

TUESDAY, SEPTEMBER 14, 2004

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 4:38 p.m. by Mrs. Ramos, Mayor.

CLOSED SESSION

Present- - - - Council Members Golonski, Murphy, and Vander Borcht.
Absent - - - - Council Members Campbell and Ramos.
Also Present - Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

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

4:39 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 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, Burbank Firefighters Chief Officers Unit, and Burbank Police Officers Association; Unrepresented, and Appointed Officials.
Summary of Labor Issues to be Negotiated: Current Contracts and Retirement Issues.
- 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): 3
- d. **Name of Case:** Nolan v. Alvord.
Case No.: BS092136
Brief description and nature of case: Injunctive Relief.

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:39 p.m. by Mrs. Ramos, Mayor.

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

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

ROLL CALL

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

Absent - - - - Council Members None.

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

Reporting on
Council Liaison
Committees Mr. Vander Borght reported on the Transit Task Force Committee meeting he attended with Mr. Campbell.

Mrs. Ramos reported on a meeting with the Mayor, City Manager and staff of the City of Glendale to discuss regional transportation issues.

406
Airport
Authority
Meeting Report

Commissioner Lombardo commented on the Federal Aviation Administration communication systems outage in Southern California and noted that late-night departures were anticipated. He then reported on the Airport Authority meeting of September 7, 2004 at which the Authority received an update from the environmental consultant on a further analysis of the bus purchase proposal, noting the consultant's recommendation to undertake a demonstration project with hybrid buses. He also reported that a special meeting was scheduled for September 15, 2004 to consider a paint scheme for the existing terminal and receive a presentation on the Airport fire station remodeling. He noted that no action would be taken on the items.

Commissioner Lombardo also informed the Council that the Authority would not be releasing the California Environmental Quality Act document related to the proposed Airport Development Agreement for another week to allow for further analysis.

The Council noted and filed the report.

6:56 P.M.
Hearing

Mayor Ramos stated that "this is the time and place for the hearing on the proposed Interim Development Control

9/14/04

1702
IDCO for R-1,
R-1-E and R-1-H
Single-Family
Residential
Zones

Ordinance pertaining to the R-1, R-1-E, and R-1-H single family residential zones within the City."

Notice
Given

The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that no written communications had been received.

Staff
Report

Mr. Forbes, Senior Planner, Community Development Department, reported that over the past two years, the City has witnessed a high volume of single-family residential remodeling and rebuilding projects in response to high land values and low interest rates. He noted that residents expressed concern with the scale of several projects which are out of character with the surrounding neighborhoods. He added that in January 2004, the Council directed staff to begin a study of single-family development standards to determine what changes might be needed.

Mr. Forbes informed the Council that staff hosted two community meetings in May and July 2004 at which input was received from residents regarding the current and draft standards proposed by staff to address the concerns about single-family development. He noted that recognizing the still-increasing levels of concern across the community, staff recommended that the Council adopt an Interim Development Control Ordinance (IDCO) to regulate single-family development until a full set of permanent standards can be presented to the Council. He noted that unlike other IDCOs, the proposed IDCO would allow for single-family developments to be built in the R-1, R-1-E, and R-1-H zones, subject to the interim standards which would replace existing Code standards. He noted that the proposed interim standards are based upon draft standards that will be proposed as permanent standards; however, they are not intended to address every aspect of single-family development but those areas that most significantly affect the size and character of single-family homes.

Mr. Forbes then discussed the major changes in the proposed standards, including: height of main dwelling; height of accessory structures; limiting homes to two stories; grade level determination; restricting second floor area to 75 percent of first floor area; maintaining front yard setbacks at the existing 25 feet but requiring an additional five-foot setback for

garages parallel to the street; increasing the rear yard setback from five feet to 25 feet with detached accessory structures allowed to cover up to 50 percent of the rear yard area; maintaining the interior side yard setback at five feet but further limiting permitted encroachments; maintaining street-facing side yard setback at ten feet but further limiting permitted encroachments; increasing accessory structure setbacks from zero to three-foot minimum interior side and rear setbacks (five-foot setback for detached second dwelling units); increasing the setback for decks and balconies on accessory structures to ten feet; reducing lot coverage calculation from 60 percent to 45 percent including non-enclosed structures; and, reducing the Floor Area Ratio (FAR) from 0.6 to 0.4 not including garages.

Mr. Forbes noted that a comparison with 15 other Southern California cities indicated that all the proposed interim standards were generally comparable and in many cases less restrictive. He also discussed the main concerns expressed at the community meetings, including: the current development standards being too lenient; support for reduction in height, lot coverage and the FAR; and, the proposed standards being too restrictive. He noted that the most frequently raised concern was neighborhood compatibility with new or remodeled existing development. He stated that staff continues to recommend against any kind of design review process and no such process is proposed as part of the interim standards. He also noted that staff was in the process of studying various options for a discretionary approval process or other means of accommodating unique situations such as where most of the existing homes in the neighborhood already do not comply with the current standards.

Mr. Forbes informed the Council that pursuant to the California Government Code, the Council must make specific findings in adopting or extending an IDCO, that there is a current and immediate threat to the public health, safety, or welfare posed by the continued development of single-family homes under the current development standards. He added that the IDCO must be adopted as an urgency ordinance by a four-fifths vote of the Council and may initially be in effect for 45 days, after which time the Council would have the option of holding another public hearing to consider extending the IDCO for up to two years. He also added that staff recommended that the interim standards apply to all projects that have not been submitted for plan check. He noted that there were currently 62 single-family projects submitted for plan check but have not yet received approval or building permit, including 47 additions, seven new homes and eight accessory structures or garages. He explained that staff

considered a phased-in approach that would allow applicants that have already invested time and money preparing drawings, but have not yet submitted the drawings for plan check by the effective date of the IDCO, to still be subject to the current regulations. However, given the difficulty in using such a standard, the urgency surrounding the matter, and the desire expressed by the Council and the community to stop out of character single-family development as soon as possible, staff recommended that the effective date of the IDCO be used as the absolute cutoff, thereby requiring that any project not submitted for plan check comply with the interim regulations. He noted that approximately half of the projects awaiting plan check would comply with the interim standards and most of the homes that would not comply had only minor issues, many of which were related to accessory structure placement, rear yard encroachment and lot coverage. He added that only a few homes exceeded the interim FAR standard and none exceeded the interim lot coverage standard.

Citizen
Comment

Appearing to comment in support of the Interim Development Control Ordinance (IDCO) were: Bob Olson;Carolyn Gladstone; and, Blanche Antilla. Commenting in opposition to the IDCO were: Mellisa Wong; Nataly Margossian; Jerry Day; Mark Bove; Natasha Hoiseck; Thaer Mahmoud; Ara Aroyan; Majdi Bitar; Paul Boghossian; Carolyn Berlin; Mark Stebbeds; Ron Vanderford; Ryan Jay; Vahe Hovannessian; David Piroli; Tracy Lynch; Howard Rothenbach; Mike Nolan; Ross Gunnell; Zorica Tanaskovic; Eden Rosen; Patrick Murphy; Matt Cramer; and, Phil Berlin, who also expressed concern with the noticing procedure for the public hearing. Also, Frank Montano and Louise Penn commented on view protection issues; and, Mark Barton, reiterated public comment.

Rebuttal

Mr. Forbes responded to public comment with regard to: the number of homes currently in plan check; noticing procedure and requirements for the public hearing; IDCO application; setback requirements for substandard lots; number of homes in the City built at 0.6 FAR; setbacks for garage additions and accessory structures; FAR and lot coverage; parking requirements; improvements to non-conforming structures; story limits for homes in the hillside area; and, height limit requirements. He also noted that the ordinance was not a substitution for the view protection ordinance.

Hearing
Closed

There being no further response to the Mayor's invitation for oral comment, the hearing was declared closed.

Motion Following Council deliberation it was moved by Mr. Vander Borgh and seconded by Mr. Campbell that "the following urgency ordinance be introduced and adopted as amended:"

1702 ORDINANCE NO. 3646:
 IDCO for R-1, AN URGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF
 R-1-E and R-1-H BURBANK ESTABLISHING INTERIM DEVELOPMENT
 Single-Family CONTROLS IN THE R-1, R-1-E, AND R-1-H SINGLE FAMILY
 Residential ZONES, TO ALLOW THE COUNCIL TIME TO
 Zones STUDY AND CONSIDER ENACTMENT OF ZONING MEASURES
 PERTAINING TO SINGLE-FAMILY DEVELOPMENT WITHIN
 THESE ZONES, with the Floor Area Ratio reduced from 0.6 to
 0.45 and height limit reduced from 27 feet to 22 feet to the
 ceiling. Also, any project in plan check or with a completed
 file application for a Conditional Use Permit or any
 discretionary permit would be exempt from the Ordinance.

Adopted The ordinance was introduced and adopted by the following
 vote:

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

10:29 P.M. The Council recessed at this time. The meeting reconvened at
 Recess 10:41 with all members present except Mrs. Ramos.

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

Initial Open Mr. Vander Borgh called for speakers for the initial open
 Public Comment public comment period of oral communications at this time.
 Period of Oral
 Communications

Citizen Appearing to comment were: Sandra Clark; John Sorrell;
 Comment Dinora Quispe; Brian Mosdale; and, Angela Wright, in
 opposition to the sidewalk construction project on Ontario
 Street. Also, Phil Berlin, commented on Airport issues; Kevin
 Muldoon, on housing development standards, inquiring as to

the status of video streaming and pedestrian safety devices; Mark Barton, on the Downtown Wayfinding Signage Program; Eden Rosen, on noise pollution and traffic at the intersection of Clark Street and Victory Boulevard; Ron Vanderford, on the proposed Airport Development Agreement; Howard Rothenbach, inquiring whether contractors are liable for not wearing appropriate safety equipment when providing services and inquiring when Third Street will be repaved; Mark Stebbeds, on the Interim Development Control Ordinance; David Piroli, on the sidewalk construction project and the proposed Airport Development Agreement; and, Susan Bowers, expressing confidence in the Council to protect the interests of the residents with regard to the proposed Airport Development Agreement.

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 were Carolyn Berlin, on the Interim Development Control Ordinance (IDCO), giving a status report on the Burbank_Voters_and_Taxpayer's group membership and requesting a vote on the proposed Airport Development Agreement; Phil Berlin, making a public records request for Property Tax and Sales Tax revenues received from the Empire Center and requesting a vote on the proposed Airport Development Agreement; Mark Stebbeds, distributing an article on the harm caused to children by smog, requesting a full Environmental Impact Report and a vote with regard to proposed Airport Development Agreement; Kevin Muldoon, requesting a vote on the proposed Airport Development Agreement; Ron Vanderford, commenting on Airport issues; Ross Gunnell, on the IDCO criteria; Zorica Tanaskovic, on the guidelines and appeal process for the issuance of park permits for commercial uses on City-owned property and on the IDCO criteria; Eden Rosen, on Airport issues and on the length of the process for the issuance of park permits for commercial uses; David Piroli, requesting a vote on the proposed Airport Development Agreement; Howard Rothenbach, requesting that the Council express their individual opinions with regard to putting the proposed Airport Development Agreement on the ballot; Mike Nolan, on the sale of the B-6 property; and, Mark Barton, on Airport issues.

Staff Response	Members of the Council and staff responded to questions raised.
Motion	It was moved by Mr. Campbell and seconded by Mr. Golonski that "the following items on the consent calendar be approved as recommended."
Minutes Approved	The minutes for the regular meetings of August 3, August 10, August 17 and August 24, 2004 were approved as submitted.
304-1 Donation to Police Dept.	<u>RESOLUTION NO. 26,786:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING FISCAL YEAR 2004-2005 BUDGET ACCEPTING MICHEAL CUNNINGHAM'S DONATION OF \$3,000 FOR THE CITY'S YOUTH ACADEMY PROGRAM.
801-2 907 Drug Asset Forfeiture	<u>RESOLUTION NO. 26,787:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2003-2004 BUDGET TO APPROPRIATE UNEXPENDED FUNDS RESULTING FROM ACCUMULATED INTEREST FROM UNEXPENDED ASSET FORFEITURE FUNDS (\$53,858.24) AND RETURNED ASSET FORFEITURE CHECKS FROM THE STATE AND FEDERAL GOVERNMENTS (\$38,349.93).
1007-1 Revise Title of Risk Mgmt. Asst. to Liability Claims Coordinator	<u>RESOLUTION NO. 26,788:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING AND RE-TITLING THE SPECIFICATION OF RISK MANAGEMENT ASSISTANT (CTC No. 0728) TO LIABILITY CLAIMS COORDINATOR (CTC No. 0485).
1007-1 Revise Spec. of Water Meter Mechanic	<u>RESOLUTION NO. 26,789:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SPECIFICATION OF WATER METER MECHANIC (CTC No. 0989).
1301-3 Final Change Order for B.S. No. 1135 – Sidewalk Repair Project	<u>RESOLUTION NO. 26,790:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A FINAL CHANGE ORDER IN THE AMOUNT OF \$146,911.47 FOR THE 2003-2004 SIDEWALK PROJECT, BID SCHEDULE NO. 1135.

Murder Investigation INFORMATION LEADING TO THE ARREST AND CONVICTION OF SUSPECT(S) IN THE SHARON SANTOS MURDER INVESTIGATION.

Adopted The resolution was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Member Ramos.

804-4 Wastewater Treatment Revenue Bonds, 2004 Series A Mr. Hanway, Financial Services Director, requested Council approval of the issuance of Wastewater Treatment Revenue Bonds, 2004 Series A in an amount not-to-exceed \$21,000,000. He reported that on April 27, 2004, the Council appointed a Financing Team to review the potential of refunding the Wastewater Treatment Revenue Bonds, 1995 Series A with a bond issue that would include \$5 million of funds for planned capital expenditures. He noted that that the criteria for the potential refunding was a minimum net present value savings of three percent with an additional new money piece of five million. He noted that the current net present value savings factor is at 3.85 percent.

Motion It was moved by Ms. Murphy and seconded by Mr. Campbell that "the following resolution be passed and adopted:"

804-4 Wastewater Treatment Revenue Bonds, 2004 Series A RESOLUTION NO. 26,795:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$21,000,000 PRINCIPAL AMOUNT OF WASTEWATER TREATMENT REVENUE BONDS, 2004 SERIES A, APPROVING AND AUTHORIZING AND DIRECTING EXECUTION OF A THIRD SUPPLEMENTAL INDENTURE OF TRUST RELATING TO SUCH BONDS AND AN ESCROW DEPOSIT AND TRUST AGREEMENT RELATING TO THE REFUNDING OF ALL OR A PORTION OF THE CITY'S OUTSTANDING WASTEWATER TREATMENT REFUNDING REVENUE BONDS, 1995 SERIES A, AUTHORIZING THE SALE OF BONDS, APPROVING THE FORM, AND AUTHORIZING DISTRIBUTION, OF AN OFFICIAL STATEMENT FOR USE IN CONNECTION WITH THE SALE OF SUCH BONDS AND AUTHORIZING OFFICIAL ACTION.

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Adopted

The resolution was adopted by the following vote:

Ayes: Council Members Campbell, Golonski, Murphy, and Vander Borcht.

Noes: Council Members None.

Absent: Council Member Ramos.

703
804-2
Park Permits for
Commercial
Uses on City
Property

Mr. Hansen, Park, Recreation and Community Services Director, reported that on August 17, 2004, the Council provided direction to staff regarding revisions to the proposed guidelines and criteria for the issuance of commercial park facilities, the appeal process and the Burbank Fee Resolution. He noted that in response to the Council's concerns, staff has added a provision to the guidelines and criteria to limit the length of time an individual permit can be issued to a maximum of 90 days. With regard to redesigning the appeal process, he reported that the Council has been provided with three appeal options; to the Park, Recreation and Community Services Board, the Permit Appeals Panel or directly to Council.

He noted that the length of time for the Director to act upon an application was extended to 14 days to allow for public noticing. Also, use permits would be accepted no sooner than 110 days or no later than 45 days prior to the date of the proposed event. He added that the definition of interested party was also expanded to include individuals who would be directly impacted by the proposed permitted activity.

Mr. Hansen informed the Council that staff proposes to set the administrative fee for the re-issuance of a permit when there have been no adverse effects on the surrounding community or negative impacts on other uses of the facility at a substantially reduced fee of \$20 as compared to the initial application process fee of \$185. He also noted additional minor changes to the Fee Resolution relative to descriptive terms. He concluded with staff's recommendation that the appeals process be initiated through the Park, Recreation and Community Services Board and if necessary be further appealed to the Council.

Motion

It was moved by Mr. Campbell and seconded by Mr. Golonski that "the following ordinance be introduced as amended and read for the first time by title only and be passed to the second reading and that the following resolution be passed and adopted:"

703
Park Permits for
Commercial
Uses on City
Property

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTION 5-802, 5-804 AND 5-805 OF THE BURBANK MUNICIPAL CODE ESTABLISHING THE TIME DEADLINES FOR PARK FACILITIES USE PERMIT APPLICATIONS AND ESTABLISHING THE PERMIT APPEALS PROCESS FOR RECREATIONS AND COMMERCIAL USE PERMITS, with direction for an appeals process to the Park, Recreation and Community Services Board and an interim appeals process directly to the Council.

703
804-2
Park Permits for
Commercial
Uses on City
Property

RESOLUTION NO. 26,796:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING ARTICLE IX OF RESOLUTION NO. 26,737, THE BURBANK FEE RESOLUTION RELATING TO PARKS AND RECREATIONS FEES.

Adopted

The ordinance was introduced and the resolution was adopted by the following vote:

Ayes: Council Members Campbell, Golonski, Murphy, and Vander Borcht.

Noes: Council Members None.

Absent: Council Member Ramos.

1402
Prima Facie
Speed Limits on
Various Streets

Mr. Johnson, Assistant Public Works Director, Traffic Engineer, requested Council approval of changes to the Burbank Municipal Code (BMC), regarding maximum speed limits in certain street segments to conform to requirements established by the California Vehicle Code (CVC), the State of California Traffic Manual and the Burbank Superior Courts for the purpose of speed enforcement.

Mr. Johnson recounted that staff provided an overview of the City's speed limits at a Study Session on July 27, 2004. He added that the Council directed staff to re-evaluate the recommendation to raise speed limits on Pass Avenue between Alameda Avenue and Verdugo Avenue from 30 to 35 miles per hour (mph), and Riverside Drive between Olive Avenue and Buena Vista Street from 30 to 35 mph. He noted that a re-evaluation was completed which considered the neighborhood character, driveways and road alignments and that the analysis showed that the proposed speed limit on Pass Avenue is appropriate for conditions, but the speed limit on Riverside Drive should remain at 30 mph to be consistent with segments on either side.

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Mr. Johnson reported that staff therefore recommends that the speed limit on Pass Avenue between Alameda Avenue and Verdugo Avenue be increased to 35 mph and that the speed limit on Riverside Drive between Olive Avenue and Buena Vista Street remain at 30 mph, which is consistent with all other segments along the arterial street.

Motion It was moved by Ms. Murphy and seconded by Mr. Campbell that "the following ordinance be introduced and read for the first time by title only and be passed to the second reading." The ordinance was introduced and the title read:

1402 AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK
Prima Facie AMENDING SECTION 29-1501 AND CONSOLIDATING AND
Speed Limits on DELETING SECTIONS 29-1502 AND 29-1503 OF THE
Various Streets BURBANK MUNICIPAL CODE RELATING TO THE
ESTABLISHMENT OF SPEED LIMITS.

Carried The motion carried by the following vote:

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

Ordinance Submitted It was moved by Mr. Golonski and seconded by Mr. Campbell that "Ordinance No. 3647 be read for the second time by title only and be passed and adopted." The title to the following ordinance was read:

1702 ORDINANCE NO. 3647:
ZMA and ZTA AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK
for Fairview St. APPROVING A ZONE MAP AMENDMENT AND A ZONE TEXT
And Niagara St. AMENDMENT, PROJECT NO. 2004-68 (Fairview Street, and
(Project No. Niagara Street between Verdugo Avenue and Clark Avenue).
2004-68)

Adopted The ordinance was adopted by the following vote:

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

Final Open Mr. Vander Borght called for speakers for the final open public
Public Comment comment period of oral communications at this time.

Period of Oral
Communications

Citizen Comment Appearing to comment were Mike Nolan, on the sale of the B-6 Property; Ross Gunnell and Zorica Tanaskovic on the parks permit guidelines appeals process.

Staff Response Members of the Council and staff responded to questions raised.

Adjournment There being no further business to come before the Council, the meeting was adjourned at 12:44 a.m.

Margarita Campos, City Clerk

APPROVED NOVEMBER 23, 2004

Mayor of the Council
of the City of Burbank