

TUESDAY, JANUARY 18, 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 5:07 p.m. by Mrs. Ramos, Mayor.

CLOSED SESSION

Present- - - - Council Members Campbell, Golonski, Murphy (arrived at 5:08 p.m.), Vander Borght and Ramos.

Absent - - - - Council Members None.

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

Oral Communications Mayor Ramos called for oral communications on Closed Session matters at this time.

Citizen Comment Appearing to comment were: Lisa Rawlins and Sunder Ramani, in support of the proposed Airport Development Agreement; and, David Piroli, in opposition to the proposed Development Agreement.

5:18 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**

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:47 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 Lucas Yanez and Nicholas Huynh.

## ROLL CALL

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.

301-1  
5<sup>th</sup> and 6<sup>th</sup> Grade  
Boys Flag  
Football Team

Mayor Ramos recognized the Quakes, a 5<sup>th</sup> and 6<sup>th</sup> Grade Flag Football Team, who finished first in their division in the Burbank League with a perfect record of 11-0. She stated that the Quakes prevailed in the San Gabriel Valley Tournament, and again in the Southern California Municipal Athletic Association Tournament to become the flag football champions. Certificates of recognition were presented to the following team members for their athletic achievements and their fine example of sportsmanship: Shawn Bradshaw; Connor Gori; Nicholas Huynh; Nicholas Picciolo; Brandon Shin; Holden Sterns; Matthew Vollard; Chad Wilson; Lucas Yanez; Tyler Yanez; Coach Art Yanez; and, Coach Steve McGlynn.

406  
Airport  
Authority  
Report

Commissioner Brown reported on the Airport Authority meeting of January 18, 2005. He stated that the Authority approved a first amendment to the month-to-month office lease with L.A. Impact, and gave an update on the passenger and cargo activity report.

The Council received the report.

7:00 P.M.  
Hearing  
406  
Airport Dev.  
Agmt. and  
Related Actions

Mayor Ramos stated that "this is the time and place for the hearing on items relating to the Bob Hope Airport. The Applicant is the Burbank-Glendale-Pasadena Airport Authority.

The items for consideration tonight are:

1. Consideration of the Mitigated Negative Declaration related thereto (as the responsible agency);
2. Rezoning of certain M-2 property to Planned Development Zones (A-1 North Property and the Parking Lot A);
3. A Development Agreement as to all Airport/Planned Development zoned property and some existing M-2 zoned property;
4. Public Utility Code Section 21661.6 approvals for the purchase of A-1 and for the expansion of airport uses on the Adjacent Property to allow for employee parking (Parking Lot A);
5. Title Transfer Agreements including, Amendment to the Trust Agreement; Trust and Adjacent Easements;
6. Zone Text Amendment as to Part 77, hazard

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- determinations for development near the airport;
7. Building Code Amendment as to sound insulation for new residential homes; and the
  8. Consideration of the Authority's issuance of tax exempt bonds pursuant to the Tax and Equity Fiscal Responsibility Act of 1982 (also referred to as TEFRA) as required by Internal Revenue Code Section 147.

Notice  
Given

The City Clerk was asked if notices had been given as required by law. She elaborated on the different ways in which the required noticing procedure was satisfied.

Motion

It was moved by Mr. Golonski, seconded by Ms. Murphy and carried that "the Council finds that the public notice has been provided in compliance with the Public Utilities Code procedures." The Mayor ordered that copies of the text of the notices be made part of the public record.

The City Clerk was asked if there was any written communication on this matter. She replied in the affirmative and stated that a total of 96 pieces of correspondence were received on the matter.

Staff  
Report

Mr. Forbes, Senior Planner, Community Development Department, requested that the Council consider a proposed Development Agreement between the City of Burbank and the Burbank-Glendale-Pasadena Airport Authority (Authority), and various actions related thereto:

- 1) A California Public Utilities Code (PUC) Section 21661.6 application, Planned Development, and Development Review to authorize acquisition by the Authority of a portion of the A-1 North site located at 2555 North Hollywood Way and use of the property for a surface parking lot, relocated Airport access road and related facilities;
- 2) PUC Section 21661.6 application and Planned Development to authorize use of a portion of the Airport Adjacent Property located at 2729 North Hollywood Way at the terminus of Winona Avenue as a surface parking lot;
- 3) Amendment to Title Transfer Agreements and related documents for Trust and Adjacent Properties;
- 4) A Zone Text Amendment to replace the existing Airport Approach Map with a proposed Federal Aviation Administration (FAA) Filing Requirement Map that would dictate when a proposed structure

- would be required to undergo FAA review based upon the height and location of the structure;
- 5) A Burbank Municipal Code (BMC) amendment to require noise attenuation measures for all new residential structures located within the 60 decibels (dB) Community Noise Equivalent Level (CNEL) contour; and,
  - 6) Issuance of bonds by the Authority for the purchase of the A-1 North property pursuant to the Tax and Equity Fiscal Responsibility Act of 1982 (TEFRA).

With a visual aid, he illustrated the subject properties including the A-1 North property; B-6 Property comprising of the Adjacent and Trust properties; Parking Lot A; Southwest Quadrant; and, the Terminal. He noted that the Development Agreement was negotiated between City and Authority staff as an alternative to changes to the Airport zoning that were being contemplated by the City. He added that the overall goals of the Agreement include providing certainty about development at the Airport and an opportunity for the City and the Authority to work together to seek meaningful noise relief and to cooperate in future planning efforts beyond the term of the Agreement. He noted that most of the terms would affect the actions of the City and the Authority for seven years and the Authority's obligation to not build a new terminal would be in effect for 10 years. He added that staff believes that the proposed seven-year term for the proposed agreement is an appropriate length of time to bind the Authority and the City and to build a cooperative relationship.

Mr. Forbes informed the Council that the proposed Agreement would cover all the land currently owned by the Authority, the Trust Property and the A-1 North site. He then discussed the most significant terms of the Agreement, including: vested rights to zoning; clarification of Airport Zone uses; Development Review exemptions; prohibitions on development; limitations on parking; limitations on the use of the B-6 Property; City and Authority cooperation to realign the intersection of Hollywood Way, Thornton Avenue and the Airport access road; limitation on the City not to engage in planning activities related to a new terminal or Airport property in general; City and Airport cooperation on zoning issues; City and Authority cooperation on noise issues; prohibition of increasing the Transient Parking Tax beyond the 12 percent cap; commitment to electrification of ground equipment and to annually report to the City on the electrification progress; and, limitations on planning and projects in the event of termination of the Agreement.

Mr. Forbes reported that included under the scope of the

Agreement are two PUC Section 21661.2 applications and two Planned Development applications for surface parking and related facilities. He noted that the PUC approvals and the Planned Development zones would be located on the A-1 North site and on a portion of the Adjacent Property. He added that under the PUC, Council approval is required before the Authority can acquire any land and for any changes to previously-approved PUC plans. He stated for the Adjacent Property, the Council approved a PUC plan that restricted the use of the property when it was acquired in 1999. He added that the Authority is requesting the Council amend the plan to allow Parking Lot A to be located on the property. He also stated that with regard to the A-1 North property, the Council was requested to approve a plan for use of that property and the only allowable use would be a surface parking lot. He noted that Planned Development zones are necessary for the A-1 North and the Adjacent Properties since the proposed parking is an Airport-use which is not permitted in the M-2 Zone. He added that the Authority has applied for two Planned Development zones which would replace the existing M-2 zoning to specifically and exclusively allow for the Airport parking lots.

Mr. Forbes also informed the Council that one Planned Development zone and PUC approval would cover a portion of the Adjacent Property to which the Authority is proposing to relocate long-term Parking Lot A. He explained that most of the lot is currently located on Airport property with the overflow area located on the Adjacent Property. He added that with the proposed relocation, the number of passenger parking spaces would not increase from its current count of 1,592, but the number of employee parking spaces would increase from 196 to 581 to replace employee parking that would be relocated from other locations around the Airport. He noted that the proposed parking lot would be surface-only with the only structures allowed being parking attendant booths and shuttle bus stop shelters. He added that the entrance to the parking lot would remain at the intersection of Hollywood Way and Winona Avenue but would be widened and aligned with Winona Avenue. He elaborated that the relocation of Parking Lot A would enhance safety since the parking lot is located in the object-free area of the east-west runway and in close proximity to the runway; and, enable the completion of Taxiway D to allow aircraft landing from the west to taxi back on Taxiway D rather than have to turn around and taxi on the runway itself. He noted that general aviation flights landing from the west turn around and taxi on the runway in order to get to the hangars or the Southwest Quadrant. He clarified that the completion of this taxiway would not increase the number of flights or facilitate easterly

take-offs. He added that staff found that the proposed relocation of Parking Lot A would be consistent with the General Plan, the parking lot would be compatible with the surrounding uses and the Planned Development review criteria of the BMC have been satisfied. He added that staff found that the two criteria for Council approval under PUC 21661.6 guidelines have been satisfied, specifically that the advantages to the public outweigh any potential disadvantages to the public or the environment and that the proposed project is consistent with the objectives of minimizing the public's exposure to excessive noise levels or safety hazards.

Mr. Forbes also informed the Council that the second Planned Development zone and PUC approval would cover a portion of the A-1 North property. He explained that the Authority is proposing to acquire approximately 27 acres of the 31-acre site, comprising of 21 acres that are now developed with the Star Park parking facility and six acres along Empire Avenue that are vacant. He added that the Authority is proposing to relocate the Airport access road such that it runs in the middle of the A-1 North property and the entrance at Hollywood Way would be widened such that the access road is aligned with Thornton Avenue, thereby enhancing the safety and efficiency of the intersection. He noted that the Authority would acquire the necessary land and then jointly with the City pay for the improvement costs. He added that the access road would be surrounded on both sides by surface parking and an underpass would be constructed toward the center of the property to facilitate vehicle access between the parking areas on the east and west side of the road. He added that the Authority requested that the property be divided into four zones and to have built-in flexibility as to how the zones could be used. He added that the total number of parking and car storage spaces on the property as a whole would not be permitted to exceed 2,940 spaces. With regard to valet operations, he stated that the Authority is proposing to maintain the existing car wash building and a new valet building with an awning and porte-cochere would be constructed at the northwest corner of the property. He reported that staff found that the proposed A-1 North Planned Development would be consistent with the General Plan and compatible with the surrounding uses and that the Planned Development design review criteria would be satisfied. He stated that staff also found that the two criteria for Council approval under the PUC Section 21661.2 have been satisfied, specifically that the advantages to the public outweigh any potential disadvantages to the public or the environment and that the proposed project is consistent with the objectives of minimizing the public's exposure to excessive noise levels or safety hazards.

Ms. Riley, Senior Assistant City Attorney, presented background on the title transfer agreements that control the use of the Trust and Adjacent Properties. She reported that the Escrow and Trust Agreement amendments were as follows: references to the Authority's ability to acquire title to the Trust Property and references to the City's option to acquire the Trust Property would be deleted; the obligation to sell the Trust Property would be extended for 10 years; the Authority could however choose to sell the Trust Property or any portion of the property before the 10-year period expires; the Authority would be required to comply with detailed procedures and deadlines for marketing the Trust Property; and, the Authority would maintain 26 acres of the Trust Property vacant, for use only as passive open space. She explained that this provision corresponds with the acquisition of 26 acres of the A-1 North property and that the Authority would be permitted to use the remaining 33-acre portion of the Trust Property for uses consistent with the current M-2 zoning and derive revenue from leases for such uses. However, she noted that the Authority would be prohibited from using any portion of the Trust Property for Airport or related uses. She added that the Authority would be prohibited from entering into any lease or other agreement permitting use of this portion of the Trust Property for longer than the 10-year extension period; and, the Authority would be permitted to use the Adjacent Property for the relocated Parking Lot A and for an existing studio vehicle storage facility only.

Ms. Riley also reported that the Authority proposes to issue tax-exempt revenue bonds to fund the acquisition and improvement of a portion of the A-1 North property and to refund the outstanding bonds of the Authority's 1992 tax-exempt bond issue. She noted that pursuant to TEFRA, in order for the interest on bonds issued by the Authority to be excluded from gross income for Federal Income Tax purposes, an "applicable elected representative" of the host governmental unit, as well as the Authority, must approve the issuance of the bonds. She added that such approval must follow a public hearing, which will be held in conjunction with the public hearing on the other matters relating to the Agreement. She clarified that aside from assisting the Authority with meeting the TEFRA requirements, the Council would have no role in the issuance of the bonds.

Mr. Forbes reported that under the proposed Agreement, the Council would be required to consider the adoption of a Zone Text Amendment that would amend building height controls in proximity to the Airport. He stated that the proposed height ordinance would replace the existing Airport Approach Map in the Zoning Ordinance with a Federal Aviation Administration

(FAA) Filing Requirement Map. He explained that the proposed map identifies the circumstances under which a building at a particular location in the City would be subject to review by the FAA, based on the height of the building and FAA guidelines. When required, the FAA would review the proposed structure to determine if it would pose a hazard to air navigation. He stated that if the FAA determined that a structure would be a hazard to air navigation, the applicant would be required to obtain an Administrative Use Permit from the City prior to proceeding with the project.

Mr. Forbes then discussed the ordinance that would amend the City's Building Code regarding noise attenuation in new construction. He stated that the Burbank Municipal Code (BMC) requires applicants for any multiple-family dwelling located within the 60 dB CNEL noise contour to submit an acoustical study prior to obtaining a building permit. He noted that the study must show that the structure would be constructed so as to mitigate traffic, aircraft and other noise impacts on residents of the project and ensure that interior noise levels do not exceed 45 dB. He explained that the proposed ordinance would amend the BMC to require compliance with noise reduction standards for: all new single-family residential projects; and, single-family additions or remodels where more than 50 percent of the existing structure is being demolished.

Mr. Forbes stated that in order to minimize the cost and burden on single-family homeowners, typical remodels and additions to single-family homes where the existing house is not demolished to an extent more than 50 percent would continue to be exempt from the noise reduction requirements. He noted that the proposed ordinance would establish prescriptive requirements for single-family dwellings within impacted areas with relatively lower noise levels, including additional insulation, window sealant, and sound-rated windows and doors. He noted that the requirement for projects in higher noise areas would be more restrictive, requiring homeowners to submit an acoustical analysis. He added that the proposed ordinance would complement the Authority's Residential Acoustical Treatment Program by requiring noise mitigation for structures and projects not eligible for the Authority's program but would limit the financial burden by requiring sound insulation only in the case of major improvements. He clarified that the proposed ordinance would not affect most homeowners because the majority of remodels do not involve complete demolition or demolition to an extent of more than 50 percent. He also discussed the environmental review process and the consideration of the Agreement by the Airport Land Use



Commission and Planning Board.

With regard to Measure B applicability to the proposed Agreement, Ms. Riley quoted Measure B as codified in the BMC and stated that none of agreements or discretionary action are related to a relocated or expanded Airport terminal project. She noted that to the contrary, the Development Agreement restricts or prohibits any terminal project, thus Measure B is not applicable.

Mr. Forbes concluded with staff's opinion that the proposed Development Agreement and related actions would provide substantial benefits to the City. He noted that the Agreement would provide certainty about Airport development for the next seven to ten years; foster cooperation on noise and land use issues between the City and the Authority; and, provide the City with important protections against unwanted Airport projects. He added that the Authority would be prohibited from expanding the existing terminal for seven years and from building a new terminal for 10 years. He noted that the City would gain important new land use protections through the Agreement; the Planned Development zones and the PUC 21661.6 approvals that it does not currently have. He added that the amended title transfer agreements would continue to provide the City with the same strict control over the use of the B-6 Property that it has today. He also added that in the event that some or all of the provisions of the Agreement terminated due to an adverse FAA decision or court ruling, the Agreement contains built-in protections that would prevent the Authority from going forward with any project that would not be permitted under the Agreement without first preparing a specific plan and an Environmental Impact Report. Further, he stated that even if the Agreement terminated, the Authority's use of the B-6 and A-1 North Properties would still be regulated by the Planned Development zones, PUC 21661.6 approvals and the Title Transfer Agreements. He noted that at the end of the term of the Agreement, the City would have the same land use controls currently in place in addition to new ones in the Planned Development zones and PUC approvals. He also noted that the City would not give up any rights though the Agreement nor lose control over future development at the Airport. He recommended that the Council adopt the resolutions and ordinances to approve the proposed Development Agreement, Planned Development and PUC 21661.6 applications, title transfer agreement amendments, BMC amendments and bond issuance.

Larry Weiner, of the law firm of Richards, Watson & Gershon, reported that the Development Agreement would provide certainty of Airport development over the next seven to ten

years and reviewed the major elements of the Agreement.

Citizen  
Comment

Appearing to comment in support of the Airport Development Agreement were: Bill Wiggins; Don Brown; Pat Patterson; Bryan Madden; Mark Chotiner; Erin Ravello; Steve Veres; Mike Caggiano; Witt Proudly; Laura Proudly; Mary Lou Howard; Bob Olson; Mitchell Thomas; Susie Peterson; Thos Peterson; Diana Sproul; Vic Georgino; Stan Hyman, representing the Greater Toluca Lake Homeowners Association; Brett Loutensock; Michael Hastings; and, Charlie Lombardo.

Commenting in opposition were: Don Elsmore; Phil Berlin; Carolyn Berlin; Eden Rosen; Laura Tenenbaum; Kathy Miller; Donna Stebbeds; Michael Bergfeld; Wayne Jackson; Mark Stebbeds; David Gordon; Ron Vanderford; Jesse Byers; Charles Trapani; Esther Espinoza; Dink O'Neal; Kevin Muldoon; David Piroli; Mike Nolan; LaVerne Thomas; and, Vahe Hovanessian.

Also, Jerry Piro, expressed concern with pollution; Bobby C. King, Molly Hyman, Fred Herrman, Theresa Karam and Mark Barton, urged the Council to take action on the matter; and, Celeste Francis, reiterated the Plan Evaluation and Review Committee recommendations, discussing the pros and cons.

Hearing  
Closed

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

Rebuttal

Larry Weiner, Richards, Watson & Gershon, reiterated the terms of the Development Agreement, and noted the opportunity for the Authority and City to work together on creative solutions to address Airport issues.

Mr. Forbes responded to public comment with regards to: Airport uses; the Noise Attenuation Ordinance; exhibits to the Development Agreement; Development Review exemptions; land use and noise working groups; Part 77 height ordinance and the noise ordinance; prohibiting parking uses in the M-2 Zones around the Airport; ability to amend the Development Agreement in the future; protections provided by the Agreement; the parking spaces allowed by the Agreement; and, the terms of the Agreement that would be in perpetuity.

Ms. Riley addressed the Transient Parking Tax issue and the PUC standard of review.

Jeff Chine, Partner with Luce Forward, Special Counsel to the City, responded to public comment with regard to the Development Agreement environmental review process taking

into account cumulative environmental impacts as related to the Muzzy Ranch case.

Mr. Kirsch, Special Counsel, Kaplan, Kirsch & Rockwell, responded to public comment with regard to: the difference between the Authority's obligation and ability to sell the B-6 Property; the Desmond's Studios' parking facility; Measure B applicability; terminal definition; the impartial analysis; easterly take-offs; the relationship between the A-1 North property, B-6 Property and noise reduction and curfew; possible expansion of the terminal building due to Federal requirements; and, emphasized that the FAA does not make decisions on or mandate that the Airport be expanded.

David Full, Environmental Science Associates, responded to public comment with regard to addressing vehicular pollution in the Mitigated Negative Declaration and the effect of completion of Taxiway D on the annual service volume and the capacity of the airfield.

Dan Reimer, Kaplan, Kirsch & Rockwell, Special Counsel to the City, gave a summary of the written comments submitted per PUC requirements. He also addressed specific terms of the Agreement that provide for monitoring and enforcement of violations of the Agreement by the City; and, commented on the City requiring the Authority to prepare a master plan.

Deliberations

Mr. Golonski cited several benefits of the Development Agreement and endorsed its approval.

Ms. Murphy disagreed with the net loss of 1,265 parking spaces, stating that the spaces were for temporary overflow and are now being made permanent. She also mentioned certain changes she wanted incorporated into the Agreement as follows: to provide the City with the right to petition for/support changes in Federal law that are unrelated to and do not undermine and conflict with the intent or provisions of this agreement; to clarify the language regarding all leases on the B-6 Property to state that at the end of the 10-year period the B-6 Property will be free and clear of any uses; and, expressed concern with the Airport Authority's ability to sell any portion of the B-6 Property without the City's approval.

Mr. Vander Borcht expressed appreciation to the public for their input and stated his concern with approving an agreement that would allow the Authority to increase its ownership of land. He added that he would not support the

Agreement unless the Authority divests itself of 26.5 acres of land elsewhere. He indicated support for Ms. Murphy's suggestion that would allow the City to petition or support Federal law, as well as requiring that the B-6 Property be free and clear of uses at the end of the 10-year period.

Mrs. Ramos requested clarification on the ability of the Airport Authority to sell a portion of the B-6 Property and the Trust Agreement amendments.

Mr. Campbell supported Ms. Murphy's suggestion pertaining to the City petitioning or supporting Federal law. He inquired if a clause could be added to the Agreement requiring that 26.5 acres be retained as a buffer zone for the community if a portion of the B-6 Property is sold before the end of the 10-year period.

Mr. Vander Borcht was supportive of the Airport being obligated to permanently set aside 26.5 acres as open space for a buffer at the end of the Agreement.

Mr. Campbell requested clarification as to the Authority's ability to privately plan for or seek authorization for building a new terminal; landscaping requirements; easterly take-offs; and, completion of Taxiway D and its ability to affect the airfield capacity.

Mrs. Ramos inquired as to the acreage of the Trust Property that was sold by the Authority to the City of Los Angeles and who the revenue beneficiary was.

Mr. Kirsch informed the Council that staff had not evaluated the legal implications of Mr. Vander Borcht's suggestion of the Authority retaining 26 acres of vacant land as a buffer zone on a permanent basis.

Mrs. Ramos requested clarification on the size of the Southwest Quadrant and the possibility of relocating the general aviation uses to another location and using the Southwest Quadrant for parking.

Ms. Murphy reiterated the benefits of the Agreement but noted the challenge in making a finding of benefit to the public.

Mr. Campbell noted the benefits of the Agreement but expressed concern with regard to possible changes in the legislative and legal environment over the 10-year period.

Mrs. Ramos noted the fundamental goal of the Agreement of trying to achieve nighttime noise relief. She also stated that by not developing the B-6 Property to its maximum use, the City has the ability to manage traffic and review long-term traffic plans and mitigation. She expressed concern with the provision that allows the Authority to sell portions of the B-6 Property without City review. She also noted the need to: use this opportunity to amend the onerous avigation easement; develop alternatives to assist residents regarding the Sound Attenuation Ordinance; and, the need for automatic triggers at the end of the Agreement stating that in the event that the B-6 Property is not sold, 26 acres be sold elsewhere.

Ms. Murphy suggested that the Agreement include terms that would automatically trigger the sale of the B-6 Property and specify the procedures.

Mr. Golonski concurred with balancing the legislative lobbying restrictions and requested clarification with clearing all uses from the site at the end of the Agreement and the piecemeal sale of the B-6 Property.

Ms. Murphy expressed concern with regard to the piecemeal sale of the B-6 Property as it would negatively impact traffic. She suggested zoning the property M-1 if sold. She also suggested automatically triggering the sale of the A-1 Property or the property on which the current terminal is located if the B-6 Property is developed.

Ms. Riley informed the Council that the City could incorporate provisions in the Agreement that require the Authority to: agree to submit a specific plan should any portion of the Trust Property be sold; obtain some type of permit such as Planned Development or Development Review; or, provide the City with the authority to re-zone the property to light industrial effective if and when the Authority sells any portion of the B-6 Property that is less than 100 percent of the property.

Ms. Murphy requested a legal opinion with regard to developing the B-6 site and triggering the sale of the A-1 North property. Mr. Kirsch responded.

Mr. Golonski concurred with the proposed amendments but expressed concern with regard to the assumption that the M-1 zoning would generate less traffic than the M-2 zoning. Mrs. Georgino, Community Development Director, responded. Mr. Golonski also suggested that the Authority reconsider making

the aviation easement in substantial conformance with San Francisco's and commented on the landscape requirements.

Ms. Murphy suggested that a provision be included stating that any agreement to develop the B6 Property for a new terminal be put to a vote of the citizens. Mr. Kirsch responded that the provision was reasonable.

Mrs. Ramos expressed concern over the possibility on scaling back on general aviation and expanding the parking facilities.

Mr. Golonski inquired as to whether a condition could be put on the total acreage owned by the Airport exclusive of the property held in trust in which the Airport has a beneficial interest, with the indication that if the property ever came out of trust as opposed to being sold, the Authority would have to dispose of some other piece of property. He then recapped the Council's direction as follows; eliminating legislative lobbying restrictions; providing for an automatic trigger of the sale of the B-6 Property at the end of the Agreement; ensuring that the property is cleared of uses and not encumbered by leases; a specific plan be submitted for any portion of the B-6 Property that is sold; and, the aviation easement be modified to substantially conform to the San Francisco model. He also inquired if it was possible to put a cap on the total acreage under the Authority's ownership.

Mrs. Georgino addressed parking concerns with regard to the Southwest Quadrant.

Motion	It was moved by Mr. Vander Borcht, seconded by Ms. Murphy and carried that "the public hearing be closed and deliberations be continued to the January 25, 2005 Council meeting."
Reporting on Closed Session	Mr. Barlow reported on the items considered by the City Council during the Closed Session meetings.
Initial Open Public Comment Period of Oral Communications	There was no response to the Mayor's invitation for speakers for the initial open public comment period of oral communications at this time.
Agenda Item Oral	There was no response to the Mayor's invitation for speakers for the agenda item oral communications at this time.

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Communications

Final Open Public Comment Period of Oral Communications      There was no response to the Mayor's invitation for speakers for the final open public comment period of oral communications at this time.

Adjournment      There being no further business to come before the Council, the meeting was adjourned at 2:06 a.m.

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Margarita Campos, CMC  
City Clerk

APPROVED JULY 26, 2005

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Mayor of the Council  
of the City of Burbank