ms. Steinkruger, Assistant Planner, Community Development Department, reported that on October 25, 2006, staff was directed to proceed with the second phase of the view protection ordinance relating to vegetation. She noted that the first phase was completed in May 2005 as part of the amendments to the R-1 Single-Family Development Standards. She stated that the majority of communities with vegetative controls do not attempt to regulate vegetation that has yet to be planted or obstruct a view, but the focus is placed on addressing views already obstructed by vegetation. With respect to existing obstructions, she reported that a majority of communities with view protection ordinances utilize 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 the outcome.

Ms. Steinkruger stated that 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 at a public hearing and the decision may be appealed to the Council for further review. She stated that the ordinance has specific findings, prioritized views and remediation actions are strictly enforced.

Ms. Steinkruger informed the Council that staff held community meetings to present the view protection and restoration options for public consideration. She reported that 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. She stated that if the Council desired to pursue vegetation controls, staff would recommend a hybrid approach utilizing elements of private and public dispute resolution methods. Persons seeking to restore their view would file a view restoration permit with the City and staff would facilitate mediation between the complainant and vegetation owner. She noted that if mediation was unsuccessful, or the outcome of the mediation was not satisfactory to either party, civil litigation could be pursued. There would be no hearing by the Planning Board or ability to appeal the matter to the Council.

Ms. Steinkruger further reported that community residents suggested that any process impacting trees on private property be similarly applied to trees and vegetation occurring on public property. She noted that cities surveyed do not generally subject themselves to the mediation and/or arbitration processes applicable to private view disputes. She stated that currently, the City does not trim, thin, shape, top or remove trees for the purposes of restoring or protecting a view. She recommended that any person seeking view relief would file a complaint to be evaluated by appropriate staff. However, when considering the relief request,

staff would utilize 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 complainant. There would be no opportunity to appeal the decision to the Planning Board or Council.

Ms. Steinkruger requested Council direction on three main items: does a property owner have a right to a view and should a process exist to settle view disputes; who should and should not be involved in the process when the vegetation occurs on private property and when it occurs of public property; and, if and who is responsible for enforcing remediation actions. She recommended a hybrid approach that would initially involve public facilitation but in the event an agreement could not be reached the dispute could be litigated. The City would facilitate the process but not enforce. For trees located in streets and parks, staff would attempt to equitably balance the interest of the property owner who is seeking view relief, the public interest and the continued survivability of the tree. She noted that if so directed, staff would work with a consultant to draft a proposed ordinance and hold further community meetings for public input prior to returning to the Planning Board and Council.

Motion It was moved by Mr. Golonski, seconded by Dr. Gordon and carried that “staff be directed to proceed with Phase II of the View Protection Ordinance with a hybrid approach, with the provision that public disputes can be appealed to the Park, Recreation and Community Services Board and Council, and that the ordinance be reviewed after a one-year implementation period.”

Ordinance Submitted It was moved by Mr. Golonski and seconded by Mr. Bric that "Ordinance No. 3725 be read for the second time and be passed and adopted."

1502  
206  
Ord Amend  
Chapter 23 –  
Public  
Transportation

ORDINANCE NO. 3725:  
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 .

Adopted The ordinance was adopted by the following vote:

Ayes: Council Members Bric, Golonski, Gordon, Reinke and Ramos.  
Noes: Council Members None.  
Absent: Council Members None.

