

TUESDAY, OCTOBER 26, 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 4:36 p.m. by Mr. Golonski, Council Member.

CLOSED SESSION

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

Oral Communications There was no response to Mr. Golonski'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 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): 2

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:36 p.m. by Mrs. Ramos, Mayor.

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

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Flag Salute The pledge of allegiance to the flag was led by Mr. Van Hazelen, Assistant Public Works Director/Fleet and Building.

ROLL CALL

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

Absent - - - - Council Members None.

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

301-1
Breast Cancer Walk Mayor Ramos commended members of the City of Burbank team who participated in the three-day Breast Cancer Walk benefiting the Susan G. Komen Breast Cancer Foundation. Certificates of Recognition were presented to: Marisa Garcia; Jeanne Keeler; Fred Keeler; Sherry Richardson; Bob Van Hazelen; and, Vicki Van Hazelen.

301-1
Breast Cancer Awareness Month Mayor Ramos presented a proclamation in honor of Breast Cancer Awareness Month to Nancy Hathaway, Chapter President, and Laura Hathaway, representing Soroptomist International of the Verdugos.

301-1
Toastmasters Month Mayor Ramos presented a proclamation in honor of Toastmaster Month to Renee Cordrey, President of Burbank 125 Toastmasters.

Reporting on Council Liaison Committees Mr. Vander Borcht reported on the Environmental Oversight Committee meeting he attended with Mr. Campbell.

Mr. Golonski reported on a Mayor's Youth Task Force meeting.

406
Airport Authority Meeting Commissioner Wiggins reported on the Airport Authority meeting of October 18, 2004. He reported that the Authority received the Draft Development Agreement between the City and the Authority and a presentation on the four new CTX in-line baggage inspection machines which the Airport has acquired.

7:05 P.M.
Hearing
1702 Mayor Ramos stated that "this is the time and place for the hearing on the consideration of an extension of an Interim Development Control Ordinance pertaining to the R-1, R-1-E,

Extension of IDCO for R-1, R-1-E and R-1-H Single-Family Resid. Zones

and R-1-H Single Family Residential Development Standards.”

Notice Given

The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that the City Clerk’s office was in receipt of correspondence from Alexis and Dave Hansen dated October 26, 2004, in support of extending the Interim Development Control Ordinance.

Staff Report

Mr. Forbes, Senior Planner, Community Development Department, requested that the Council extend 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 IDCO was adopted on September 14, 2004 to establish an interim height limit of 22 feet to the top plate and 29 feet to the top of the roof, and an interim Floor Area Ratio (FAR) of 0.45 not including the garage. He added that the purpose of the IDCO was to control development while staff completes work on the single-family development standards.

Mr. Forbes noted that the IDCO has not been a limiting factor for most of the proposed single-family projects during the period it has been in effect. He explained that of the 62 single-family projects awaiting plan check at the time the IDCO was adopted, only seven would not have met either the interim FAR and/or the height standard. He added that of the 60 projects submitted for plan check since the adoption of the IDCO, only two exceeded the interim 0.45 FAR and all projects complied with the interim height standard.

Mr. Forbes reported that pursuant to State law, the IDCO is valid for 45 days and will expire on October 29, 2004 unless extended by the Council. He added that staff continues to work on the single-family standards to formulate recommendations for the permanent standards but is not prepared to present revised standards or solicit adequate community input before the IDCO expires. He also stated that staff intends to develop a revised set of standards and hold another community meeting in January 2005.

Mr. Forbes informed the Council that although the IDCO may be extended for an additional 22 months and 15 days, staff recommended that the Council extend the IDCO through June 30, 2005. He added that this extension would provide adequate time for the additional work and community

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outreach that is required. He also added that if new standards are not adopted before June 30, 2005 due to unforeseen circumstances, the Council would have the ability to further extend the IDCO for up to a total period of two years.

Mr. Forbes also reported that the Council has the option of: extending the IDCO using the current interim development standards adopted on September 14, 2004; extending the IDCO with amended interim standards; or, allowing the IDCO to expire. He noted that as with the initial adoption of the IDCO, a four-fifths vote is required and the same finding, that an ongoing threat would exist to the public health, safety or welfare without the IDCO in place, would have to be made. He added that staff believed that the circumstances since the IDCO was adopted have not changed and that the same finding can still be made to extend the IDCO.

Citizen
Comment

Appearing to comment in opposition to the IDCO were: Thar Mahmoud; Majdi Bitar; Sid and Carmen Idris; Carolyn Berlin; Vahe Hovanessian; Jane Senate; Tony Rondinella; and, Judy Simmons.

Commenting in support of the IDCO were: Emily Gabel-Luddy; Eric Norris; Carol Norris; Richard Gillis; Doug Carlson; and, Mary Ann Dunn.

Also, Lisa Dyson, expressed concern that homeowners in the R-1-H Zone may be impacted by accessory structures built on adjacent properties; Steve Marx, President of the Burbank Association of Realtors, expressed concerns raised by his association membership; Mark Bethanis, requested that the roof height limit be increased by one foot to allow for 10-foot ceilings, commented in opposition to the proposed FAR as it pertains to the hillside area and requested that basements be allowed underground to increase square footage without impacting neighbors; and, Melissa Wong, requested an exemption for hillside property.

Hearing
Closed
Staff rebuttal

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

Mr. Forbes responded to public concerns with regard to: height limitations for the hillside area; the Administrative Use Permit (AUP) procedure; other discretionary review processes for exceptions; concerns with the R-1-H development standards and setback requirements; the applicability of the interim standards to two story homes and cripple walls; zoning provisions in the IDCO; and, opportunity for community input and awareness. He also noted that the IDCO was not the final

step in the process and clarified on several provisions of the IDCO.

Council
Deliberations

Mr. Golonski concurred with addressing height and FAR restrictions as the two most important aspects and noted that the IDCO as currently drafted does not restrict residents from submitting plans that meet the current Code standards; however, an AUP will be required and may be subject to appeal. He also noted the need for processes to address exceptions. He requested an additional 90-day review if the IDCO was extended, to consider the basement issue, and suggested the establishment of a blue ribbon committee to provide input.

Mr. Campbell reiterated the AUP opportunity and noted that the interim standards are being improved upon. He indicated support for a blue ribbon panel to seek public input, and suggested increasing top plate height from 22 feet to 23 feet and top of the roof height from 29 feet to 30 feet to allow for 10-foot ceilings on first and second stories. He also encouraged special consideration for certain districts, such as the Rancho, and special circumstances to avoid changing the function of any special district. He noted that the ultimate intention of the IDCO is to protect neighborhood character, maintain uniqueness and protect privacy. He also indicated support for extending the IDCO with the conditions he expressed.

Ms. Murphy was opposed to extending the IDCO, noting that the original intent was to control mansionization. She was supportive of the blue ribbon committee concept and reiterated that she could not justify the emergency.

Mr. Vander Borcht disagreed with Ms. Murphy and cited several reasons for the IDCO. He noted that the main issue is not the FAR but the height and bulk. He also noted the opportunity for an AUP and stated that the IDCO provides neighbors with the opportunity for input on projects that could potentially affect them. He expressed his desire for the IDCO process to move faster and stated he would support raising the top plate height to 23 feet and roof height to 30 feet in order to facilitate the IDCO process although he preferred maintaining the roof height at 29 feet until staff has studied the matter. He also indicated support for the blue ribbon committee and stated his preference to keep basements from the FAR provided they do not exceed 18 inches above the ground, noting that basements do not have an impact on the neighbors.

Mr. Golonski expressed support for maintaining the top of the roof height restriction to 29 feet and stated that a one-foot variance could be obtained via the AUP process and be adjusted if it became a consistent problem. He expressed concern with a potential pitch issue and suggested that staff re-examine the issue and provide a report in 90 days.

Mrs. Ramos supported extending the IDCO and re-examining the roof height issue. She also expressed support for increasing the top plate height to 23 feet; including the basement in the living area but not in the overall FAR since it has minimal impact to the adjacent neighborhoods and overall bulk of the residential properties; and, receiving frequent feedback and analysis from staff on the issues. She noted the need to recognize that certain neighborhoods have differing needs such as: the Rancho District; the small lots on Chandler Boulevard and Whitnall Highway; the hillside area; and, lots above Kenneth Road. She recognized that this approach does not solve all the problems; however, the IDCO will address some of the mansionization issues.

Ms. Murphy requested clarification on staff's timeline with regard to finalizing the entire ordinance. Mr. Forbes responded.

Mrs. Georgino, Community Development Director, expressed concern with the Council's desire for frequent updates which may detract from staff's progress on the IDCO process. She also explained the process and implications of including a blue ribbon committee in the process and suggested holding several community meetings to solicit community input.

Mr. Golonski suggested holding open monthly workshops to receive more feedback from the community. The Council concurred.

Staff was directed to further review the feasibility of not including the basement in the FAR and report back to the Council in 90 days. Staff indicated that the matter would be handled via the AUP process in the meantime. Direction was also given to conduct inclusive workshops with the public to solicit more public input with regard to the standards being studied.

Ordinance
Submitted

It was moved by Mr. Vander Borcht and seconded by Mr. Campbell that "Urgency Ordinance No. 3653 be passed and adopted as amended that the maximum allowed height be increased from 22 feet to 23 feet to the top plate and from 29 feet to 30 feet to the top of the roof.

1702 Extension of IDCO for R-1, R-1-E and R-1-H Single-Family Resid. Zones	<u>ORDINANCE NO. 3653:</u> AN URGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK EXTENDING AN INTERIM DEVELOPMENT CONTROL ORDINANCE WHICH TEMPORARILY PROHIBITS THE ISSUANCE OF BUILDING PERMITS FOR BUILDINGS OR STRUCTURES IN THE R-1, R-1-E, AND R-1-H SINGLE FAMILY RESIDENTIAL ZONES THAT DO NOT MEET SPECIFIED INTERIM DEVELOPMENT STANDARDS.
Adopted	The ordinance was adopted by the following vote: Ayes: Council Members Campbell, Golonski, Vander Borght and Ramos. Noes: Council Member Murphy. Absent: Council Members None.
Reporting on Closed Session	Mr. Barlow reported on the items considered by the City Council and the Redevelopment Agency during the Closed Session meetings.
Motion to Postpone Item	It was moved by Mr. Vander Borght, seconded by Ms. Murphy and carried that the item regarding the Network Agreement with the Los Angeles Department of Water and Power be postponed to a future 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: Cecil Selman, on Measure A; Mark Barton, on the Downtown Wayfinding Signage Program; Mark Bethanis, in support of the Council's direction on the Interim Development Control Ordinance; Eden Rosen, on a letter in a local newspaper and on traffic; Carolyn Berlin, on poll results and displaying a 1999 drawing of a 14-gate terminal; Phil Berlin, inquiring as to the attorneys providing legal advice to the Council on Airport issues and as to the policy issues the Mayor referenced at a prior meeting; Ron Vanderford, on the Los Angeles City Council's approval of the expansion plans at Los Angeles International Airport; Esther Espinoza, on First Amendment rights; and, David Piroli, on the Airport Trust Agreement.

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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: Mark Pheiffer, Executive Director of the Hotel Association of Los Angeles, in opposition to the proposed ballot measure to increase the Transient Occupancy Tax rate; Mark Barton, on placing an art installation on the Chandler Bikeway; Michael Bergfeld, Ron Vanderford, Mark Stebbeds, Kevin Muldoon, David Piroli, Mike Nolan and Eden Rosen, on Airport matters; Esther Espinoza, on the Professional Services Agreement for the preparation of the Environmental Impact Report on Project No. 2004-64; and, Phil Berlin, on the consideration of basements with regard to R-1 standards and on Airport matters.

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

10:31 P.M. Recess The Council recessed at this time. The meeting reconvened at 10:45 p.m. with all members present.

10:45 P.M. Recess The Council recessed to permit the Redevelopment Agency to hold its meeting. The Council reconvened at 10:47 p.m. with all members present.

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

203-6 Child Care Committee Appointments A report was received from the Park, Recreation and Community Services Department, requesting that the Council approve and appoint the 2004-05 Child Care Committee members. The report indicated that pursuant to the by-laws of the Burbank Child Care Committee, appointments are recommended by Committee members and forwarded to the Council for approval.

The report stated that at the October 12, 2004 Child Care Committee meeting, the current members discussed the submitted applications and recommended that the following candidates be appointed to the Child Care Committee: Goldie

Bemel, Burbank Unified School District; Jodi Bodwell, Burbank Child Care Center; Yvette Coontz, St. Anne's Maternity Home C.F.O; Mildred Engel, Retired Educator; Annabelle Godwin, Retired Provider/College Instructor; Barbara Gunderson, The Walt Disney Company/ Work and Family Specialist; Tracy Lynch, Mother/Business Owner; Kelly McGowan, Stony Apparel; Carol Miller, Pre-school Director; Deane Phinney, Retired Provider/ Administrator; Nancee Rodriquez, Child Care Center Director; Karel Roland Armstorff, Parent and Previous Horace Mann Children's Center Parent Representative; Shanna Vaughan, Boys and Girls Club; Helen von Seggern, Retired Educator; and, Robin Wright, Child Care Instructor.

1204-1
Approval of
Final Map No.
53771
(727 N.
Hollywood Way)

RESOLUTION NO. 26,815:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE FINAL MAP OF TRACT NO. 53771 (727 N. Hollywood Way).

916
Electronic Waste
Recycling Act of
2003

RESOLUTION NO. 26,816:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE CITY OF BURBANK TO PARTICIPATE IN THE COVERED ELECTRONIC WASTE RECYCLING ACT OF 2003.

902
PSA with EIP for
PD 2004-64 –
Buena Vista/
Empire Resid.
Complex

RESOLUTION NO. 26,817:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND EIP ASSOCIATES FOR THE PURPOSE OF PREPARING AN ENVIRONMENTAL IMPACT REPORT FOR PROJECT NO. 2004-64, A PLANNED DEVELOPMENT.

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.

203-3
Civic Pride
Committee

Mrs. Campos, City Clerk, requested that the Council consider making one appointment to the Civic Pride Committee for an unexpired term ending June 1, 2005. She noted that the

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Appointment vacancy was created by the resignation of Committee Member Valene Rolon.

Mrs. Campos informed the Council that on September 10, 2004, the City Clerk's office began advertising and accepting applications for the vacancy on the Civic Pride Committee. She noted that the vacancy was advertised in the local newspapers, posted on the City Website and notices were run on the Channel 6 scroll in order to obtain qualified candidates and as of the October 8, 2004 deadline, two applications from Lisa Sue Lonsway and Robert Vincent Idavia were received. She recommended that the Council consider the applications submitted and make one appointment to the unexpired term.

Motion It was moved by Mr. Vander Borgh, seconded by Ms. Murphy and carried that "Lisa Sue Lonsway and Robert Vincent Idavia be appointed to the unexpired term on the Civic Pride Committee ending June 1, 2005."

204
804-5
Placing the TOT
On April 12,
2005 Ballot

Mr. Hanway, Financial Services Director, requested that the Council consider placing a measure on the April 12, 2005 General Election ballot seeking voter approval to increase the City's Transient Occupancy Tax (TOT) rate from 10 percent to 12 percent. He explained that the bulk of the TOT is paid by non-residents with local businesses also contributing. He noted that the TOT was initially adopted in 1964 at a rate of four percent and eventually increased over the years to 10 percent in 1983, and has remained at 10 percent for over 20 years.

Mr. Hanway informed the Council that as of Fiscal Year (FY) 2003-04, the TOT represents approximately 3.7 percent of the City's General Fund revenue. He also noted that the increase of the TOT rate has been identified as an item in the City's Long Range Budget Balancing Plan as a potential way to increase the City's revenue.

Mr. Hanway added that cities with TOT were surveyed for comparison purposes. He noted that staff focused on cities which Burbank routinely uses as benchmarks for various comparisons as well as California cities surrounding airports similar to the Bob Hope Airport. He reported that the overall average TOT rate is 11.1 percent with Burbank's comparison cities averaging 11.6 percent. He also noted that the City of Santa Monica has put a measure on the November 2, 2004 General Election ballot seeking voter approval to raise the TOT rate from 12 percent to 14 percent. He added that based on the FY 2003-04 projected revenue, every half-percent increase

in the TOT rate equates to approximately \$210,000 in additional revenue to the City and that if the TOT rate was increased to 12 percent, over \$800,000 in incremental revenue would be realized.

The Council noted and filed this report.

1601-1
1502
Art Installation
on the Chandler
Bikeway

Mr. Hansen, Park, Recreation and Community Services Director, requested that the Council: consider the proposed additional Public Art Fund procedures which could be utilized by the Council when initiating the development of a public art installation; appropriate \$50,000 from the Public Art Fund to finance an art installation on the Chandler Bikeway; and, direct staff to initiate a procedure which will recommend an art proposal to the Council for approval.

Mr. Hansen reported that on September 28, 2004 staff presented a discussion on the potential of developing an art installation on the Chandler Bikeway. He noted that the Council expressed a desire to finance such a project through the Public Art Fund; however, there was desire to adopt some additional procedures which govern the manner in which the art installations are developed. He stated that staff proposed adding to the previously-adopted procedures a new option which would allow for the Council to: 1) utilize the original methodology; or, 2) establish a committee to select an artist or specific art installation which would be recommended to the Council for final approval and funding. He noted that if a committee is not desired, staff could be directed to contact a specific artist or representative concerning a potential art installation, pending final Council approval and funding; or, staff could be directed to negotiate a price for a specific artwork with the cost pending Council approval and funding.

Mr. Hansen informed the Council that staff recommended that the Council adopt the addition of Option 2 to the Public Art Fund procedures; direct staff to initiate the desired procedures to select an art for recommendation to Council; and, approve an appropriation of \$50,000 from the Public Art Fund to develop a public art installation(s) for the Chandler Bikeway.

Ms. Murphy expressed support for staff's recommendation and suggested that the Burbank Water and Power Site Specific Selection Committee for Art Projects research and propose several art pieces for Council consideration, including the associated cost. The Council concurred.

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Motion It was moved by Ms. Murphy and seconded by Mr. Campbell that the "Council adopt Option 2 to the Public Art Fund Procedure and combine it with the previous approval procedures (Option 1) and direct staff to initiate the desired procedures to select art which will be recommended to the Council for approval; and that the following resolution be passed and adopted:"

1601-1 RESOLUTION NO. 26,818:
1502 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Art Installation AMENDING THE FISCAL YEAR 2004-2005 BUDGET BY
on the Chandler APPROPRIATING \$50,000.00 TO PROVIDE PUBLIC ART
Bikeway INSTALLATIONS ON THE CHANDLER BIKEWAY AND
REVISING THE PUBLIC ART PROCEDURES.

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.

Ordinance Submitted It was moved by Ms. Murphy and seconded by Mr. Vander Borght that "Ordinance No. 3654 be read for the second time by title only and be passed and adopted." The title to the following ordinance was read:

1102 ORDINANCE NO. 3654:
1103 AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK
1108 APPROVING AND ADOPTING THE BURBANK MERGED AND
1104 AMENDED REDEVELOPMENT PROJECT AREA THAT MERGES
Project Area THE CITY CENTRE PROJECT AREA, SOUTH SAN FERNANDO
Mergers PROJECT AREA AND THE GOLDEN STATE PROJECT AREA AS
AMENDED.

Adopted The resolution was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Members None.

Abstain: Council Member Golonski

11:18 P.M.
Reconvene
Redev. Agency
Meeting

The Redevelopment Agency meeting was reconvened at this time.

Final Open
Public Comment
Period of Oral
Communications

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

Citizen
Comment

Appearing to comment was Mike Nolan, on landscaping along Chandler.

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 11:18 p.m. in memory of Alma Olney.

Margarita Campos, City Clerk

APPROVED NOVEMBER 23, 2004

Mayor of the Council
Of the City of Burbank