

TUESDAY, MARCH 8, 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 5:08 p.m. by Mr. Campbell, 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. Campbell's invitation for oral communications on Closed Session matters at this time.

5:08 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:

Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):

Pursuant to Govt. Code §54956.9(b)(1)

Number of potential case(s): 1

5:41 P.M. Legislative Study Session The purpose of the Study Session was to provide the Council with an opportunity to discuss the current State legislative session with Mr. David Jones of Emanuels Jones and Associates, the firm the City current contracts with for legislative advocacy and government relations services. He addressed issues related to the State budget and the proposed cuts, including: K-12 Proposition 98 suspension; Proposition 42 suspension; continued borrowing via the Proposition 57 bond; health and human service cuts; and, contribution to the State employees' retirement systems. He reported that since the budget shortfalls are multi-year problems, the State will be facing similar issues next year. He noted several issues directly impacting local governments, including: a delay in repaying the unfunded mandates; reductions in library funding; suspension of Proposition 42; retention of the Community Oriented Policing Services (COPS) program; and, the potential for spillover effects from cuts in County health and human services.

Mr. Jones also discussed new legislation that has been introduced, pertaining to: pension reform; redevelopment; housing and land use; California Environmental Quality Act reform; and, the Governor's proposals with regard to an automatic spending cut which includes the following

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elements; revision of Proposition 98; a contingency budget plan; closing the Proposition 42 loopholes; and, limiting the State's ability to take future loans from other General Fund departments. He also commented on term limits and redistricting discussions, and on the potential special election on November 8, 2005 with 80 initiatives.

Mr. Jones informed the Council that Assemblyman Dario Frommer has introduced Assembly Bill (AB) 1067 regarding grade separations, and briefly discussed AB 236 that caps the amount of Sales Tax on jet fuel; AB 451 which ensures that any jet fuel Sales Tax goes to the corresponding Airport; and, Senate Bill 58, AB 777 and AB 261 addressing runaway production. He stated that he was optimistic that the Library Bond on the November 2006 ballot would be approved, in addition to several park bonds. He also gave an update on Senator Scott's Senate Bill 148 sponsored by the City of Pasadena that would allow local governments to require that older liquor establishments be brought into conformance with current local codes. He also noted Assembly Constitution Amendment 13 regarding storm water and flood control fees, that would exempt such fees from going to a vote of the people prior to being raised and stated that reviews are being conducted on workers compensation, water and energy issues.

Mr. Vander Borght requested clarification on Proposition 98, Proposition 1A and the proposed bonds.

Mr. Golonski requested clarification on the housing and land use issues.

Mr. Campbell requested clarification on the suspension on Proposition 42; pension reform; grade separation legislation; and, runaway production legislation.

Mrs. Ramos inquired as to whether the League of California Cities has taken a position on pension reform and requested further information on the impact of the jet fuel sales to the City of Burbank.

Regular Meeting
Reconvened in
Council
Chambers

The regular meeting of the Council of the City of Burbank was reconvened at 6:33 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 Officer Joe Dean.
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 Adult Education Week	Mayor Ramos presented a proclamation in honor of Adult Education Week to Dr. Cherise Moore, representing the Burbank Adult School.
301-1 Fire Regional Occupational Program	Fire Marshall Dave Starr briefly described the Fire Regional Occupational Program (ROP), noting this is the seventh graduating class since the inception of the program. Chief Starr introduced Captain Greg Rhoads, who presented the following graduates: Bertha Cardoza; Matan Haft; Jonathan King; Brian Lowers; Ryan Martin; Jason Martinez; Javier Murillo; Jordan Murphy; Ryan Richardson; Zachery Sunday; Mikal Swanson; Rudolph Thompson; Jose Vaca; Jonathan Van Wagener; Ismael Elazquez; and, Darlene Datuin. Mayor Ramos congratulated the graduates and assisted Chief Mehling with the presentation of certificates to the graduates.
301-1 Teens in Action Police/Youth Relations Ball-B-Q	Dorian Celis and Karla Juarez recognized the following community sponsors of the Teens In Action Police/Youth Relations Ball-B-Q event: Chipotle Mexican Restaurant; Identity Apparel; Harry Alajian, Hometown Buffet; Kiwanas for Fun; Pomodoro Cucina Italiana Restaurant; Burbank Sharkey's Woodfire Mexican Grill; and, Shut Your Mouth Athletic Apparel. The following sponsors who could not attend were also recognized: Barragan's Mexican Restaurant; B.J.'s Restaurant and Brewery; Cartoon Network; and, Porto's Bakery.
Reporting on Council Liaison Committees	Ms. Murphy reported on a Metropolitan Transportation Authority Governance Council meeting she attended.
406 Airport Authority Meeting Report	Commissioner Wiggins reported on the Airport Authority meeting of March 7, 2005. He stated that the Authority approved staff's request to develop a Request For Proposals for two heavy-duty runway sweepers and approved an

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amendment of Federal Aviation Administration Airport Improvement Program Grant to pay for the two sweepers.

Mr. Vander Borcht suggested that the sweepers be natural gas vehicles if possible.

The Council received the report.

7:03 P.M.
Hearing
703
Application for a
Permit to
Conduct a
Running
Program
(Castaldi)

Mayor Ramos stated that "we are here today to hold a hearing on the appeal by Tina Castaldi, d.b.a. Castaldi Killer Bootcamp, of the denial of her commercial application permit. According to the provisions of Section 6 of Resolution No. 26,801, passed and adopted on September 28, 2004, this hearing shall be conducted as an independent examination of this matter. The Applicant, Ms. Castaldi, has the burden of proof on the appeal. Please note that while oral or documentary evidence may be received, the Council will exclude irrelevant, immaterial or unduly repetitious evidence. Hearsay or secondary evidence may be received; however, the Council will make its decision on the basis of substantial evidence."

Notice
Given

The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that 78 pieces of correspondence had been received in opposition to granting the permit and two pieces of correspondence in favor on granting the permit.

Staff
Report

Mr. Hansen, Park, Recreation and Community Services Director, requested that the Council consider an appeal of the Park, Recreation and Community Services Director's decision to deny a commercial application for a permit to conduct a running program. He stated that the request by Ms. Tina Castaldi, applicant and appellant, was to approve a class held in the parking lot adjacent to Wildwood Canyon Park and the roads around the DeBell Golf Course.

Mr. Hansen reported that following receipt of the application on December 6, 2004, a public notice was published in the Burbank Leader and over 2000 notices were mailed to residents in the surrounding neighborhood. He noted that staff received 61 responses with 70 signatures opposed to granting the permit and one response in favor.

Mr. Hansen stated that the hearing scheduled for January 25, 2005 was postponed at Ms. Castaldi's request. He explained that the anticipated program enrollment was 50 individuals

and the class would be held Monday through Friday from 5:00 a.m. to 6:30 a.m. He noted that this would create a significant increase in traffic in the area and result in vehicles driving through residential neighborhoods as early as 4:45 a.m.

He added that generally, programs and services which could negatively impact residential neighborhoods do not start until 7:00 a.m. with the exception of the DeBell Golf Course which has been in operation for over 45 years and residents are aware of the need for early morning maintenance and starting times commencing at sunrise.

Mr. Hansen informed the Council of the potential safety issues such as tripping given that during certain times of year it is still dark at 5:00 a.m. In addition, there could be concerns with vehicular traffic as it approaches groups of runners. Also, he noted that this type of program is not compatible with the surrounding neighborhood and could create conflicts between program participants and residents. He explained that even if the class participants were required to take various designated travel routes there could potentially be as many as 25 vehicles stopping and starting at the Harvard Road and Sunset Canyon Drive intersection, as well as the Walnut Avenue and Sunset Canyon Drive intersection. He stated that other streets leading to the access roads would also encounter increased traffic. He noted that since the permit requested that the program begin on January 24, 2005, the dates of the activity would be adjusted.

Applicant Ms. Tina Castaldi, applicant and appellant, addressed the four major issues on which the permit denial was based, including: safety; noise; traffic; and, congruence with the neighborhood.

Citizen Comment Appearing to comment in opposition to granting the permit were: Don Elmore; Ryan Harlin; Anna May Nelson; Mark Barton; Eden Rosen; Theresa Karam; Greg Jackson; Carolyn Jackson; Zorica Tanaskovic; Bob Estrella; Maria Proctor; and, David Piroli. Also, LaVerne Thomas, expressed concern with the boot camp.

Commenting in support of granting the permit were: Patty Tokahuta; Jessica Fitzgerald; Shira Parker; Tania Verafield; Cindy Demos; Barbara Thornburg; Nicole Ciccarelli; Lillie Getty; Gaby Cerda; Dominick Caminit; Cathy Chase; Mona Field; Lindsay Kelterer; Gratia Bone; Jennifer Westfall; and, Barbara Curren.

Rebuttal Lee Matthews, Attorney representing the applicant, stated that the context of the hearing was not to determine the use of the

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park by the boot camp as a business or not. He referenced a document dated August 21, 2002 which contained results of a traffic study conducted in the Wildwood Canyon area. He noted that the site of the boot camp is seven tenths of a mile from the nearest residence and that it was possible for the boot camp to operate without the participants being in the area in which the homes are located. He also noted that golf course operations in the area start as early 5:00 a.m. and that the 2001 traffic study was conducted while the boot camp was in operation and determined that traffic flow did not present a problem for the residents.

William Kunzman, Traffic Engineer for the applicant, responded to traffic concerns.

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

Deliberations Ms. Murphy noted the positive benefits and value of the program but stated that this was not the issue. She noted that the common theme by the participants with regard to spending money in the City was not one of the criteria considered to make the decision. She acknowledged a letter written by Ms. Tina Castaldi to boot camp members, offering a \$200 discount to participants who would come to the hearing and speak on her behalf. She stated that the major issue was compatibility and safety and noted that the proposed use was incompatible.

The Council concurred that the program clearly benefited the participants but the use was incompatible with the surrounding residential neighborhood.

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

703 Application for a Permit to Conduct a Running Program (Castaldi) Adopted RESOLUTION NO. 26,922:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AFFIRMING THE PARK, RECREATION AND COMMUNITY SERVICES DIRECTOR'S DECISION AND DENYING APPLICANT CASTALDI'S APPEAL.

The resolution was adopted by the following vote:

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

Noes: Council Members None.
Absent: Council Members None.

Joe Dean
Commendation

Mrs. Ramos commended Officer Joe Dean for his service as the Sergeant-At-Arms for the Council Chamber since 1981. She briefly outlined his career, noting his support for the National Law Enforcement Officers Memorial in Washington, D.C. and several achievements, including: a Professional Esteem Award; Police Medal, American Legion Officer of the Year; and, his recent promotion to the Detective Bureau.

Former Mayor Michael Hastings, presented Detective Dean with a police cookie jar on behalf of the past Mayors and present City Council members. Officer Dean gave farewell remarks.

9:00 P.M.
Recess

The Council recessed at this time. The meeting reconvened at 9:17 with all members present.

Reporting on
Closed Session

Mr. Barlow reported on the items considered by the City Council during the Closed Session meeting.

Initial Open
Public Comment
Period of Oral
Communications

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

Citizen
Comment

Appearing to comment were: Don Elsmore, regarding two newspaper articles on Burbank's All-Hazard Mitigation Plan and transit funding; Gary Yamada, presenting a request by the owners of the property located at 1011 La Rambla Drive that the Council reconsider their previously-denied Conditional Use Permit and reschedule another public hearing on March 29, 2005 based on applicant's willingness to remove the family room and stating that the applicant is willing to pay \$225 towards the noticing requirement; Michael Garcia, American Hiking Society, requesting the Wildwood trail be repaired; William J. Smith, on the Land Use Element update; LaVerne Thomas, on the General Plan update; Eden Rosen, congratulating Officer Dean; David Gordon, on Airport issues; Theresa Karam, on the upcoming elections; Mark Barton, on easement standards; Rose Prouser, on the compact single-family zone; Howard Rothenbach, on timely City street repairs and congratulating Officer Joe Dean; Maria Proctor, on campaign contributions and Airport issues; and, David Piroli,

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on potential transit funding as discussed in a recent newspaper article.

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: LaVerne Thomas and David Gordon, on the grade separation at Clybourn Street and Vanowen Street; Eden Rosen, on Airport issues; Rose Prouser, on the A-1 North property; Mark Barton, on alley vacations and Airport issues; and, David Piroli, on the A-1 North property and traffic issues.

Staff
Response

Members of the Council and staff responded to questions raised.

804-3
Jt. Mtg. with
Redev. Agency
Non-Profit
Organization
Facility Funding
Program

No report was received. Mrs. Ramos requested that the item be moved to a future Council date.

Motion

It was moved by Ms. Murphy, seconded by Mr. Campbell and carried that "this report be postponed to a future meeting."

Item
Removed from
Consent
Calendar

The item regarding V-370 Resolution of Intention to Vacate a Portion of the Alley Adjacent to the Former Buena Vista Library Located at 401 North Buena Vista Street was removed from the consent calendar for the purpose of discussion.

Motion

It was moved by Mr. Vander Borcht and seconded by Ms. Murphy that "the following item on the consent calendar be approved as recommended."

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904-2
Disaster
Mitigation Act
of 2000

Mr. Baenen, Disaster Preparedness Coordinator, presented the first edition of the City's All-Hazard Mitigation Plan (Plan) through which the City will continue its commitment to the reduction of risks through hazard mitigation planning. He explained that the Disaster Mitigation Act of 2000 requires that all state and local governments develop comprehensive mitigation plans as a condition of eligibility for future post-disaster mitigation grants after November 4, 2004. He noted that the Plan complies with this law, subject to receipt and approval by the California Office of Emergency Services (OES) and the Federal Emergency Management Agency (FEMA). He elaborated on the planning process and acknowledged the City planning team; consultants; stakeholders and public input, and discussed the details of the Plan.

Motion

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

904-2
All-Hazard
Mitigation Plan

RESOLUTION NO. 26,925:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADOPTING THE ALL-HAZARD MITIGATION PLAN AND AUTHORIZING THE CITY MANAGER TO IMPLEMENT THE PLAN.

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.

1101-2
Land Use
Element Follow-
Up: Housing
Goals and R-5
Multiple Family
Residential
Density

Mrs. Lazar, Senior Planner, Community Development Department, reported that at the December 14, 2004 meeting, the Council requested additional information on the Very High Density land use category proposed for the 2005 Land Use Element update. She explained that very high density referred to density that is 35 percent lower than the existing R-5 density and lower than that permitted in the General Plan Land Use Element. She stated that the Council specifically requested information on: the City's housing goals and obligations; the City's progress in meeting these obligations; whether the City needs to have a Very High Density land use category in order to meet the housing goals and needs; and, detailed maps showing the location and existing development for all of the areas proposed for the Very High Density land use

designation.

Mrs. Lazar informed the Council that the proposed density reductions will affect the overall residential capacity of the City by about 13 percent. She noted that this in turn directly affects the City's ability to meet its housing obligations to the State and the region, and to address housing needs for the Burbank community. She added that updating the Land Use Element requires that the City plans for a projected amount of new development over the 20-year horizon of the plan. She stated that the proposed Land Use Element update is based on a projected growth rate of approximately 0.6 percent a year (260 units per year) based on past development trends, historical averages, increase in employment opportunities, new opportunities for residential development and an ever-increasing demand for new housing in Burbank. She noted that at the projected growth rate, the City would expect to add approximately 5,160 units over the 20-year plan horizon. She added that the City's Housing Element must show that the City has the appropriate land use capacity, zoning, adequate and available sites to accommodate a given amount of new housing, in order for to be approved by the State Department of Housing and Community Development and made eligible for various State and regional funding, such as the Jobs Incentive Balance Grant.

With a visual aid, Mrs. Lazar discussed the City's housing production goals in the adopted Housing Element and the City's progress in meeting these goals. She also discussed the City's residential capacity with or without the Very High Density land use category, noting that the elimination of the Very High Density residential category does not significantly affect the City's ability to meet its projected housing needs and obligations. She stated several reasons for maintaining the Very High Density land use category in the new plan, including: provision of affordable housing; more housing adjacent to the City's downtown and the Media District employment center; traffic alleviation while encouraging use of public transit; incentive for the recycling of older development; and, provision of new housing in areas with the least impact on existing residential neighborhoods. She also elaborated on the areas proposed for the Very High Density land use category. She noted that should the Council support retaining the Very High Density designation, the R-5 zone would be eliminated and all development in the very high density area (over and above the reduced R-4 density) would be processed as a Planned Development to ensure full Council discretion of all aspects of the development and provide ample opportunity for public review and input.

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The Council did not support including a Very High Density land use category in the 2005 Land Use Element update.

1101-2
Land Use
Element
Update–
Proposed
Compact Single
Family Resid.

Mrs. Lazar, Senior Planner, Community Development Department, reported that at the December 14, 2004 meeting, the Council requested additional information on the proposed new Compact Single-Family (CSF) type of development also known as Small Lot Single Family. She noted that CSF is not proposed as a separate land use category in the 2005 Land Use Element update, but rather as a new zone that would be part of the implementation of a proposed new Low Density residential land use category.

She explained that CSF development allows for a single-family home to be built on a lot that is smaller than the current 6,000 square foot (sf) minimum lot size. She stated that CSF would be similar in density to current R-2 zoning, which allows two units per 6,000 sf lot, but would allow only one unit per smaller lot and be a single-family ownership product. She added that there are several types of CSF development with common elements such as: fee simple ownership of the lot on which the home is built; its own front yard; rear yard; and, parking on the lot. She discussed three basic CSF types that could be used in Burbank, including: detached compact single-family with a density of 14 dwelling units per acre; attached compact single-family with 14 to 17 dwelling units per acre; and, townhouse single-family with 17 dwelling units per acre density.

She informed the Council that CSF development would help achieve certain community goals, such as: neighborhood compatibility; opportunities for new single-family housing to be built in a City where existing single-family areas are already built out; the smaller lot size for CSF homes will allow for more affordable single-family homes to be built in the community; and, CSF is an economically viable way of recycling older residential properties without increasing the density. She also discussed the proposed density hierarchy as follows: Very Low Density category with R-1 zoning; Low Density category with CSF and R-2 zoning; Medium Density category with R-3 zoning; and, High Density category with R-4 zoning.

The Council was supportive of the Compact Single-Family product type and the Low Density residential category.

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 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 12:19 a.m.

Margarita Campos, CMC
City Clerk

APPROVED AUGUST 16, 2005

Mayor of the Council
of the City of Burbank