



COUNCIL AGENDA - CITY OF BURBANK  
TUESDAY, SEPTEMBER 11, 2007  
4:30 P.M.

**CITY COUNCIL CHAMBER – 275 EAST OLIVE AVENUE**

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

PUBLIC COMMENT: Comments by the public on Closed Session items only. These comments will be limited to **three** minutes. 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 – Anticipated Litigation (City as possible plaintiff):  
Pursuant to Govt. Code §54956.9(c)  
**Number of potential case(s): 2**
- b. Threat to Public Services or Facilities:  
Pursuant to Govt. Code §54957  
**Consultation with:** Dennis Barlow, City Attorney

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.

**6:00 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:

RECOGNITION:                SAINT ROBERT BELLARMINE CATHOLIC CHURCH 100th ANNIVERSARY.

PROCLAMATION:            LIBRARY CARD SIGN UP MONTH.

PROCLAMATION:            DISASTER PREPAREDNESS AWARENESS MONTH.

PROCLAMATION:            PATRIOT DAY.

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 September 4, 2007. Other Airport-related issues may also be discussed during this presentation.

Recommendation:

Receive report.

6:00 P.M. PUBLIC HEARINGS:

2. ZONE TEXT AMENDMENT TO AMEND LIST OF PERMITTED USES IN THE RANCHO COMMERCIAL ZONES (PROJECT NO. 07-0003097):

On June 26, 2007, the Council directed staff to prepare a Zone Text Amendment (ZTA) that would amend the zoning use list in Burbank Municipal Code Section 31-502 to require a Conditional Use Permit (CUP) for "grocery/market" uses in the NB Neighborhood Business, GO Garden Office, RC Rancho Commercial, and RBP Rancho Business Park zones, where grocery/markets are currently permitted by right. These Rancho zones are located in the area generally bounded by Mariposa Street, Oak Street, Main Street and Riverside Drive. The proposed ZTA is in response to

concerns raised by the Council, Planning Board and public that allowing grocery/markets as permitted uses in the Rancho zones is not consistent with the intent of the 1993 Rancho Master Plan. The proposed ZTA would provide the City with discretionary authority to determine through the public hearing process on a case by case basis whether a proposed project would be consistent with the intent of the Plan. The Planning Board considered the proposed ZTA at a public hearing on August 13, 2007 and voted 5-0 to recommend approval of the ZTA. The Planning Board further requested that staff return with a schedule for public outreach related to possible further amendments to the Zoning Ordinance to address ongoing concerns about this issue. In addition to approving the proposed ordinance, staff seeks direction from the Council regarding the Planning Board's request.

Recommendation:

Introduction of proposed ordinance entitled:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING CHAPTER 31 OF THE BURBANK MUNICIPAL CODE RELATED TO GROCERY/MARKET USES IN THE RANCHO COMMERCIAL ZONES.

3. PROJECT NUMBER 07-000-0882 DEVELOPMENT REVIEW – 1014-1018 OMER LANE:

The purpose of this report is for the Council to consider an appeal of the Planning Board's decision to approve Project No. 07-000-0882, Development Review application to construct a 12-unit, two-story, multi-family project at 1014 and 1018 Omer Lane. The project has been appealed by Ms. Patricia Lake, property owner of 1017 Omer Lane, who states that the proposed project is too dense for the neighborhood.

At the Council meeting of July 17, 2007, Council Member Gordon requested Council consideration of an Interim Development Control Ordinance (IDCO) and Zone Map Amendment for the subject property and surrounding area including properties on Omer and Bruce Lanes. The public hearing for the subject application would be an appropriate time for the Council to consider this request. If the Council wishes to pursue consideration of an IDCO and/or Zone Map Amendment, staff will schedule a report for the next available Council meeting. The Council has received a confidential memorandum from the City Attorney regarding this issue.

Recommendation:

Adoption of proposed resolution entitled:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DENYING THE APPEAL AND AFFIRMING THE PLANNING BOARD'S DECISION TO APPROVE PROJECT NO. 07-000-0882, DEVELOPMENT REVIEW (Applicant: Varoosh Saroian; Property Owner: Bob Kunert; 1014 & 1018 Omer Lane).

## REPORTING ON CLOSED SESSION:

**PUBLIC COMMENT:** (Five minutes on any matter concerning City Business.) A **YELLOW** card must be completed and presented to the City Clerk.

**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 Public Comment.

**Written Communication.** Members of the public seeking to present documents to the Council must provide ten (10) copies of such documents or the documents will not be accepted.

**Videotapes/Audiotapes.** Videotapes or audiotapes may be presented by any member of the public at any public comment period or at any public hearing. Such tapes may not exceed the time limit of the applicable Public Comment 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 public comment period during which 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 Public Comments, 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 PUBLIC COMMENT:

CONSENT CALENDAR: (Items 4 and 5)

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.

4. BURBANK WATER AND POWER WATER AND ELECTRIC MONTHLY OPERATIONS:

Staff has prepared the Burbank Water and Power Water and Electric Monthly Report regarding water quality and power issues for September 2007. The Water and Electric Divisions have no new operational or safety issues to report. July water production and quality were as planned and within standards. There were four minor electric outages in July, including a one-minute service interruption necessary to complete a repair and two caused by Mylar balloons. Overall, electric reliability continues to be very high. In July, all major feeder reconductoring jobs identified from the July 2006 heat wave, jobs needed to improve load capability and reliability, were completed. July fiscal year-to-date Water financial results are slightly lower than planned as a result of lower than budgeted retail and recycled revenues; and, July fiscal year-to-date Electric financial results are slightly better than planned.

Recommendation:

Note and file.

5. AUTHORIZATION TO FILE A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE LOS ANGELES COUNTY DEPARTMENT OF COMMUNITY AND SENIOR CITIZEN SERVICES AND THE AREA AGENCY ON AGING:

Staff is requesting Council approval to file a grant application and execute a grant agreement with the Los Angeles County Department of Community and Senior Citizen Services and the Area Agency on Aging (AAA) to receive Federal grant monies for the Nutrition and Supportive Services which are part of the Senior and Human Services Division of the Park, Recreation and Community Services Department. If the application is accepted in the amount submitted, the City will receive \$293,033 in

Older Americans Act funding for the congregate and home-delivered meal program, and \$906 for supportive services programs. This item has been included in the Fiscal Year 2007-08 budget.

Recommendation:

Adoption of proposed resolution entitled:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING APPLYING FOR A GRANT UNDER TITLE III OF THE OLDER AMERICANS ACT OF 1965, AS AMENDED, FOR SUPPLEMENTAL NUTRITION PROGRAMS AND SUPPORTIVE SERVICES.

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

**PUBLIC COMMENT:** (Three minutes on any matter concerning the business of the City.)  
A **GREEN** card must be completed and presented to the City Clerk.

COUNCIL AND STAFF RESPONSE TO PUBLIC COMMENT:

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)**