

TUESDAY, JULY 24, 2007

A regular meeting of the Council of the City of Burbank was held in the Council Chamber of the City Hall, 275 East Olive Avenue, on the above date. The meeting was called to order at 6:30 p.m. by Mr. Golonski, Vice Mayor.

Invocation           The invocation was given by Bob Kramer, Community Assistance Coordinator.

Flag Salute           The pledge of allegiance to the flag was led by Tomme Lenz.

ROLL CALL

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

Absent - - - -       Council Member Ramos.

Also Present -       Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

301-1  
Animal Shelter  
Donation            Captain Lowers announced a donation given to the Animal Shelter by the Disney Corporation in the amount of \$5,000, based on the Shelter's joint participation with students from Burbank High School in Disney's Show Your Pride LA Project.

301-1  
2008 Rose  
Parade Float  
Rendering           John Hames, President of the Burbank Tournament of Roses Association, presented the 2008 Rose Parade float rendering entitled, "Oktoberfest."

301-1  
La Providencia  
Guild 60th  
Anniversary        Vice Mayor Golonski presented a Certificate of Recognition to Tomme Lenz, representing the La Providencia Guild on the occasion of their 60th Anniversary.

Council  
Comments           Dr. Gordon reported on attending the Athletic Fields Subcommittee meeting with Mrs. Ramos, and the Burbank Boulevard Merchants Association meeting.

Mr. Bric reported on attending a Civitan Day Jamboree event.

Mrs. Reinke reported on attending the boys' All Star Game and the Burbank Boulevard Merchants Association meeting with Dr. Gordon.

7/24/07

1704-5  
602  
Appeal of Project  
No. 06-0201641  
Variance and  
Second Dwelling  
Unit – 2221  
Manning Street

Vice Mayor Golonski stated that “this is the time and place for the hearing on the appeal of the Planning Board’s decision denying Project No. 06-0201641 Variance and Second Dwelling Unit, a request by Mr. Andy Ferrera. The project was denied by the Planning Board on April 9, 2007.”

Meeting  
Disclosures

Dr. Gordon disclosed that he spoke with the appellant and drove by the project site.

Notice  
Given

The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that the City Clerk’s Office received no correspondence on the matter.

Staff Report

Mr. Rigor, Planning Intern, Community Development Department, requested the Council consider an appeal of the Planning Board’s (Board) decision to deny Project No. 06-0201641, a Variance and Second Dwelling Unit (SDU). He stated that the project consists of: legalizing a 420-square foot converted garage and attached unpermitted storage room; a Variance for a substandard garage dimension; a Variance for reduced side and rear yard setbacks for the SDU and side yard setbacks for the garage; and, a Variance to not provide the additional parking space required for the SDU located at 2221 Manning Street, in the R-1 Zone.

Mr. Rigor noted that the Board reviewed the request at a public hearing and voted 3-2 to deny the project. He noted that two of the four findings required for a Variance could not be made. He added that the appeal of the decision was received from the applicant, Andy Ferrera, who resides at the subject property. He noted staff’s assessment that two of the four required findings cannot be made and as such, staff recommended the Council deny the appeal and uphold the Board’s decision.

6:55 P.M.  
Hearing  
Continued

Due to the absence of the applicant, the hearing was continued to a later time.

Initial Open  
Public Comment  
Period of Oral  
Communications  
Citizen  
Comment

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

Appearing to comment were: Robert Caplan, on parking on Lomita Street; Eden Rosen, expressing displeasure with the Civitan

Jamboree Parade and on case management programs; James Schad, on the Hilton Development Agreement; and, Rose Prouser, reading and submitting letters of appreciation for the patio cover for the Tuttle Senior Center.

Staff Response 7:06 P.M. Hearing Re-opened	Members of the Council and staff responded to questions raised.  The public hearing was reopened at this time.
Applicant	Mr. Andy Ferrerra stated that he appealed the Planning Board's decision as he believed that all the information was not considered. He gave a history of the guest house which he believed has existed on the property for 32 years and noted the improvements he has made on his home which required City inspection. He stated that the proposed project would be 17 feet 11 inches from the neighboring property and would not pose a fire danger. He then elaborated on his request for variances which he stated have been granted to at least 11 homes in the neighborhood. He added that he purposely bought the house because of the guest house with the hope that the income from the guest house would subsidize his mortgage payments.
7:16 P.M. Hearing Closed	There being no further response to the Mayor's invitation for oral comment and no rebuttal comments, the hearing was declared closed.
Motion Dies	Following deliberation, the motion moved by Mrs. Reinke to "uphold the Planning Board's decision and deny the project" died due to lack of a second.
Motion Tied	Following additional deliberation, it was moved by Dr. Gordon, seconded by Mr. Golonski and tied with Mr. Golonski and Mrs. Reinke voting no, and Mrs. Ramos absent that the "appeal be granted."
Motion Carries	It was moved by Dr. Gordon, seconded by Mr. Bric and carried with Mrs. Reinke voting no and Mrs. Ramos absent that "the hearing be continued to August 21, 2007 for consideration by the full Council."
Agenda Item Oral Communications	Mr. Golonski called for speakers for the agenda item oral communications at this time.

7/24/07

Citizen Comment	Appearing to comment were: Robert Caplan, on parking on Lomita Street; Douglas Hill, on parking on Lomita Street and in opposition to the Joint Use Agreement between the City and the BUSD; Emzy Veezy, on a security training opportunity for the Police Department; Rose Prouser, on parking permit issues; Esther Espinoza, in opposition to the sale of alcoholic beverages at the DeBell Golf Course; David Piroli, on parking on Lomita Street; and, R. W. Howell, on restricted parking for Lomita, Virginia and Mariposa Streets.
Staff Response	Members of the Council and staff responded to questions raised.
Items Removed from Consent	The items regarding "Approval of Contract Documents and Awarding a Construction Contract For Bid Schedule No. 1212 and Related Documents; Approval of Statewide General Waste Discharge Requirements for Sanitary Sewer Systems – Sewer System Management Plan Development Plan and Schedule; and, Authorization to Accept a Safe Routes to School Grant (Cycle One) from the Federal Highway Administration and Amending the Fiscal Year 2007- 08 Budget" were removed from the consent calendar for the purposes of discussion.
Motion	It was moved by Mrs. Reinke and seconded by Mr. Bric that "the following items on the consent calendar be approved as recommended."
804-3 907 801-2 FY 2006 UASI Grant	<u>RESOLUTION NO. 27,498:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2007-2008 BUDGET FOR THE PURPOSE OF RECEIVING AND APPROPRIATING FISCAL YEAR 2006 URBAN AREA SECURITY INITIATIVE (UASI) GRANT FUNDS IN THE AMOUNT OF \$92,500.
907 801-2 Disney Donation for Show Your Pride LA Project	<u>RESOLUTION NO. 27,499:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING FISCAL YEAR 2007-2008 BUDGET ACCEPTING DISNEY CORPORATION'S DONATION OF \$5000 FOR THE "SHOW YOUR PRIDE LA PROJECT".
305-2 Burbank Tournament of Roses Assoc	A report was received from the Park, Recreation and Community Services Department, requesting the Council accept and approve the 2008 Burbank Tournament of Roses (BTORA) float rendering submittal. Staff reported that the City has participated in Pasadena

2008 Float Rendering. Tournament of Roses Parade since 1913 and that the 2008 entry marks BTORA's 61st consecutive float entry and the City's 73rd float entry in the parade. Staff indicated that the 119th Tournament of Roses Parade theme is Passport To The World's Celebrations. In February 2007, parade officials approved the theme and conceptual design for the 2008 City of Burbank parade float entry entitled, Oktoberfest. The float concept was submitted by Bill and Carol Cotter and Stacia Martin. As stipulated by the agreement between the City and the BTORA, prior to commencing the construction of the float, the Council must approve the conceptual design.

Adopted The consent calendar was adopted by the following vote:

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

1301-3  
 801-2  
 Approval of  
 Contract Docs  
 and Award of  
 Const Contract -  
 BS No. 1212 &  
 Related Docs -  
 Thornton Ave &  
 and Hollywood  
 Way Intersection  
 Realign Project

A report was received from the Public Works Department stating that in 2005, the Council approved a Development Agreement between the City and the Burbank-Glendale-Pasadena Airport Authority. Under the Agreement, the City and the Authority agreed to cooperate in realigning the intersection of Hollywood Way, Thornton Avenue, and the Airport access road. The total project cost, including design, construction, engineering support, inspection, and project contingency is \$863,202.51. In accordance with the Agreement, the project cost will be equally divided between the Authority and the City.

Staff recommended the Council adopt the proposed resolution to approve the contract documents and award a construction contract for \$625,189.83 to E. C. Construction for Bid Schedule No. 1212, Thornton Avenue and Hollywood Way Intersection Realignment Project; approve the establishment of a project contingency in the amount of \$62,518.98; approve a Professional Services Agreement with Tetra Tech, Inc. for inspection services for \$42,424.20; approve a Professional Services Agreement with VA Consulting, Inc. for engineering support for \$25,000; amend the Fiscal Year 2007-08 budget to appropriate \$243,083 from the Development Impact Fee unappropriated funds account to the project account; and, amend the Fiscal Year 2007-08 budget to appropriate the \$389,553.76 that was received from the Authority.

Motion It was moved by Dr. Gordon and seconded by Mr. Bric that "the following resolution be passed and adopted."

1301-3  
 801-2

RESOLUTION NO. 27,500:  
 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK

7/24/07

Approval of  
Contract Docs  
and Award of  
Const Contract -  
BS No. 1212 &  
Related Docs -  
Thornton Ave &  
and Hollywood  
Way Intersection  
Realign Project

APPROVING AND ADOPTING CONTRACT DOCUMENTS, PLANS AND SPECIFICATIONS, AND DETERMINING THE LOWEST RESPONSIBLE BIDDER, ACCEPTING THE BID, AND AUTHORIZING EXECUTION OF A CONTRACT FOR THORNTON AVENUE AND HOLLYWOOD WAY INTERSECTION REALIGNMENT PROJECT, BID SCHEDULE NO. 1212, TO EC CONSTRUCTION; AMENDING THE FISCAL YEAR 2007 - 2008 BUDGET AND APPROPRIATING FUNDS IN THE AMOUNT OF \$632,636.76; AND APPROVING PROFESSIONAL SERVICES AGREEMENTS WITH TETRA TECH, INC. AND VA CONSULTING, INC.

Adopted

The resolution was adopted by the following vote:

Ayes: Council Members Bric, Golonski, Gordon and Reinke.

Noes: Council Members None.

Absent: Council Member Ramos.

911  
Dev Plan and  
Schedule for the  
City's System-  
Specific Sanitary  
Sewer Mgt Plan  
(SSMP)

A report was received from the Public Works Department requesting the Council approve of the proposed Development Plan and Schedule for the City's System-Specific Sanitary Sewer Management Plan (SSMP). Staff indicated that on May 2, 2006, the California State Water Resources Control Board (State Board) adopted Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (WDRs) No. 2006-0003. These WDRs are the regulatory mechanism for all agencies and cities that own or operate sanitary sewer collection systems greater than one mile in length that collect and/or convey untreated or partially-treated wastewater to a publicly-owned treatment facility. The ultimate goal of the WDRs is to reduce the frequency and volume of sanitary sewer overflows by requiring cities to properly operate, maintain and manage their wastewater collection system. According to the WDRs, each city must develop and implement a system-specific SSMP. Both the SSMP and the city's program to implement the SSMP must be certified by the City to be in compliance with all SSMP requirements and must be presented to the city's governing board for approval at a public meeting.

Motion

It was moved by Dr. Gordon and seconded by Mrs. Reinke that "the following resolution be passed and adopted."

911  
Dev Plan and  
Schedule for the

RESOLUTION NO. 27,501:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE DEVELOPMENT PLAN AND SCHEDULE FOR

City's System-Specific Sanitary Sewer Mgt Plan (SSMP)

THE SEWER SYSTEM MANAGEMENT PLAN.

Adopted

The resolution was adopted by the following vote:

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

804-3  
 403  
 801-2  
 Accepting a Safe Routes to School Grant (SRSG) – Cycle One from The Federal Highway Administration (FHWA) and Amending the FY 2007-08 budget

A report was received from the Public Works Department requesting Council approval of a resolution accepting a Safe Routes to School Grant (SRSG) – Cycle One from the Federal Highway Administration (FHWA) and amending the Fiscal Year (FY) 2007-08 budget. Staff reported that the SRSG program is designed to improve and enhance the safety of pedestrian and bicycle facilities and related infrastructure on identified school travel routes. Staff indicated that in September 2006, staff applied for a SRSG for student travel enhancements on two major corridors that involved seven elementary schools and two middle schools. On May 22, 2007, Caltrans notified staff that the grant application for this new program was approved as Project Number SRTSD07-0004 for the total requested funding of \$887,600. It was noted that the Burbank grant was the fourth highest rated project among a total of 88 approved projects in California, which were selected from 459 applications. The grant funds must be used before the end of FY 2008.

Motion

It was moved by Dr. Gordon and seconded by Mrs. Reinke that "the following resolution be passed and adopted."

804-3  
 403  
 801-2  
 Safe Routes to School Grant – Cycle 1 & Amd FY 2007-08 Bgt

RESOLUTION NO. 27,502:  
 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2007-2008 BUDGET FOR THE PURPOSE OF ACCEPTING AND APPROPRIATING THE SAFE ROUTES TO SCHOOL CYCLE ONE GRANT PROGRAM FUNDS IN THE AMOUNT OF \$887,600.

Adopted

The resolution was adopted by the following vote:

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

1602

Mr. Johnson, Assistant Public Works Director/Traffic Engineer,

7/24/07

412  
Consideration of  
Parking Relief  
Options for the  
300 block of  
Lomita Street

reported that on June 19, 2007, at the request of residents of the 300 block of Lomita Street, the Council directed that staff investigate potential interim parking options near Jordan Middle School for patrons of recreational facilities on the school grounds. He stated that staff determined that any introduction of parking restrictions on Lomita Street or permanent closure of the Oak Street access gate and the opening of an access gate on Mariposa Street would move the parking impact associated with the recreational activities at Jordan Middle School to adjacent streets. He recommended that should the Council desire further investigation of the parking, additional data be gathered in August and September when demand is anticipated to be heaviest to gauge the magnitude of the parking problem.

Motion

It was moved by Mr. Bric, seconded by Mrs. Reinke and carried with Dr. Gordon voting no and Mrs. Ramos absent that "staff conduct further investigation of the parking impact and that additional data be gathered in August and September when demand is anticipated to be heaviest to gauge the magnitude of the parking problem."

704  
206  
Amending BMC  
Section 5-622,  
Alcoholic  
Beverages

Mr. Hansen, Park, Recreation and Community Development Director, stated that the purpose of the report was to amend Burbank Municipal Code (BMC) Section 5-622, Alcoholic Beverages, by re-enacting BMC Section 5-622 (a) and thereby allowing the continuation of the sale and consumption of alcoholic beverages by the concessionaire at the DeBell clubhouse and on the golf course. He added that on October 3, 1989, Ordinance No. 3171 was adopted by the Council with a provision that subsection (a), which allowed the sale of alcoholic beverages at the clubhouse and golf course premises, shall remain in effect until September 30, 1990, and on such date is repealed. He added that the sunset clause was never repealed prior to September 30, 1990 and as such, the sale of alcoholic beverages at the golf course is not consistent with the BMC provisions.

Motion

It was moved by Mrs. Reinke and seconded by Mr. Golonski that "the following ordinance be introduced and read for the first time by title only and be passed to the second reading."

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK  
RE-ENACTING SECTION 5.622 (a) OF CHAPTER 5 OF THE  
BURBANK MUNICIPAL CODE RELATING TO ALCOHOL  
CONSUMPTION AT THE DEBELL CLUBHOUSE AND GOLF

COURSE.

Introduced

The ordinance was introduced by the following vote:

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

201-2  
Annual Work  
Program and  
Performance  
Indicator  
Presentations

The following individuals presented the Annual Work Program and Performance Indicators for their respective departments: Ms. Cohen, Library Services Director; Mr. Torrez, Financial Services Director; and, Chief Pansini, Fire Department.

Final Open  
Public Comment  
Period of Oral  
Communications

There was no response to the Vice Mayor's invitation for speakers for the final open public comment period of oral communications at this time.

10:22 P.M.  
Memorial  
Adjournment

There being no further business to come before the Council, the meeting was adjourned at 10:22 p.m. in memory of Ruth Applebaum.

---

Margarita Campos, CMC  
City Clerk