

TUESDAY, DECEMBER 16, 2003

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 4:36 p.m. by Ms. Murphy, Mayor.

CLOSED SESSION

Present- - - - Council Members Campbell, Ramos, Vander Borght and Murphy.

Absent - - - - Council Member Golonski.

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

Oral Communications There was no response to the Mayor's invitation for oral communications on Closed Session matters at this time.

4:36 P.M. Recess The Council recessed at this time to the City Hall Basement Lunch Room/Conference Room to hold a Closed Session on the following:

- a. Conference with Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
Name of Case: Deborah McMurray, et al. v. City of Burbank.
Case No.: BC247304
Brief description and nature of case: Alleged employment discrimination.
- b. Conference with Legal Counsel – Anticipated Litigation (City as possible plaintiff):
Pursuant to Govt. Code §54956.9(c)
Number of potential case(s): 1
- c. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):
Pursuant to Govt. Code §54956.9(b)(1)
Number of potential case(s): 2
- d. Conference with Labor Negotiator:
Pursuant to Govt. Code §54957.6
Name of the Agency Negotiator: Management Services Director/Judie Sarquiz.
Name of Organization Representing Employee: Represented: Burbank City Employees Association, Burbank Management Association, and Burbank Firefighters Association.
Summary of Labor Issues to be Negotiated: Current Contracts and Retirement Issues.

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:52 p.m. by Ms. Murphy, Mayor.

Invocation The invocation was given by Chaplain Jon Arnold.

Flag Salute The pledge of allegiance to the flag was led by Sara Kelly, Bret Harte Elementary School.

ROLL CALL

Present- - - - Council Members Campbell, Golonski, Ramos, Vander Borght and Murphy.

Absent - - - - Council Members None.

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

301-1 Centennial of Flight Mayor Murphy presented a proclamation in honor of the 50th Anniversary of the Dedication of the Portal of the Folded Wing-Shrine to Aviation to Ron Dickson, Gil Cefaratt and John Torres.

301-1 Donations to the Fire Dept. Fire Chief Davis received a donation from State Farm Insurance Company to benefit the Disaster Preparedness Division of the Fire Department. He introduced Mr. Baenen, Disaster Preparedness Coordinator, who described the Community Disaster Volunteer Program and expressed appreciation to State Farm Insurance Company for the donation. John Wheatley, representing State Farm Insurance Company, also introduced Kirk Farrel, a Burbank State Farm Insurance agent, who briefly described the Good Neighbor Citizenship Program through which State Farm Insurance Company commits resources to: help raise the level of achievement of Teachers and Students; make homes and highways safe; and, build strong communities. A check in the amount of \$25,000 was presented to Mayor Murphy and Chief Davis.

Next, Chief Davis recognized Ron Phillips, representing Der Weinerschnitzel, who donated \$1,000 to the Burbank and Warner Bros. Fire Departments for their participation in a recent chili tug-of-war contest in celebration of national chili month. Pursuant to the wishes of both fire departments, the donation was presented to the Burbank Center for the Retarded. Rachel Galperin accepted the donation on behalf of the Burbank Center for the Retarded and expressed

appreciation to both fire departments and Der Weinerschnitzel. Also, Doris Vick and Barbara Freedman, on behalf of 29 residents on Country Club Drive, presented a check in the amount of \$1,500 in appreciation of the efforts of the Fire Department in battling a hillside fire on October 21, 2003. Pursuant to the wishes of the Fire Department, the money will benefit the Children's Burn Foundation.

301-1
Civic Pride
Committee's
Holiday
Decorating
Contest Winners

Ellie Meyer, Chairperson, and Linda Silva, member, of the Burbank Civic Pride Committee, presented Certificates of Recognition to the winners of the 21st annual Civic Pride Committee's Holiday Decorating Contest and expressed appreciation to all contestants. Mayor Murphy presented the certificates to the winners in the following categories: residential category, Daniel and Aurora Garoian of 1075 East Harvard Road, Louis and Belinda McTague of 425 Amherst Drive, Michael Zankoski of 1822 North Buena Vista Street, and Brian Smith of 841 North Buena Vista Street; youth category for ages 16 and under, Ryan and Sarah Kelly of 1231 North Fairview Street and Ilona and Alexander Szabo of 1636 North Avon Street; and, commercial category, Samuel's Florist at 921 West Olive Avenue. Special acknowledgement was also given to the Starlight Hills Committee for their neighborhood decorations on Trudi Lane, Lamer Street and Keystone Street above Scott Road.

Reporting on
Council Liaison
Committees

Mr. Vander Borcht reported on the AMC Phase II subcommittee meeting and on a meeting he and Mr. Golonski attended with the Burbank Airport Hilton Hotel representatives to renegotiate the Hilton Participant Note.

Reporting on
Closed Session

Mr. Barlow reported on the items considered by the City Council during the Closed Session meetings.

Initial Open
Public Comment
Period of Oral
Communications

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

Citizen
Comment

Appearing to comment were Jasbir Bhasine, commenting on Code requirements for remodeling and requesting that one building inspector be assigned to a project; Edward Guerrero, stating he would not comment on Police Officers' misconduct

	<p>due to the holiday season; Caroline Hamilton, from the South Coast Air Quality Management District, introducing herself and distributing information packets on the agency; Mark Barton, commenting on the uniqueness of the City Hall building; and, Esther Espinoza, on admission standards for Police Officers.</p>
Staff Response	<p>Members of the Council and staff responded to questions raised.</p>
Agenda Item Oral Communications	<p>Ms. Murphy called for speakers for the agenda item oral communications at this time.</p>
Citizen Comment	<p>Appearing to comment were Christine McLeod, representing Southern California Edison, commenting on the engine idling report, requesting that utilities be exempt from any proposed ordinance, and distributing literature on Southern California Edison; C.L. Stack, in opposition to the renaming of the Airport and to taxpayers' money being used to fund the cost of the name change; Mark Barton, commenting on the criteria for a design review committee; Susan Bowers, Executive Director of the Burbank Chamber of Commerce, in opposition to increasing the Transient Parking Tax; Howard Rothenbach, in opposition to increasing the Transient Parking Tax and the extension of the redevelopment project areas; and, David Piroli, commenting on the Graciela Hotel Planned Development amendments, expressing concern regarding engine idling and in opposition to the establishment of a checking account to pay litigation-related expenses.</p>
Staff Response	<p>Members of the Council and staff responded to questions raised.</p>
Jt. Mtg. w/ Redevelopment Agency 1103 1104 1105 1108 Extend Plan Limits of the Golden State, City Centre,	<p>Mrs. Frausto, Senior Redevelopment Project Manager, Community Development Department, requested the Council authorize extending the plan effectiveness date and the date to use tax increment to repay debt for the Redevelopment Agency's (Agency) four project areas, Golden State, City Centre, West Olive and South San Fernando by one year. She stated that these amendments are statutorily allowed by Senate Bill (SB) 1045 which requires redevelopment agencies to make an Educational Revenue Augmentation Fund (ERAF) payment to the County Auditor for Fiscal Year 2003-04. For</p>

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West Olive and
S. San Fernando
Project Areas

the Agency, she reported that the amount is approximately \$1.34 million which must be paid on or before May 10, 2004. She further explained that SB 1045 authorizes the legislative body to amend the redevelopment plans to extend the time limit of the effectiveness of the plan and the time limit to repay indebtedness by one year, for a redevelopment agency required to make an ERAF payment.

Mrs. Frausto also requested the Council affirm the existing indebtedness. She stated that staff has undertaken a review of the Agency's various debt obligations to ensure that the Agency maintains sufficient debt obligations in order to collect all the tax increment allowed over the term of each project area. She noted that this was particularly important for the Golden State and City Center Redevelopment Project Areas which currently cannot incur additional debt beyond 2004 without amending the plan for each project area. She also noted staff's finding that it was not in the Agency's best interest to initiate amending the project area plans at this time to extend the time limit to incur debt, pursuant to SB 211, since the extension would trigger new statutory pass through payments. Instead, she stated that staff proposed to reaffirm existing debt and documents to secure debt appropriately. She explained that two of such debts are the Youth Endowment Services (YES) Fund and the Administrative Agreement between the Agency and the City. She stated that staff proposes that the YES Fund obligation be in the form of a promissory note, and that the Administrative Agreement be modified to establish a specific termination date based on the life of each project area. Also, she added that an additional debt obligation is recommended to fund public infrastructure projects, if and when, tax increment funds become available beyond the debt obligations already identified. She informed the Council that there was no deadline to utilize the SB 211 plan amendments, therefore, the Agency reserves the right to review this matter periodically.

Motion

It was moved by Mr. Golonski and seconded by Mr. Vander Borcht that "the following ordinances be introduced and read for the first time by title only and be passed to the second reading and that the following resolutions be passed and adopted:"

1108
 Extend Time
 Limits for S.
 San Fernando
 Redev. Project

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK EXTENDING THE TIME LIMITS ON THE LIFE OF THE SOUTH SAN FERNANDO REDEVELOPMENT PROJECT AREA REDEVELOPMENT PLAN AND THE TIME LIMITS TO COLLECT TAX INCREMENT FROM THE SOUTH SAN FERNANDO REDEVELOPMENT PROJECT AREA REDEVELOPMENT PLAN FOR THE PAYMENT OF INDEBTEDNESS.

1103
 Extend Time
 Limits for City
 Centre Redev.
 Project

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK EXTENDING THE TIME LIMITS ON THE LIFE OF THE CITY CENTRE REDEVELOPMENT PROJECT AREA REDEVELOPMENT PLAN AND THE TIME LIMITS TO COLLECT TAX INCREMENT FROM THE CITY CENTRE REDEVELOPMENT PROJECT AREA REDEVELOPMENT PLAN FOR THE PAYMENT OF INDEBTEDNESS.

1104
 Extend Time
 Limits for Golden
 State Redev.
 Project

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK EXTENDING THE TIME LIMITS ON THE LIFE OF THE GOLDEN STATE REDEVELOPMENT PROJECT AREA REDEVELOPMENT PLAN AND THE TIME LIMITS TO COLLECT TAX INCREMENT FROM THE GOLDEN STATE REDEVELOPMENT PLAN FOR THE PAYMENT OF INDEBTEDNESS.

1105
 Extend Time
 Limits for
 W. Olive Redev.
 Project

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK EXTENDING THE TIME LIMITS ON THE LIFE OF THE WEST OLIVE REDEVELOPMENT PROJECT AREA REDEVELOPMENT PLAN AND THE TIME LIMITS TO COLLECT TAX INCREMENT FROM THE WEST OLIVE REDEVELOPMENT PROJECT AREA REDEVELOPMENT PLAN FOR THE PAYMENT OF INDEBTEDNESS.

1103
 1104
 1105
 1108
 Affirming Redev.
 Debt

RESOLUTION NO. 26,623:
 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AFFIRMING EXISTING REDEVELOPMENT AGENCY DEBT AND AMENDING AND ESTABLISHING CERTAIN OTHER REDEVELOPMENT AGENCY DEBT TO THE CITY.

Redev. Agency
 Reso. Adopted

Redevelopment Agency Resolution No. R-2092 Affirming Existing Agency Debt and Amending and Establishing Certain other Agency Debt to the City of Burbank was adopted.

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Adopted The ordinances were introduced and the resolutions were adopted by the following vote:

Ayes: Council Members Campbell, Golonski, Ramos, Vander Borght and Murphy.

Noes: Council Members None.

Absent: Council Members None.

8:20 P.M.
Recess The Council recessed to permit the Redevelopment Agency, Housing Authority, Parking Authority and Youth Endowment Services Fund Board to hold their meetings. The Council reconvened at 8:22 p.m. with all members present.

Motion It was moved by Mrs. Ramos and seconded by Mr. Golonski that "the following items on the consent calendar be approved as recommended."

104-1
Destruction of
Records
(Records Dept.) RESOLUTION NO. 26,624:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING DESTRUCTION OF CERTAIN RECORDS IN THE CUSTODY OF RECORDS CENTER DEPARTMENT.

104-1
Destruction of
Records (Various
Depts.) RESOLUTION NO. 26,625:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING DESTRUCTION OF CERTAIN RECORDS IN THE CUSTODY OF VARIOUS DEPARTMENTS.

802-4
1102
Redev. Agency's
Annual Report RESOLUTION NO. 26,626:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ACCEPTING AND AUTHORIZING THE TRANSMITTAL OF THE REDEVELOPMENT AGENCY'S ANNUAL REPORT OF FINANCIAL TRANSACTIONS TO THE STATE CONTROLLER.

804-1
Adjustment to
the Development
Impact Fee and
Nexus Study A report was received from the Community Development Department, providing the Council with the opportunity to review the annual adjustment to the Development Impact Fee Schedule and serving as an update on the status of the Development Impact Fee Nexus Study currently being conducted. The report stated that in March 1993, the Council adopted the Development Impact Fee Ordinance (No. 3340-Chapter 31, Article 22 of the Burbank Municipal Code (BMC)) to ensure that the growth needed to support a vital economy would not jeopardize the quality of the community's services. It was further stated that the Ordinance requires that the fees

be adjusted annually by a percentage equal to the inflation rate for the prior year for construction costs as determined by the Building Official on December 1 of each calendar year. The report also stated that the guidelines for determining the construction cost rate adjustment are established by the Engineering News Record Construction Cost Index and that the November 3, 2003 Engineering News Record had a Cost of Construction Index reflecting a 3.3 percent increase in the Los Angeles area. Therefore, staff intended to increase the existing fee schedule for both the transportation and community facility fees by 3.3 percent effective January 16, 2004, 31 days after adoption. Staff anticipated an increase in Development Impact Fee revenues for the calendar year 2004 assuming construction in 2004 maintains the current pace.

The report further stated that during the December 2002 annual adjustment, staff indicated to the Council, that a Nexus Study would be conducted to review and update the existing fee structure to reflect current economic and growth projections (non-transportation). The Council approved the study request in September 2003, and since that time staff has been working to finalize the Capital Improvement Program (CIP), which defines the projects to which the fees apply.

The report also stated that future phases of the study will include finalizing new fee levels and analyzing those fees by conducting a cost-burden analysis to ensure that the market will support a new fee structure without negatively affecting development activity. When these tasks are completed, staff would solicit input from the public and the development community. Staff also indicated that a Planning Board hearing was anticipated for February 2004 and in March 2004 the Council would review and consider adopting the revised fee structure. Although the proposed Development Impact Fee adjustment would be re-evaluated in early 2004 after completion of the Nexus Study, staff indicated that the BMC mandates that these fees be adjusted at this time.

The Council noted and filed the report.

804-3
801-2
State Homeland
Security Grant

RESOLUTION NO. 26,627:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE ACCEPTANCE OF A \$308,190.27 FY 03-PART 2 STATE HOMELAND SECURITY GRANT PROGRAM AND AMENDING THE FISCAL YEAR 2003-04 BUDGET, BY APPROPRIATING FUNDS.

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802-4
Submission of
the 2002-03
CAFR

A report was received from the Financial Services Department presenting the results of the annual audit of the City and its component units, formally published in the Comprehensive Annual Financial Statement (CAFR). Staff reported that this is the second year that the City has reported the annual financial results under the new reporting model required by the Governmental Accounting Standards Board Statement No. 34 (GASB 34), Basic Financial Statements and Management's Discussion and Analysis (MD&A) for State and Local Governments.

The Council was informed that the CAFR will be submitted for a national achievement award to the Government Finance Officers Association (GFOA). The award is valid for a one-year period and the City has received this award for 19 consecutive years. Staff indicated that the report will continue to conform to the standards established by this award program and that the CAFR would be sent out to numerous financial institutions in order to comply with various financial and subsequent bond disclosure requirements.

The Council noted and filed the report.

208
Establish a
Checking
Account for City
Attorney's
Office

RESOLUTION NO. 26,628:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE ESTABLISHMENT OF A CHECKING ACCOUNT FOR THE CITY ATTORNEY'S OFFICE TO PAY LITIGATION-RELATED EXPENSES.

304-1
Donation from
State Farm Ins.
Company

RESOLUTION NO. 26,629:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING FISCAL YEAR 2003-2004 BUDGET FOR THE PURPOSE OF ACCEPTING STATE FARM INSURANCE COMPANIES' GOOD NEIGHBOR CITIZENSHIP PROGRAM DONATION OF \$25,000.

Adopted

The consent calendar was adopted by the following vote:

Ayes: Council Members Campbell, Golonski, Ramos, Vander Borght and Murphy.

Noes: Council Members None.

Absent: Council Members None.

1702
 AB 1160
 Regarding
 Second Dwelling
 Units

Mr. Bowler, Assistant Planner, Community Development Department, requested that the Council adopt a resolution expressing the City's opposition to Assembly Bill (AB) 1160. He explained that AB 1160 would make certain changes to State law concerning second dwelling units and other changes to housing law which staff anticipates would negatively impact the City's ability to regulate second dwelling units. He noted that the greatest concerns included: that the City would no longer be allowed to require that occupants of second dwelling units be owner occupants; second units of up to 1,200 square feet would have to be allowed; the City's current parking requirements would have to be reduced to require no more than one parking space per two bedrooms; and, the parking requirements could be fulfilled through the use of tandem, setback and on-street parking.

Mr. Bowler informed the Council that staff was introducing the resolution at the request of the League of California Cities and Ken Emmanuel, Burbank's Legislative Analyst. He noted that AB 1160 represents a significant intrusion by the State into an area of regulation that has been reserved for local jurisdictions. He also distributed an update on the status of AB 1160.

Ms. Murphy inquired as to who sponsored AB 1160 and Mr. Bowler responded that the Bill was sponsored by the California Association of Realtors. She requested that staff contact the Burbank Board of Realtors to solicit support for letters in opposition to AB 1160.

Motion

It was moved by Mrs. Ramos and seconded by Mr. Campbell that "the following resolution be passed and adopted:"

1702
 Opposing AB
 1160 Regarding
 Second Dwelling
 Units

RESOLUTION NO. 26,630:
 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK EXPRESSING OPPOSITION TO ASSEMBLY BILL 1160 (STEINBERG).

Adopted

The resolution was adopted by the following vote:

Ayes: Council Members Campbell, Golonski, Ramos, Vander Borcht and Murphy.
 Noes: Council Members None.
 Absent: Council Members None.

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1600
Regulation of
Engine Idling
Activities

Mr. Ochsenbein, Senior Planner, Community Development Department, reported that at the October 14, 2003 meeting, staff presented a report on the City's regulation of loading and unloading activities in response to concerns regarding the impact of idling engines during deliveries. At that meeting, he stated that staff was directed to return with a report detailing ways in which the City could address the issue of an idling truck or noise generating vehicle in a residentially-adjacent commercial or industrial zone, including recommendations on how to address issues specifically related to noise, pollution, light, and glare within current Code parameters. He added that a report presented to the Council presents a summary of air quality regulations, the causes and effects of idling activities, and some of the regulatory and technological solutions available to address these issues.

Mr. Ochsenbein informed the Council that the City can regulate business activities either through conditions of approval for projects requiring discretionary review or Municipal Code standards. He stated that the City has the ability to impose design or operational conditions of approval to ensure that a project will be compatible with surrounding properties. He added that business activities that have the potential for spillover impacts on residential properties are generally regulated through either the Zoning or Environmental Protection Codes. He further explained that the Zoning Code establishes use restrictions, operational criteria, and design standards for uses, such as the Residential Adjacent Commercial Industrial (RACI) Ordinance adopted to address issues when there exists an interface between a commercial, residential and industrial use. He stated that zoning ordinances are particularly useful for new uses or development.

Mr. Ochsenbein also stated that the Environmental Protection Code regulates environmental quality issues and includes Environmental Impact Report standards, processing Negative Declarations, and the Noise Ordinance which regulates and establishes uses between particular times and the noise levels based on proximity to sensitive receptors, such as residential uses or schools. He noted the enforcement challenge based on the Noise Ordinance since most of the standards with regard to nuisances are based on the concept of a reasonable person. Regarding idling, he stated that the noise standards are different depending on the time of the day.

Mr. Ochsenbein further stated that the options available to the City include: Zoning Ordinance options such as modifying the RACI to change hours during which deliveries are currently allowed, noting that the residentially-adjacent late-night hours are currently defined as midnight to 6:00 a.m. while the Noise

Ordinance establishes night-time hours as 10:00 p.m. to 7:00 a.m.; establishing design criteria such as screening and location requirements for loading and unloading facilities; prohibiting loading from alleys, cautioning that it could impact traffic and present aesthetic issues; establishing equipment requirements; and, outright limitation or prohibition of idling.

Mr. Ochsenbein also noted that other Code options could include modifying the Noise Ordinance to be consistent with the residentially-adjacent standards and adopting an anti-idling ordinance similar to that of the Sacramento Metropolitan Air Quality Management District with provisions limiting idling for commercial vehicles and refrigeration units. He noted that the City Attorney's Office expressed concern regarding the legality of this ordinance and clarified that utilities would be exempt from the ordinance.

Mr. Ochsenbein stated that should the Council consider adopting an ordinance, staff recommends direction on the appropriate course of action with consideration of the following issues: applicability of new regulations to existing uses; specific nature and scope of problem to be solved; the regulatory actions of the State and Federal government; enforcement issues; and, economic considerations.

Mr. Campbell inquired whether Placer County's idling ordinance has been challenged and Mr. Ochsenbein responded that he was not aware of any challenges to the ordinance. Mr. Campbell also inquired as to how Placer County interpreted the Health and Safety Code to determine the authority to regulate idling. Mr. Barlow, City Attorney, noted his disagreement with their interpretation and stated that if it was the Council's desire to pursue an ordinance, staff recommended obtaining an Attorney General opinion to determine the City's ability to regulate this matter.

Mrs. Ramos noted receipt of complaints from the community regarding idling in alleys in residentially-adjacent commercial areas and idling school buses at John Burroughs High School. She suggested modifying the Noise Ordinance hours of operation and consideration of prohibiting loading and unloading in alleys in residentially-adjacent commercial areas.

Mr. Campbell expressed support for pursuing an Attorney General opinion in order to consider all options before any actions are taken. He also stated that utility and emergency service vehicles should be exempt from the ordinance.

Mr. Vander Borcht also expressed support for an Attorney General opinion to clarify the City's ability to regulate idling but suggested addressing the citizens' complaints as stated by Mrs. Ramos in the meantime through the Noise Ordinance.

Mr. Campbell concurred with Mr. Vander Borcht's suggestion and noted that there was a State control measure which was effective July 2003, prohibiting school bus idling for more than 30 seconds. He suggested that staff share the information with the Burbank Unified School District.

The Council gave direction as follows: 1) that the City Attorney obtain an Attorney General opinion on the applicability of Health and Safety Code Section 40000 to potential anti-idling ordinances; 2) that staff work with the Burbank Unified School District on the issue of idling at John-Burroughs High School and review any State regulations regarding idling school buses; 3) that staff develop a Zone Text Amendment to modify the residentially-adjacent standards definition of late-night hours (midnight to 6:00 a.m.) to be consistent with the night-time hours definition in the Noise Ordinance (10:00 p.m. to 7:00 a.m.); and, 4) that staff consider the possibility of limiting loading and unloading activities in residentially-adjacent alleys.

1502
Draft 2004
Regional
Transportation
Plan

Mr. Herrmann, Assistant Community Development Director/Transportation, reported that the Southern California Association of Governments (SCAG) has released the Draft 2004 Regional Transportation Plan (RTP) for public comment. He explained that the RTP is updated every three years and is intended to serve as a long-range blueprint for transportation investment and development and is required to demonstrate air quality conformance within the six-county SCAG region. He also stated that staff submitted a draft comment letter for Council review, approval and direction for submission to SCAG prior to the January 16, 2003 comment period deadline. He stated that the RTP proposes several strategies and programs to address the Region's transportation needs, including: System Management, consisting of measures intended to maximize the return and effectiveness of transportation investments such as maintenance, preservation and operational improvements that increase traffic efficiency and performance; Transportation Demand Management, consisting of a variety of measures intended to reduce the number of single occupant vehicles, such as car and vanpooling, telecommuting, decreasing discretionary trips, spreading demand to non-peak periods and the use of non-motorized transportation; and, System Expansion/Capital Investments, consisting of capacity-

enhancing improvements to all modes of the transportation system that are deemed critical to maintaining and improving mobility, accessibility and air quality, including the Magnetic Levitation (Maglev) system.

Mr. Herrmann explained that the Maglev system is a vital component of SCAG's Preferred Aviation Plan with its Union Station to Palmdale Corridor going through Burbank. He informed the Council that the Maglev system is estimated to cost \$20 billion and noted that the RTP generally assumes: an increased demand at the Burbank-Glendale-Pasadena Airport; an independent entity to oversee the facility developments to accommodate the increased demand; developing an additional three remote gates at the Airport and spreading additional flights throughout the day; a constitutional amendment to allow for the use of Proposition 42 funds and require 55 percent voter approval of State Sales Tax Initiatives instead of the current 66.6 percent; and, issuing debt against the Fuel Tax increases recommended in the 2003 RTP and still pending Legislature approval. He added that SCAG forecasts 75 percent of the funding as local component, referring to Proposition A and C revenues collected from retail sales, including gasoline, and disbursed to cities, counties and other public agencies to fund eligible transportation and transit projects. He clarified that the RTP assumes that these revenues will continue to be disbursed to the individual cities and counties for local projects that conform to the fund guidelines and does not propose any diversion of these funds to pay for regional improvements. He however noted that if local funds are considered as part of the funding source for regional projects, then the local projects should also be included in the RTP. He expressed concern about categorizing projects currently being funded locally as regional projects.

Mr. Golonski expressed opposition to the Maglev system and suggested that the comment letter also convey the Council's opposition. He noted that the Burbank-Glendale-Pasadena Airport's passenger projected levels were based on flawed assumptions such as a raise on Gasoline Tax and a new Sales Tax for Los Angeles County.

Mr. Campbell expressed support for Mr. Golonski's suggestion and noted the potential loss of Federal funding if SCAG does not conform to the Federal air quality standards.

Mr. Vander Borgh expressed support for a comment letter opposing the Maglev system but noted the need for the letter to

also be productive. He suggested that the comment letter include opposition to the basis of SCAG's projected passenger levels for the Burbank-Glendale-Pasadena Airport as well as other viable options such as a light rail system.

Mrs. Ramos commented on her participation in a SCAG workshop prior to the release of the Draft 2004 RTP at which the Maglev Project seemed to be well accepted. She noted that the workshop did not consider public input as significant and suggested building individual and regional relationships with a common goal of influencing SCAG's decision-making process.

Mr. Campbell and Mr. Golonski noted the challenges of finding a productive way to communicate with SCAG.

Ms. Murphy noted her long-standing opposition to SCAG's projections and suggested that the Council urge Mr. Yousefian, SCAG's Regional Representative, to make the arguments on behalf of the City.

Mrs. Ramos concurred with Ms. Murphy and suggested writing a letter to Mr. Yousefian as well regarding the matter.

Motion It was moved by Mr. Golonski and seconded by Mr. Vander Borght that "the Council appoint a subcommittee consisting of Mayor Murphy and Mr. Campbell to re-draft the comment letter to SCAG's Draft 2004 Regional Transportation Plan."

Carried The motion carried by the following vote:

Ayes: Council Members Campbell, Golonski, Ramos, Vander Borght and Murphy.
Noes: Council Members None.
Absent: Council Members None.

203
Design Review
Committee
Procedures

Mr. Bowler, Assistant Planner, Community Development Department, reported that at the November 4, 2003 meeting, Council Member Campbell requested staff to agendize a one-step two-step discussion on the pros and cons of a design review committee. He explained that design review consists of policies and procedures for the discretionary review of visual and aesthetic aspects of physical development and that its different from zoning review which deals with objective qualitative standards such as height limits, setbacks and density, noting that traditional zoning standards by themselves are often not able to guarantee visual results. He stated that

staff has presented the Council with a report discussing two models of design review: administrative review, which includes developing detailed design guidelines that make the process fairly automated; and, discretionary review, which is a more process-oriented approach that allows for more individualized consideration of each project but also requires more staff and committee work in evaluating each project as proposed.

Mr. Bowler stated that staff outlined the pros and cons of using a citizen design review committee as opposed to design review conducted by professional City staff. He noted that while the committee approach usually involves more time to process applications, the professional staff approach allows for faster processing, but reduces possibilities for citizen input and usually requires very detailed guidelines to avoid the impression that staff is simply imposing their preferences over the community's preferences. He stated that staff estimated \$50,000 for one-time start-up costs not including staff time to develop design review guidelines and approximately \$160,000 to \$400,000 in annual on-going costs necessary to support a committee. He noted that all estimates were subject to a great variance depending on factors such as: the geographic extent over which the City chooses to exercise design review; the design review types; and, whether the design review scope would be limited to single family, multi-family, commercial, or industrial developments.

Mr. Bowler also stated that staff included a table briefly summarizing pro and con positions on: a) ability to control physical development; b) potential impact on community appearance; c) fiscal impacts on the City and developers; d) the potential for delay in project approval and consequences thereof; e) possible legal liabilities; f) possible effects on property values; and, g) the possibility for conflicts arising between boards and commissions over design issues.

Mr. Bowler concluded that if it was the Council's desire to investigate the possibility of implementing a design review committee/procedures, staff be directed to perform a more detailed analysis and estimate which would require about six months to complete.

Mr. Golonski expressed opposition to the design review process and stated that although the achievements are admirable, the concept is dependent on personal taste. He indicated support for design standards which improve the aesthetic quality of multi-family developments.

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Mrs. Ramos concurred with Mr. Golonski and stated that design review was not the most efficient way to address design issues. She expressed interest in enhancing/implementing additional design standards, and noted the high recurrent cost of maintaining a design review committee in light of the current economic climate.

Mr. Vander Borgh also stated that despite the good intentions of the design review process, he did not believe that good design could be legislated. He noted the prohibitive costs especially in the current economic climate and suggested continuing to enhance the current design standards.

Mr. Campbell clarified his reason for agendizing the matter and stated that he considered design review as a means for enhancing neighborhoods by regulating density, adding quality and reducing negative impacts on neighborhoods. He also recognized the Council Members' comments and the high costs associated with the design review process in light of the current unfavorable economic climate.

Motion It was moved by Mr. Campbell and seconded by Mr. Golonski that "the item be noted and filed."

Carried The motion carried by the following vote:

Ayes: Council Members Campbell, Golonski, Ramos, Vander Borgh and Murphy.
Noes: Council Members None.
Absent: Council Members None.

804-5
Consideration of
Increasing the
TPT from 10 to
12 Percent Mr. Hanway, Financial Services Director, reported that at the November 18, 2003 meeting, Council Member Golonski requested to agendize this item for the Council to consider a public hearing to increase the City's Transient Parking Tax (TPT) from 10 percent to 12 percent. He noted that as presented in the First Quarter Financial Status Report for Fiscal Year (FY) 2003-04, the City's Five Year Forecast currently shows an increasing budgetary gap between recurring revenues and expenditures, culminating in a deficit of approximately \$8.5 million in FY 2007-08. He informed the Council of an additional loss of approximately \$3.3 million in Vehicle License Fee backfill from the State which will increase to approximately \$4.5 in FY 2004-05.

Motion It was moved by Mr. Golonski and seconded by Mr. Campbell that "another public hearing be held to consider increasing the Transient Parking Tax from 10 to 12 percent."

Carried The motion carried by the following vote:

Ayes: Council Members Campbell, Golonski, and Vander Borght.

Noes: Council Members Ramos and Murphy.

Absent: Council Members None.

Ordinance Submitted It was moved by Mr. Golonski and seconded by Mrs. Ramos that "Ordinance No. 3628 be read for the second time by title only and be passed and adopted." The title to the following ordinance was read:

1704-3
Amend PD 97-4
(Graciela Hotel)

ORDINANCE NO. 3628:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING PLANNED DEVELOPMENT ZONE NO. 97-4 AND APPROVING THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR PLANNED DEVELOPMENT NO. 97-4 (Graciela Hotel—Applicant: Belvedere Hotels and Resorts, LLC/Pass Avenue Associates LLC).

Adopted The ordinance was adopted by the following vote:

Ayes: Council Members Campbell, Golonski, Ramos and Murphy.

Noes: Council Member Vander Borght.

Absent: Council Members None.

10:32 P.M.
Reconvene
Redev. Agency,
Housing
Authority,
Parking
Authority and
YES Meetings

The Redevelopment Agency, Housing Authority, Parking Authority and Youth Endowment Services Fund Board meetings were reconvened at this time.

Final Open
Public Comment
Period of Oral
Communications

Ms. Murphy called for speakers for the final open public comment period of oral communications at this time.

12/16/03

Citizen
Comment

Appearing to comment were Mike Nolan, recognizing City employees who provide services to residents; Eden Rosen, commenting on the Civic Pride Committee's Holiday Decorating Contest; and, David Piroli, in opposition to increasing the Transient Parking Tax and on traffic signage at the San Fernando Road, Winona Avenue and Buena Vista Street intersection.

Staff
Response

Members of the Council and staff responded to questions raised.

301-2
Memorial
Adjournment

There being no further business to come before the Council, the meeting was adjourned at 10:41 p.m. in memory of Thomas Robert Arnott.

Margarita Campos, City Clerk