

TUESDAY, JANUARY 11, 2005

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 5:04 p.m. by Mrs. Ramos, Mayor.

CLOSED SESSION

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

Absent - - - - Council Members None.

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.

5:05 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 – Anticipated Litigation (City as possible plaintiff):
Pursuant to Govt. Code §54956.9(c)
Number of potential case(s): 1
- b. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):
Pursuant to Govt. Code §54956.9(b)(1)
Number of potential case(s): 1
- c. 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.

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:38 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 Eva Sippel.
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.
6:40 P.M. Moment of Silence	Moment of silence in memory of all the Tsunami victims in Asia and the Californians who have lost their lives during the recent storms.
301-1 Burbank Tournament of Roses Assn.	Mayor Ramos presented a Certificate of Recognition to Teri Bastion, President of the Burbank Tournament of Roses Association, whose float "Dinner's on ... FIRE!" received the Founder's Trophy for the most spectacular float built and decorated by volunteers at the 2005 Tournament of Roses Parade.
301-1 St. Francis Xavier Lancer Flag Football Team	Mayor Ramos presented Certificates of Recognition to the coaches and players of the Saint Francis Xavier Lancer Flag Football Team, who were awarded first place in the Catholic Youth Organization League playoffs out of 160 teams. Certificates were awarded to the following: Brett Ackerman; Vincent Borgese; Donald Brotsma; Michael Diaz; Adam Dlugolecki; Tommy Falchini; James Hunt; Jake Johnson; Trevor Johnson; Joey Kaufman; Michael Magallon; Parnell Piano; Dillon Ross; Casey Ryan; Clinton Sharp; Nick Viebahn; Drew Wagner; and, coaches John Ackerman, Ryan Ackerman, Mike Graceffo, Scott Konzen and Kyle Ryan. A certificate was also presented to Dr. Paul Sullivan, Principal and recognition was given to Mitch Kellogg, Ball Boy.
301-1 Martin Luther King, Jr. Day	Mayor Ramos presented a proclamation in honor of Martin Luther King, Jr. Day to: John Brady, representing the Burbank Human Relations Council; Paula Bogar, representing Forest Lawn; and, Barry Smedberg, representing the Valley Interfaith Council.
Airport Authority Report	There was no report given.

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7:13 P.M.
Hearing
1702
Platt Project
(PD 2003-1)

Mayor Ramos stated that "this is the time and place for the public hearing on the second reading of the proposed ordinance to approve Planned Development No. 2003-1, and the related Development Agreement. The site of the proposed project is the property bounded by Alameda Avenue, Lima Street, Olive Avenue and property adjacent to the 134 Freeway off-ramp. The applicant is PW LLC.

The purpose of this hearing is to hear additional public comments regarding the proposed project, including comments to the modifications made to the project at the conclusion of the Council hearing on December 7, 2004."

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 received 15 pieces of correspondence in opposition to the project and 18 pieces of correspondence in favor of the project.

Staff
Report

Mrs. Forbes, Principal Planner, Community Development Department, requested the Council consider the second reading of an ordinance to approve a Planned Development project. She reported that on December 7, 2004, the Council held a public hearing to consider a proposal by PW, LLC to construct a mixed used project and voted to: adopt the Water Supply Assessment; certify the Environmental Impact Report (EIR); amend the General Plan for this site to allow residential uses; conditionally vacate the street and alleys contingent upon approval of the project; conditionally approve the vesting tentative tract map contingent upon approval of the project; and, complete a first reading to adopt the ordinance approving the Planned Development with the accompanying Development Agreement as conditioned by staff and modified by the Council.

Mrs. Forbes added that the modified project consists of: a reduction in the number of residential units from 298 to 250; a church; child care center for 72 children; and, approximately 20,000 square feet of retail and restaurant space. She noted that the public health club facility was eliminated. She explained that the uses will be located in five buildings; two 50-foot buildings along Alameda Avenue, two 70-foot buildings in the center of the project and one 103-foot building along Olive Avenue and the State Route 134 Freeway. She added that the setbacks along Alameda Avenue would be 10 feet for the church and 20 feet for the residential building, a

10-foot setback along Lima street is required in addition to a dedication as determined by staff, an average setback of approximately 20 feet along Olive Avenue is required with a minimum setback of 10 feet, and balconies would be permitted to encroach by three feet into the 10-foot minimum setback requirement. She noted that two parks would be provided on the site along Alameda Avenue and Olive Avenue; however, the Olive Avenue park area would be reduced by a maximum of 1800 square feet to allow for the 103-foot building to become squatter. Further, she reported that the applicant is required to complete the project within one or two phases at most, and contribute \$500,000 towards a Media District shuttle service and \$2.5 million toward affordable housing within the City.

Mrs. Forbes informed the Council that an Addendum to the Environmental Impact Report that was certified by the Council has been prepared stating that the modifications made to the project at the December 7, 2004 public hearing have been adequately studied and do not result in new or greater significant impacts than those already identified. Specifically, she elaborated on: the updated evaluation of traffic impacts; parking requirement modifications; and, the updated view corridor analysis. She also discussed the currently-modified project in comparison to a permitted by-right project on the site. She noted that staff has prepared a resolution modifying the California Environmental Quality Act findings to more accurately depict the modified project.

Mr. Golonski, Ms. Murphy, Mr. Campbell, Mr. Vander Borgh and Mrs. Ramos disclosed meeting or communicating with the applicant or his representative regarding the project.

Applicant

Dale Goldsmith, representing PW LLC, introduced his team members and commended staff for their efforts regarding the project. He noted the major modifications to the project since the original proposal in 2001 and the additional Conditions of Approval placed on the project. He also commented on the peak hour trip generations for the proposed project compared to a by-right project and other projects in close proximity to the subject site. He urged the Council to approve the project.

Citizen
Comment

Appearing to comment in support of the project were: Wayne Schultze; Dorinda Carey; Yvette Salmon; Robert Hooven; Erick Lofstrand; Reagan Holmes; Miriam Schoengarth; Rick Brown; and, Chris Baer.

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Commenting in opposition to the project were: Michael Anderson; Lauren Lacher; Jeannie Davis; Rick Lacher; Chris Vose; David Heisy; Nancy Lacher; Mark Welles; Debra Scarlata; Patrika Darbo; Ken Hoaglund; Rose Prouser; Jesse Byers; Mary-Ann Christ; Ron Vanderford; Brian Sprow; Joseph Ricciardella; Phil Berlin; Rolf Darbo; Mark Stebbeds; Michael Bergfeld; Robert Magid; Alice Howell; Eden Rosen; Jennifer Sprow; David Piroli; Mike Nolan; and, Wynn Hammer. Also, Mark Barton, offered to make a model of the project as currently proposed.

Hearing
Closed

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

Rebuttal by
Applicant

Dale Goldsmith, representing PW LLC, made rebuttal comments with regard to: response to community concerns; further reductions to the height and density; and, traffic/trip generation. He noted that the project will contribute \$500,000 towards mass transit, have a shuttle stop on site, fund a Neighborhood Protection Plan and represent smart growth. He reiterated the applicant's willingness to work with the neighborhood in the design process.

Staff Response

Mrs. Forbes responded to public comment with regard to: the community participating in the design process noting that expert architects on contract with the City will also provide input; Media District Specific Plan (MDSP) compatibility; the view corridor study analysis; affordable housing contribution; maintaining the project's density; by-right development; approving the project without specific plans; the height of the Pinnacle Project; shade and shadow impacts; and, the developer's proposal for a flat roof design.

Council
Deliberations

Mr. Campbell requested a status update on the Neighborhood Protection Plan and clarification on the MDSP amendment and the associated noticing procedure, and the design plan submittals.

Ms. Murphy requested clarification on the proposed park maintenance.

Mr. Tony Loccarciardo, Principal with Impact Sciences, elaborated on the EIR analysis with regard to cumulative impacts.

Mr. Golonski responded to comments regarding density and lot

coverage. He noted that the major concerns expressed included: MDSP compatibility; the height and density of the project being excessive; excessive traffic; and, lack of a specific design for the project. He was supportive of amending the MDSP to allow for a better project.

Ms. Murphy expressed disappointment with the applicant's failure to provide more specific information on the project as requested at the December 7, 2004 meeting.

Mr. Vander Borcht noted that prior Councils have approved project conceptual plans without completed design plans. He added that the MDSP was intended primarily as a means of protecting the neighborhood while allowing reasonable growth in the area. He expressed a desire to further reduce the height limit for the tallest building to 93 feet but would still consider the project, noting that a by-right development would generate almost twice the peak hour traffic that the proposed project will generate. He clarified that the height limit was defined as the maximum envelope including parapets and elevator shafts with nothing protruding beyond the permitted height. He also indicated support for further reducing the density to 220 units or postponing the item pending more specific information from the developer.

Mr. Campbell similarly expressed concern with the potential impacts of a by-right development. He noted the challenge of considering a project without design plans and was supportive of postponing the item pending further information. He indicated support for the 93-foot, 70-foot and 50-foot height envelopes, the 220 units, and subsequent community input regarding the project.

Mrs. Ramos requested further clarification on the by-right project and the shared parking analysis. She supported the proposed reductions in height and units and amending the MDSP to allow residential use. She expressed concern with the potential traffic impacts and the implications of a by-right project. She was also supportive of postponing the project's approval until further information is provided.

10:44 P.M.
Recess

The Council recessed at this time. The meeting reconvened at 10:57 p.m. with all members present.

Council
Deliberations
Continued

Dale Goldsmith, representing PW LLC, conceded to the 93-foot height envelope for the tallest building but requested flexibility with regard to the number of units, stating his preference for approval to build up to 250 units. He also requested that the

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applicant be allowed to construct the 50-foot and 70-foot buildings per the Burbank Municipal Code. He urged the Council to approve the project.

Mr. Golonski was supportive of the 93-foot envelope limit and the 220 maximum units. He also concurred with postponing the item to allow the developer to provide more information, but noted the need to maintain the quality of the project.

The Council concurred that a decision on the project be postponed and expressed support for the 93-foot, 50-foot and 70-foot height envelopes and a limit of 220 units without compromising the project's quality. The Council also directed that the developer provide a massing model at the next hearing in relation to the residential properties across the street.

Motion It was moved by Mr. Campbell, seconded by Mr. Vander Borgh and carried that "this item be continued to the February 8, 2005 Council meeting."

Reporting on Closed Session Mr. Barlow reported on the items considered by the City Council and the Redevelopment Agency during the Closed Session meetings.

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: Ron Vanderford, on the upcoming elections; Eden Rosen, on Charter Communications' cable subscription increase and traffic issues; Mark Barton, on working with developers; James Schad, on the disposal of diesel fuel in the Los Angeles River behind Warner Bros.; Rose Prouser, on Airport matters; Phil Berlin, on the Platt Project; and, Mark Stebbeds, on the sale of the B-6 property.

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: Chris Carson, in support of the League of Women Voters conducting candidate forums for the Primary Nominating and General Municipal Elections; Mark Stebbeds, on Airport issues; Mark Barton, on the massing model of the proposed Platt project; Eden Rosen, on the Platt project; Rose Prouser, on Airport issues; Mike Nolan, on Airport issues and his right to speak during a Council recess; and, David Piroli, on Airport issues.
Staff Response	Members of the Council and staff responded to questions raised.
Jt. Mtg. with Redev. Agency 1102 603 Loans for Non- Profit Organizations	Ms. Frausto, Administrative Analyst, Community Development Department, requested Council direction regarding a request by Mayor Ramos at the November 2, 2004 Council meeting, for the Council and Redevelopment Agency Board to discuss the possibility of establishing a low-interest loan program for local community-based non-profit organizations to purchase or build new facilities.
	Staff was directed to return with a report.
Motion	It was moved by Mr. Campbell and seconded by Ms. Murphy that "the following items on the consent calendar be approved as recommended," with Mr. Golonski abstaining on the League of Women Voters to Conduct Candidate Forums.
1208-1 1302 Acquisition and Settlement Agmt. for 206 E. Cedar Ave.	<u>RESOLUTION NO. 26,856:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE PURCHASE AND SALE AGREEMENT BETWEEN THE CITY OF BURBANK AND GREG AND LINDA OWENS (461 NORTH VARNEY STREET).
1411-1 Reso. of Intent For V-364 (Warner Bros.)	<u>RESOLUTION NO. 26,857:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DECLARING ITS INTENTION TO CONSIDER THE CONDITIONAL VACATION OF A PORTION OF THE RIGHT-OF-WAY ALONG CORDOVA STREET BETWEEN OLIVE AVENUE AND WARNER BOULEVARD, AND RESERVING A PUBLIC UTILITY EASEMENT (V-364).

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- 1101-2 RESOLUTION NO. 26,858:
Amend PSA w/
Ultrasystems for A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
EIR for Mobility APPROVING THE TENTH AMENDMENT TO THE
And Land Use PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY
Elements OF BURBANK AND ULTRASYSTEMS ENVIRONMENTAL, INC.
 FOR THE PREPARATION OF AN ENVIRONMENTAL IMPACT
 REPORT.
- 1212-2 RESOLUTION NO. 26,859:
Multi-Lease A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Agmt. with OCE APPROVING THE FIVE YEAR LEASE BETWEEN THE CITY OF
For Color Copier BURBANK AND OCE NORTH AMERICA, INC. TO LEASE A
 COLOR COPIER AND ACQUIRE DOCWORKS SOFTWARE.
- 804-3 RESOLUTION NO. 26,860:
907 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
DOJ Grant for AMENDING THE FISCAL YEAR 2004-2005 BUDGET FOR THE
Bulletproof Vest PURPOSE OF RECEIVING AND APPROPRIATING BULLETPROOF
Program VEST GRANT PROGRAM FUNDS IN THE AMOUNT OF
 \$6,689.01 FROM THE UNITED STATES DEPARTMENT OF
 JUSTICE, BUREAU OF JUSTICE ASSISTANCE.
- 1007-1 RESOLUTION NO. 26,861:
Re-titling the A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Spec. for Water REVISING AND RE-TITLING THE SPECIFICATION FOR THE
Production/
Operations CLASSIFICATION OF WATER PRODUCTION/OPERATIONS
Superintendent SUPERINTENDENT (CTC No. 0992) TO MANAGER WATER
 PRODUCTION/OPERATIONS (CTC No. 0536).
- 1204-1 RESOLUTION NO. 26,862:
Approval of A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Tract Map No. APPROVING THE FINAL MAP OF TRACT NO. 53957 (528 EAST
53957 (528 E.
Cedar Ave.) CEDAR AVENUE).
- 204 A report was received from the Public Information Office
Request from regarding a request from the League of Women Voters of
League of Glendale/Burbank (League) to cablecast candidate forums for
Women Voters the offices of City Council Member and Burbank Unified
To Conduct School District Board Member for the primary and general
Candidate elections. The report indicated that the League requested to
Forums cablecast the forums live on February 2, 2005 and March 30,

2005. The report further indicated that the cost incurred by the City to produce, broadcast and replay the forum on Channel 6 is approximately \$395.

Adopted

The consent calendar was adopted by the following vote:

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

Mr. Golonski abstained on the League of Women Voters Request to Conduct Candidate Forums.

12:18 A.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 disruptive conduct in the Council Chamber.

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 12:20 a.m. to Wednesday, January 12, 2005, 5:30 p.m., at the Buena Vista Library, 300 North Buena Vista Street, for an open house and 7:00 p.m. for a townhall forum on the proposed Airport Development Agreement and related actions.

Margarita Campos, CMC, City Clerk

APPROVED JULY 26, 2005

Mayor of the Council
of the City of Burbank