

TUESDAY, MARCH 1, 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 5:10 p.m. by Mrs. Ramos, Mayor.

CLOSED SESSION

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

5:11 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. Public Employee Performance Evaluation:
Pursuant to Govt. Code §54957
Title of Employee's Position: City Manager and City Attorney.

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.

Flag Salute The pledge of allegiance to the flag was led by Police Captain Tim Stehr.

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
Arbor Day Mayor Ramos presented a proclamation in honor of Plant-A-Tree Month and Arbor Day to Shelley Davies and Linda Silvas, representing the Burbank Civic Pride Committee.

301-1
Police Dept.
Commendation Chief Hoefel commended several members of the Burbank Police Department for their exemplary service. Professional Esteem Awards were presented to: Michele McCord, Communications Supervisor; Celeste Patchett, Forensic Specialist; Victoria Payson, Forensic Specialist Supervisor; and, Sergeant Kevin Grandalski. Also, Police Medals were presented to Sergeant Tom Kister and Officers Chris Canales, Fernando Munoz and Jeffrey Barcus.

406
Airport
Authority
Meeting Report Commissioner Lombardo reported on the Airport Authority meeting of February 22, 2005. He stated that the Authority awarded a contract and work orders in the amount of \$420,000 and \$258,000 for design services for the Star Park Lot; awarded a contract for Bid Schedule No. 2004-22 in the amount of \$381,000 for the ticket lobby upgrades; and, approved contract amendments for Parking Management Services in the amount of \$185,000.

Commissioner Lombardo also announced that effective May 24, 2005, Jet Blue Airlines will begin operations at the Bob Hope Airport. He introduced Chrissy Artizone, Head of Western Governmental Affairs; Charlie Andrews, Chief Pilot in the West; and, Jeff Langree, Director of Customer Service in the West, who addressed the Council.

7:43 P.M.
Hearing
1211
Weed
Abatement Mayor Ramos stated that "this is the time and place for the hearing on the confirmation of the itemized written report of the Agricultural Commissioner/Director of Weights and Measures for the County of Los Angeles regarding the abatement of nuisances by the removal of weeds, rubbish, refuse and dirt from certain real property pursuant to Resolution Number 26,908 of this Council."

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

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written communications had been received.

Staff
Report

A report was received from the Public Works Department requesting Council approval of a resolution: ordering the abatement of nuisances caused by weeds and debris on private properties; authorizing an assessment for cost reimbursement to the County of Los Angeles; and, giving notice for subsequent weed and debris abatement if required.

The report stated that the purpose of the annual weed abatement program is to remove the nuisances created on various private properties by weeds, rubbish, refuse and brush. These nuisances include potential fire hazards and a haven for rodents and vectors. It was indicated that on February 15, 2005, the Council adopted Resolution No. 26,908 which declared weeds and debris on private properties a nuisance requiring abatement. Written notice of the March 1, 2005, public hearing was mailed to each property owner declared in the resolution notifying them of the time and place for appeal.

The report also stated that private property owners may complete the abatement themselves or have the County of Los Angeles Weed Abatement Division clear their property. If the property is cleared by the County, the owner's Property Tax bill will be assessed for reimbursement for the cost incurred. It was also stated that this program had no financial impact to the City's General Fund or the Redevelopment Agency budget other than incidental administrative costs.

Hearing
Closed

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

Motion

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

1211
Weed
Abatement

RESOLUTION NO. 26,913:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ORDERING THE ABATEMENT OF NUISANCES IN THE CITY OF BURBANK, AS CONTEMPLATED BY COUNCIL RESOLUTION NO. 26,908.

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.

7:44 P.M.
Hearing
1704-3
Appeal of CUP
No. 2004-105
(La Rambla)

Mayor Ramos stated that "this is the time and place for the hearing on the appeal of the Planning Board's decision regarding the Conditional Use Permit and Mitigated Negative Declaration for Project No. 2004-105. The Applicants, Arsen and Ripsime Retchian, have applied for a Conditional Use Permit to construct a two-story single-family home on a hillside property located at 1011 La Rambla Drive. The Conditional Use Permit was denied by the Planning Board at its regular meeting of December 13, 2004. The Applicants have appealed that decision."

7:45 P.M.
Mrs. Ramos left
the meeting

Mrs. Ramos left the meeting at this time due to a potential conflict of interest.

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 a letter from Mary Jane and Harry Strickland in addition to several pieces of correspondence from Reginald A. and Audrey P. Hanson, all expressing concerns and in opposition to the project.

She also reported that Mrs. Strickland submitted a letter from Roland Glazer resident at 1001 La Rambla Drive, in opposition to the project.

Staff
Report

Mr. Ochsenbein, Senior Planner, Community Development Department, requested the Council consider a decision of the Planning Board denying Project No. 2004-105, a request for a Conditional Use Permit to construct a 3,200-square foot home on a hillside property at 1011 La Rambla Drive. He stated that the Planning Board's decision is being appealed by the project's applicants, Arsen and Ripsime Retchian.

Mr. Ochsenbein informed the Council that the property is currently improved with a driveway which serves the property at 1007 La Rambla Drive. He added that the remaining property is a natural steep slope and the proposal involves the construction of a two-story house which will be built into and cantilevered over the slope, supported by caissons. He noted that viewed from La Rambla Drive, the property will appear as one story with the second story built into the grade below the level exposed to La Rambla Drive.

Mr. Ochsenbein reported that the Planning Board (Board) held two public hearings on October 24, 2004 and December 13, 2004. He stated that prior to and during those hearings, staff received letters from two abutting property owners expressing concerns about the project. He explained that the first property owner, located next to the property, was concerned about the negative impact of the views currently enjoyed. He added that the property owner located downhill from the subject property, expressed concern about drainage, slope stability and privacy issues.

Mr. Ochsenbein noted that staff recommended approval of the project based upon the ability of the project to meet the required findings. He stated that the Board ultimately denied the project without prejudice because the majority of the Board felt that the project, as proposed, was inconsistent and incompatible with the character of the neighborhood. He noted that much of the Board's concern was based upon the impact that the project would have on views in the area, specifically on the abutting property.

Mr. Ochsenbein stated that staff has provided all public correspondence received to the Council for review. Additionally, he stated that as a result of the notice for the hearing, staff received two phone calls from residents opposed to the project.

Mr. Ochsenbein noted that while the Board denied the application, it was staff's assessment that the original staff recommendation to approve the project is warranted based upon the ability of staff to make the required findings. As such, he recommended that the Council approve the appeal and reverse the Planning Board's decision.

Applicant

Gary Yamada, representing the applicant, noted that the project is not subject to the City's Interim Development Control Ordinance (IDCO) and meets current Code. He stated that the Planning Board denied the project due to their inability to make the required findings and gave rebuttal comments to support the proposed project.

He also discussed several photo simulations of the view impact from the neighboring property, whose view would be partially obstructed.

Citizen Comment	<p>Appearing to comment in opposition to the project were Audrey Hanson and Mary Jane Strickland.</p> <p>Commenting in support of the project were: James Schad; Stan Hyman; LaVerne Thomas; and, David Piroli.</p>
Hearing Closed	<p>There being no further response to the Vice Mayor's invitation for oral comment, the hearing was declared closed.</p>
Rebuttal by Applicant	<p>Mr. Yamada made rebuttal comments with regard to privacy issues and potential slope slippage.</p>
Rebuttal by Staff	<p>Mr. Ochsenbein made rebuttal comments and clarification with regard to compatibility and hillside height measurement standards.</p>
Deliberation	<p>Ms. Murphy expressed support for the project, stating that the applicant is making efforts to mitigate most of the impacts.</p> <p>Mr. Golonski expressed concern with the location of the house on the lot and questioned the compatibility of the project with the existing neighboring properties.</p> <p>Mr. Campbell noted that the property at 1007 La Rambla Drive would not have been built without the driveway; however, the driveway renders the proposed project incompatible with the homes adjacent to it, resulting in privacy and view issues. He suggested that the size of the project be scaled back so as to be more compatible with the adjoining properties.</p> <p>Mr. Vander Borght noted the challenge in addressing the neighbors' valid concern and the property owner's rights. He stated that the project is not subject to the IDCO and that the proposed project is comparable to some of the homes in the area. He was supportive of Mr. Campbell's suggestion of scaling back the house but noted that he could not justify a basis upon which to determine the adequate reduction.</p> <p>Ms. Murphy noted that a scaled-back project would still have the same impact to the concerned neighbors and that the proposed square footage is reasonable compared to the neighborhood.</p> <p>Mr. Golonski stated that the height and size of the house are in scale with the rest of the neighborhood; however, the</p>

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nature of the slope of the lot necessitates that the common driveway which provides access to the adjacent lot consume a substantial portion of the lot. He suggested that the applicants be requested to return with a more compatible project but maintain the square footage.

Mr. Vander Borcht noted that the biggest concern is the view from the neighbor's property and privacy issues for the lot below.

Mr. Yamada responded to the Council's concern regarding privacy issues for the property below and the driveway location which causes the construction of the home further down the slope thereby impacting a neighbor's view. He stated that the applicants were certain that the project met current Code and is compatible with the area and are not willing to continue the matter to a future date.

Mr. Golonski stated his preference to postpone the hearing and provide the applicants an opportunity to come up with a compatible design. Ms. Murphy disagreed.

Mr. Vander Borcht was supportive of approving the project provided the family room was eliminated as it was the most impacting component of the house. Mr. Yamada responded that the applicants were not willing to reduce or eliminate the family room.

Motion It was moved by Ms. Murphy, seconded by Mr. Campbell and carried with Mrs. Ramos absent that "staff be directed to return with findings denying the Conditional Use Permit."

9:21 P.M.
Mrs. Ramos
Returned to the
Meeting Mrs. Ramos returned to the meeting at this time.

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

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

Citizen Appearing to comment were: Jim O'Neil, congratulating Ms.

Comment 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: Robert Magid, requesting a status update on the former Buena Vista Library site and on the Primary Election; David Gordon, on Airport matters; Mark Barton, on flashing signage regulations; Esther Espinoza, on the Workforce Housing Incentive Program Grant and low-income housing issues; Eden Rosen, on Airport matters and the proposed Business Tax Amnesty Program; David Piroli, on flashing signage, Airport matters and the status of the City's prosecution of the valet parking issue; and, LaVerne Thomas, on the Transportation Element Update and in opposition to the Business Tax Amnesty Program.
Staff Response	Members of the Council and staff responded to questions raised.
10:39 P.M. Recess	The Council recessed at this time. The meeting reconvened at 10:51 p.m. with all members present.
10:51 P.M. Recess	The Council recessed to permit the Redevelopment Agency to hold its meeting. The Council reconvened at 10:51 p.m. with all members present.
Motion	It was moved by Mr. Golonski and seconded by Mr. Campbell that "the following items on the consent calendar be approved as recommended."
804-3 Workforce Housing Incentive Program	<u>RESOLUTION NO. 26,914:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE WORKFORCE

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HOUSING INCENTIVE PROGRAM AND DESIGNATING AUTHORITY TO THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK TO RECEIVE AND ADMINISTER FUNDS.

1011-3
MOU with BPOA RESOLUTION NO. 26,915:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BURBANK AND THE BURBANK POLICE OFFICERS' ASSOCIATION (BPOA) FOR FISCAL YEAR 2004-2005 AND AMENDING THE FISCAL YEAR BUDGET.

1011-3
Salary Range for
Police Chief RESOLUTION NO. 26,916:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING RESOLUTION NO. 21,732 (THE EXECUTIVE COMPENSATION PLAN FOR DEPARTMENT MANAGERS AND APPOINTED OFFICERS) RELATING TO THE SALARY RANGE FOR POLICE CHIEF AND AMENDING THE FISCAL YEAR 2004-05 BUDGET.

1011-3
Salary Range for
Police Captains RESOLUTION NO. 26,917:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING RESOLUTION NO. 22,795 (THE COMPENSATION PLAN FOR UNREPRESENTED MID-MANAGEMENT EMPLOYEES) RELATING TO THE SALARY RANGE FOR POLICE CAPTAINS AND AMENDING THE FISCAL YEAR 2004-05 BUDGET.

804-3
Third Street
Reconstruction
Project RESOLUTION NO. 26,918:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2004-2005 BUDGET AND APPROPRIATING FUNDS IN THE AMOUNT OF \$231,967.47 FOR THE THIRD STREET RECONSTRUCTION PROJECT.

1004-2
Revisions to the
Deferred Comp.
Plans RESOLUTION NO. 26,919:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING REVISIONS TO THE CITY'S DEFERRED COMPENSATION PLANS AND AUTHORIZING AND DIRECTING THE FINANCIAL SERVICES DIRECTOR TO PREPARE REVISIONS.

1007-1
Revise Spec. of
Police Cadet RESOLUTION NO. 26,920:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SPECIFICATION FOR THE CLASSIFICATION OF POLICE CADET (CTC No. 0639).

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(Code) generally prohibits signs that "blink or flash on or off or vary regularly in luminescent intensity." However, he stated that the Code provides for certain exceptions to this restriction for holiday decorations, signs which indicate time and/or temperature, and electronic message boards for hotels with 250 rooms or more. He added that the City Attorney has opined that the term "regularly" means more than once within a 24-hour period. He informed the Council that although the Code restricts blinking and flashing, no restrictions are placed on the use of electronic displays for static signs.

Staff was directed to prepare a detailed report on issues related to regulation of electronic signage in general.

Motion

It was moved by Ms. Murphy, seconded by Mr. Vander Borcht and carried that "the item regarding the Land Use Element Follow-Up: Housing Goals and Performance and the R-5 Multiple Family Residential Density be continued to March 8, 2005."

1503
1504
BWP Monthly
Operating
Report

Mr. Davis, General Manager, Burbank Water and Power presented the Monthly Water and Power Operating Report for the month of February 2005. He provided an update on the water sales, progress of the water spreading project and upgrades on the Burbank Operable Unit.

Mr. Davis also provided updates on the wholesale and retail electric revenues, and on the Magnolia Power Project.

The report was noted and filed.

Ordinance
Submitted

It was moved by Ms. Murphy and seconded by Mr. Vander Borcht that "Ordinance No. 3667 be read for the second time by title only and be passed and adopted." The title to the following ordinance was read"

1702
Approve 2nd
Amend. to PD
89-7 (Media
Studios North)

ORDINANCE NO. 3667:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE SECOND AMENDMENT TO PLANNED DEVELOPMENT NO. 89-7 AND AN AMENDMENT TO THE DEVELOPMENT AGREEMENT RELATED THERETO (MEDIA STUDIOS NORTH).

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.

11:28 P.M. The Redevelopment Agency meeting was reconvened at this
Reconvene time.
Redev. Agency
Meeting

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

Citizen There was no response to the Mayor's invitation to oral
Comment communications.

301-2 There being no further business to come before the Council,
Memorial the meeting was adjourned at 11:29 p.m. in memory of Mabel
Adjournment Whitney and Robert G. Spencer and to March 8, 2005 for a
Legislative Study Session.

Margarita Campos, CMC
City Clerk

APPROVED AUGUST 16, 2005

Mayor of the Council
of the City of Burbank

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