

TUESDAY, OCTOBER 12, 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 4:35 p.m. by Mrs. Ramos, Mayor.

CLOSED SESSION

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

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

4:35 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. **Name of Case:** Nolan v. Alvord.
Case No.: BS092136
Brief description and nature of case: Injunctive Relief.
- c. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):
Pursuant to Govt. Code §54956.9(b)(1)
Number of potential case(s): 1
- d. Conference with Legal Counsel – Anticipated Litigation (City as possible plaintiff):
Pursuant to Govt. Code §54956.9(c)
Number of potential case(s): 1

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:42 p.m. by Mrs. Ramos, Mayor.

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

Flag Salute The pledge of allegiance to the flag was led by Crystal Rachal.

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.

301-1
Donation from
Target Stores Chief Hoefel introduced Officer Cameron Brown, McGruff the Crime Dog and Matt Brophy, representing Target Stores, who presented a donation to the Police Department in the amount of \$1,580. Chief Hoefel presented a certificate of appreciation to Target Stores from the Police Department.

301-1
National Teen
Read Month Mayor Ramos presented a proclamation in honor of National Teen Read Month to Melissa Gwynne, Senior Librarian.

301-1
Youth Programs
Supporter
Recognition Randy Karraker, Administrative Analyst II, and Sommer Barwick, Administrative Analyst I, Management Services Department, briefly described a variety of City youth employment and educational outreach programs, and expressed appreciation to the Youth Employment supporters. Mayor Ramos presented Certificates of Recognition to representatives of the following Youth Employment supporters: Burbank Association of Realtors; Fagerholm and Jefferson Law Corporation; Cinema Secrets; A+ Care; Boys and Girls Club of Burbank; Burbank Unified School District Summer Youth Employment Programs; Ultimate Tae-Kwon Do; DeBell Clubhouse; Burbank Temporary Aid Center; Affinity Court Reporters; Burbank Chamber of Commerce; Road Kings of Burbank; Workability Foothill Selpa; Bob Hope Airport; and, Baskin-Robbins Ice Cream.

301-1
State of the
State Address
By Senator
Jack Scott Mayor Ramos introduced Senator Jack Scott, who delivered a State of the State address.

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

Committees

7:26 P.M.
Hearing
1704-3
602
CUP 2004-42
(1209 E.
Elmwood)

Mayor Ramos stated that "this is the time and place to consider the appeal of the Planning Board's approval of Conditional Use Permit for Project No. 2004-42. The Applicant, Dr. Raffi Margossian, has requested approval to enlarge an existing pad in the hillside area and to construct an accessory structure. The decision has been appealed by the Applicant, Dr. Margossian, Garnik Mnatsakanyan, and Lyle Hall."

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. Bowler, Assistant Planner, Community Development Department, requested that the Council consider three appeals of the August 9, 2004 Planning Board approval of a Conditional Use Permit (CUP) for Project No. 2004-42. He explained that the CUP was to allow grading for the expansion of an existing level building pad in the hillside area and to allow construction of a 396 square-foot accessory structure with a three-quarter bath on the property located at 1209 East Elmwood Avenue in the R-1 Zone. He added that the applicant intends to build a 7,290 square foot house on the enlarged building pad. With the aid of an aerial photograph, he identified the subject property, proposed structure location and surrounding uses, and noted that the property is accessed via a 20-foot-wide private driveway serving this and three other lots created by Parcel Map No. 25082 in 1999.

Mr. Bowler reported that based on public comment, the Planning Board approved the CUP subject to several conditions, including: brush clearance on a neighboring property; a ten-foot setback for the main dwelling; an eight-foot setback from the edge of the road for the accessory structure; and, completion of a traffic safety study for the access driveway with a recommendation for installing a guardrail, and requiring that the guardrail be installed prior to approval of the grading permit. He added that the Planning Board provided that the guardrail requirement could be waived upon review of the traffic engineer's report.

Mr. Bowler informed the Council that Dr. Raffi Margossian, applicant, is appealing the condition of the traffic engineer's study and installation of the guardrail, noting that the expense is onerous and should be shared by all users of the driveway. He also added that a CUP for a neighboring property was approved for similar grading last year and was not required to

improve the driveway.

Mr. Bowler also reported that Mr. Lyle Hall, owner of 722 Wilson Court adjacent to the access driveway, is appealing the language of the condition that allows the Board to waive the guardrail requirement and is requesting to keep the option of further legal action open. He also added that Mr. Garnik Mnatsakayan, owner of adjoining property at 1203 East Elmwood Avenue, is appealing the approval of the accessory structure due to its potential visual and audible impacts on his property.

Mr. Bowler noted staff's finding that the traffic safety improvements should be installed and implemented as recommended by the traffic engineer. He also added that the City has no authority to require that other property owners share in the cost, as previous approvals regarding the access driveway, including the Parcel Map, cannot be revisited at this point, and the City is not party to the maintenance declaration recorded for the property. He concluded with staff's recommendation against approval of the CUP with respect to the accessory structure.

Appellant

Dr. Raffi Margossian gave a brief history on the acquisition of the property, noted that the guardrail is approximately 600 feet away from his property and that the installation expense is onerous and should be shared by all driveway beneficiaries. He also noted that a CUP for a neighboring property was approved for similar grading last year and was not required to improve the driveway. He requested that a condition be placed on any future permits on the four properties served by this driveway that a contribution be made towards the cost of installing the guardrail; inquired as to whether the City could participate in any manner to subsidize the cost of the guardrail installation; and, that he be allowed to build the guardrail and retaining wall at the same time to minimize costs.

Andrew Cervik, representing Dr. Margossian, addressed issues with regard to the accessory structure.

Ms. Odalis Suarez, representing Mr. Garnik Mnatsakayan, requested that the structure be adjacent to the main building pad for aesthetic and environmental reasons. She also cited several other concerns, including: visual and audible impacts; traffic and safety issues; parking issues; architectural significance; drainage issues; and, brush clearance requirements.

Mr. Lyle Hall, owner of 722 Wilson Court adjacent to the

access driveway, elaborated on his appeal of the language that provides the Board the ability to waive the guardrail requirement, noting safety concerns.

Citizen
Comment

Appearing to comment were: Carolyn Baker, citing drainage and safety concerns; Ron Vanderford, in support of Mr. Hall's comments with regard to the installation of the guardrail; and, Esther Espinoza, in support of Dr. Margossian's request that all four property owners share the cost of installing the guardrail.

Rebuttal

Dr. Margossian expressed his willingness to proceed with the guardrail installation but requested that the Council make a final decision so that his project could proceed.

Andrew Cervik, representing Dr. Margossian, addressed concerns regarding water runoff; requested that the City pay for part of the guardrail installation; commented on the placement of the house on the pad; addressed parking concerns; and, noted that the accessory structure is in close proximity to the main house.

Hearing
Closed

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

Council
Deliberation

The Council acknowledged the need for the guardrail but expressed concern with assessing Dr. Margossian for the full installation cost whereas it benefits the other lots. The Council suggested establishing a condition that subsequent construction projects on the lots served by the guardrail participate in the payment for these improvements and that a mechanism be set up so that reimbursement can be made to Dr. Margossian within a five-year term.

Mr. Golonski indicated support for the location of the accessory structure but expressed concern with the brush clearance requirement of 200 feet as a result of structures being built on adjacent properties.

Ms. Murphy stated that she could not make the findings necessary to approve the accessory structure.

Mr. Vander Borcht indicated that he would approve of the accessory structure if the bathroom was reduced to a half-bath and the structure's setback was increased to eight feet as recommended by staff.

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Mr. Campbell expressed concern with the five-foot setback for the accessory structure as opposed to the eight feet recommended by staff. He also stated that the proposed location for the accessory structure was not ideal noting its proximity to Lot 4 and expressed his preference for the structure to be closer to the main dwelling. He added that he could not make the findings to approve the accessory structure and encouraged staff to work with the property owner to find a more suitable location.

Mrs. Ramos was in agreement in terms of the location and size of the accessory structure and noted the need for increased setback.

Motion It was moved by Mr. Vander Borght and seconded by Ms. Murphy that "the following resolution be passed and adopted with respect to the expansion of the building pad with a requirement for the guardrail as called for in the traffic safety report and with the added condition that a mechanism be set up through the City so that reimbursement can be achieved by the property owner within the five-year term if the other property owners choose to build within that timeframe."

1704-3
602
CUP 2004-42
(1209 E.
Elmwood)

RESOLUTION NO. 26,805:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE CONDITIONAL USE PERMIT OF PROJECT NO. 2004-42 (1209 East Elmwood Avenue).

Adopted The resolution was adopted by the following vote:

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

Motion It was moved by Mr. Vander Borght, seconded by Mr. Golonski and carried with Mrs. Ramos voting no "to approve a half-bath only and that the accessory structure be set back eight feet as recommended by staff.

Reporting on Mr. Barlow reported on the items considered by the City

Closed Session	Council during the Closed Session meeting.
Initial Open Public Comment Period of Oral Communications	Mrs. Ramos called for speakers for the initial open public comment period of oral communications at this time.
Citizen Comment	Appearing to comment were: Gary Peterson on Airport matters; Thos Peterson, Roland V. Stewart, Bonnie Jue, Herb Vincent, David Harris and Joe Terranova, in support of the Council negotiating the best agreement with the Airport; Sam Asheghian, distributing tickets for the Kiwanis pancake breakfast and in support of negotiating an agreement; Eva Sippel, in support of reinstating the Kennel Attendant position at the Animal Shelter; Don Elsmore, on the Airport Development Agreement; Mark Stebbeds, on Measure B; Michael Bergfeld, on the Trust Agreement provisions with regard to the B-6 Property; Esther Espinoza, on citizen participation in decision making; Rose Prouser, in opposition to the proposed Airport Development Agreement; Carolyn Berlin, on the proposed Airport Development Agreement and the B-6 Property; Phil Berlin, reading from the Burbank Leader issue of June 6,1998 regarding local control and requesting that the proposed Airport Development Agreement be put before the voters; Eden Rosen, on pollution by lawn mowers and on traffic issues; Howard Rothenbach, on the proposed Airport Development Agreement; Ron Vanderford, requesting the Council respond to questions with regard to the possibility of a 27-gate terminal; David Piroli, noting Bob Hope Airport is a member of the Burbank Chamber of Commerce; Mark Barton, on the Downtown Wayfinding Signage Program; and, Laverne Thomas, on the use of a hand microphone by physically disabled residents.
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 Michael Bergfeld, on Measure B, and the Public Utilities Code as to the definition of terminal; Ron Vanderford, on the possibility of a 27-gate terminal and subdivision of the B-6 property; Rose Prouser, on local

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authority over the A-1 North property, the Mitigated Negative Declaration, the proposed Airport Development Agreement and lack of an Airport master plan; Carolyn Berlin, requesting that the Council require an Environmental Impact Report (EIR) and a master plan for Airport development; Phil Berlin, on Measure B and expressing concerns with zoning changes, nighttime noise relief and the loss of potential Sales Tax on the B-6 property; Mark Stebbeds, requesting the preparation of a full EIR for Airport development; Eden Rosen, in opposition to the Mitigated Negative Declaration; Howard Rothenbach, inquiring as to the employment status of the City's special counsel, expressing concerns with the Mitigated Negative Declaration and the applicability of Measure B; Esther Espinoza, on the Mitigated Negative Declaration; David Piroli, on the Mitigated Negative Declaration and lack of a written proposed Airport Development Agreement and Airport master plan; Mike Nolan, on the B-6 property; and, Mark Barton, on the Downtown Wayfinding Signage Program.

Staff
Response

Members of the Council and staff responded to questions raised.

10:48 P.M.
Recess

The Council recessed at this time. The meeting reconvened at 11:06 p.m. with all members present.

Jt. Mtg. with
Redev. Agency
1401
1103
1102
1400
BS R-1167
Downtown
Wayfinding
Signage Program

Mr. Garcia, Redevelopment Project Analyst, Community Development Department, requested that the Council and Redevelopment Agency Board approve the Downtown Wayfinding Signage Program and award Bid Schedule (BS) No. R-1167 to Fluoresco Lighting & Signs Inc. He explained that the intent of the Wayfinding Signage Program is to guide visitors from the freeway exits to Downtown Burbank, as well as guide motorists to various destinations and available parking in Downtown Burbank. He added that the Wayfinding Signage Program consists of 101 signs which include freeway off-ramp directional signs, primary and secondary directional signs, parking identification and district identification signs. He informed the Council that BS No. R-1167 was advertised on July 28, 2004 and July 31, 2004 in the Burbank Leader and of the fourteen sets of plans sold to prospective bidders, eleven of which attended the mandatory walk through, staff received only two bids as follows: Fluoresco Lighting & Signs Inc., \$134,905.05; and, Absolute Sign Inc., \$249,651.05.

Mr. Garcia reported that initially, the difference in the cost of

the two proposals seemed unusual; however, based on comments received by Hunt Design Associates, the difference can be attributed to a conservative estimate by Absolute Sign Inc. across every individual bid item. Further, he stated that Absolute Sign Inc. has the added cost of subcontracting out some of the work, whereas Fluoresco Lighting & Signs Inc. will not have any subcontractors on the project. He noted that currently, Fluoresco Lighting & Sign Inc. is working on two other projects that were designed by Hunt Design Associates for the cities of Los Angeles and Long Beach, who have not experienced any problems with Fluoresco Lighting & Signs Inc. He also stated that the Wayfinding Signage Program is funded by the Downtown Property-Based Business Improvement District, known as Burbank Partners.

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

1401 RESOLUTION NO. 26,806:
 1103 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
 1102 APPROVING THE DOWNTOWN WAYFINDING SIGNAGE
 1400 PROGRAM.

BS R-1167
 Downtown
 Wayfinding
 Signage Program
 Adopted

The resolution was adopted by the following vote:

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

Redev. Reso Redevelopment Resolution No. R-2117 Approving and
 Adopted Adopting Contract Documents, Plans and Specifications, and
 Determining the lowest Responsible Bidder, Accepting the Bid,
 and Authorizing Execution of a Contract for the Downtown
 Wayfinding Signage Program, Bid Schedule No. R-1167 was
 adopted.

Motion It was moved by Mr. Campbell and seconded by Ms. Murphy
 that "the following items on the consent calendar be approved
 as recommended."

304-1 RESOLUTION NO. 26,807:

10/12/04

801-2
Donation to
Police Dept.
from Target

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING FISCAL YEAR 20-4-2005 BUDGET FOR THE PURPOSE OF ACCEPTING TARGET STORES' DONATION OF \$1,580.

703
Agmt. with
Steve Starleaf
For Tennis
Center

RESOLUTION NO. 26,808:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE AGREEMENT BETWEEN THE CITY OF BURBANK AND STEVE STARLEAF, INC. GRANTING AN EXCLUSIVE RIGHT AND LICENSE TO USE THE BURBANK TENNIS CENTER AND TO OPERATE A TENNIS PROGRAM.

Adopted

The consent calendar was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Members None.

406
Neg. Dec. for
Airport Dev.
Agmt.

Mr. Forbes, Senior Planner, Community Development Department, requested that the Council provide input for the City's comment letter regarding the Mitigated Negative Declaration (MND) prepared by the Burbank-Glendale-Pasadena Airport Authority (Authority) for the proposed Development Agreement between the Authority and the City. He stated that pursuant to the California Environmental Quality Act (CEQA), the public agency carrying out the project acts as the lead agency to prepare and approve the environmental document and that any public agency other than the lead agency that has discretionary approval authority over a proposed project is considered a responsible agency. He noted that as a responsible agency, the City cannot accept comments on behalf of the lead agency and is not in a position to forward comments from the public to the lead agency. He urged that any persons desiring to submit comments about the proposed MND must do so in writing directly to the Authority by or before October 18, 2004.

Mr. Marrero, Airport Executive Director, noted that the foundation of the proposed Development Agreement is an attempt to resolve a number of issues that exist between the City and the Authority. He noted the need to jointly seek meaningful nighttime noise relief, responded to concerns expressed by the public, and elaborated on the different aspects of the proposed Development Agreement.

Mr. David Full, Environmental Science Associates, gave an

overview of the MND noting that the project description included: a development agreement that would limit Airport development for seven years and prohibit a new terminal for ten years; four specific construction projects, acquisition, development and use of the A1 North property for public parking and rental cars, relocation of Lot A, completion of Taxiway D and realignment of the Terminal Loop roadway; and, modification of some City ordinances with regard to noise insulation and Federal Aviation Regulation Part 77 compliance.

Following Council deliberation, staff was directed to prepare a comment letter for submission to the Airport Authority regarding the MND, including:

- 1) A need for mitigation measures to address emissions from buses particularly Nitrogen Oxides and Particulate Matter;
- 2) A requirement that all construction-related diesel equipment apply emission control devices particularly after treatment. In addition, any exemptions must be based on a written finding following market research and that the City and community must be notified as exemptions are granted;
- 3) Clarification that the MND is dependent on a development agreement and acknowledgement that the MND process without an agreement is flawed;
- 4) Clarification about a possible discrepancy between the MND and the Development Agreement on the continued use of the B-6 property for rental car storage; and,
- 5) The comments recommended by the Planning Board.

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

Mr. Forbes, Senior Planner, Community Development Department, provided the Council with an update on the status of the Interim Development Control Ordinance (IDCO) that provides interim development standards for the R-1, R-1-E and R-1-H single-family residential zones. He noted that the Council is not required to take any action regarding the IDCO and that a public hearing has been scheduled on October 26, 2004 for the Council to consider extending the IDCO. He noted that the public will again have the opportunity to provide input at that hearing.

The Council noted and filed the report.

1007

Police Chief Hoefel reported that during the City's Fiscal Year

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Kennel Attendant Position (FY) 2004-05 budget process, the Police Department eliminated one Kennel Attendant position. He explained that Kennel Attendants are responsible for the hands-on care of the animals and maintenance of the shelter. He added that historically, the Animal Shelter operated with one Kennel Attendant, but in FY 2000-01, the Police Department increased staffing to two Kennel Attendants due to more animals entering the shelter and animals being kept for longer periods of time. He also noted that when Kennel Attendants are not available, Animal Control Officers are required to perform their duties, decreasing patrol time and extending response time to calls for service.

Chief Hoefel informed the Council that Council Member Golonski requested that the issue be agendaized and that this is the first step in the process.

Staff was directed to bring back a report to reconsider the Kennel attendant position.

Ordinance Submitted It was moved by Ms. Murphy and seconded by Mr. Campbell that "Ordinance No. 3652 be read for the second time by title only and be passed and adopted." The title to the following ordinance was read:

500 Green Building Ordinance ORDINANCE NO. 3652:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK ADDING ARTICLE 20 TO CHAPTER 7 OF THE BURBANK MUNICIPAL CODE RELATING TO THE VOLUNTARY GREEN BUILDING AND SUSTAINABLE ARCHITECTURE PROGRAM.

Adopted The ordinance was adopted by the following vote:

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

12:25 A.M. Reconvene Redev. Agency Meeting The Redevelopment Agency meeting was reconvened at this time.

Final Open Public Comment Period of Oral Mrs. Ramos called for speakers for the final open public comment period of oral communications at this time.

Communications

Citizen Comment Appearing to comment was Mike Nolan, on the proposed Airport Development Agreement.

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 12:28 a.m.

Margarita Campos, City Clerk

APPROVED NOVEMBER 23, 2004

Mayor of the Council
of the City of Burbank