

TUESDAY, MAY 31, 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 5:38 p.m. by Mr. Vander Borght, Mayor.

CLOSED SESSION

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

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

Citizen Comment Appearing to comment was Mike Nolan, on current contracts and retirement issues.

5:41 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: Contracts and Retirement Issues.

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:49 p.m. by Mr. Vander Borght, Mayor.

Invocation The invocation was given by Sally Kinarthy, Providence Saint Joseph Medical Center.

Flag Salute The pledge of allegiance to the flag was led by Kyle Hansen, Boy Scout Troop 50, Verdugo Hills Council.

5/31/05

ROLL CALL

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

Absent - - - - Council Member Ramos.

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

301-1
Book Donation
From BWP
Mary Forrest, Senior Conservation Advisor, Burbank Water and Power, presented water-related topic books to the 11 Burbank Unified School District (BUSD) elementary schools on behalf of Burbank Water and Power in honor of Water Awareness Month. The books were received by Fran Zimmerman, BUSD Librarian.

301-1
MAGLEV
Project
Albert Perdon, Executive Director of the Orangeline Development Authority, gave a presentation on the Orangeline Corridor Development Project, a high-speed Maglev transportation system proposed to operate above existing public highway and railroad rights-of-way.

Additional
Agenda Item
Council Member Campbell requested that an additional item related to the purchase of additional buses by the Airport Authority be placed on the agenda stating that "there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the agenda being posted."

Motion
It was moved by Mr. Campbell, seconded by Mr. Vander Borght and carried that "the additional item related to the purchase of additional buses by the Airport Authority be added."

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
Mr. Vander Borght called for speakers for the initial open public comment period of oral communications at this time.

Citizen
Comment
Appearing to comment were: Gary Garrison, on Burbank On Parade; Bob Smith, on the Neighborhood Protection Plan; Charles Zembillas, on relocation of Dimples to the former

Chadney's site; Eden Rosen, on funding for street maintenance and on the City's graffiti removal efforts; Mark Barton, on the design of the Burbank Civic Center Plaza; and, James Schad, on the City employees pension fund deficit.

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

Agenda Item Oral Communications Mr. Vander Borght called for speakers for the agenda item oral communications at this time.

Citizen Comment Appearing to comment on the proposed R-1 standards were: PJ Masters; Lenora Aguilera; and, Mark Barton.

Commenting on the Alameda North Neighborhood Protection Program were: David Freiburger; Geralyn Ricciardella; John Mosher; Ernie Sheesley; Jeanette Hammond; Rick Lacher; Joseph Ricciardella; Pam Strahs; Esther Espinoza; Irene Jensen; John May; Peter Wetrauch; and, Stefanie Girard.

Also appearing to comment were: Michelle Botts, on the Whitnal Highway traffic patterns; Paul Dyson, who was interrupted for not addressing an Agenda item; Don Elsmore, on the proposed second Compressed Natural Gas (CNG) fueling station and potential diesel bus purchase by the Airport Authority; Theresa Karam, on traffic in the Media District and the proposed "rules of the road" ordinance; Eden Rosen, on real estate open house signage, Landlord-Tenant Commission appointments and the purchase of diesel buses by the Airport Authority; Howard Rothenbach, on the potential of using natural gas vehicles at the Airport, and on the real estate Open House Sign Ordinance; Mike Nolan, on the sale of bonds, the Burbank Civic Plaza, review of Planned Development agreements and the potential CNG fueling station at the Airport; and, David Piroli, in support of a letter to the Airport Authority regarding the purchase of diesel buses.

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

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

5/31/05

1108 RESOLUTION NO. 26,987:
703 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
PSA with Wolff APPROVING AMENDMENT NO. 2 TO THE AGREEMENT FOR
Lang ARCHITECTURAL SERVICES BETWEEN THE CITY OF
Christopher BURBANK AND WOLFF LANG CHRISTOPHER, INC. FOR THE
For Ovrom Park ROBERT R. OVROM PARK PROJECT, PHASE I.

1207 RESOLUTION NO. 26,988:
Agmt. with Leo A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
A. Daly for the APPROVING AMENDMENT NO. 4 TO AGREEMENT FOR
Community ARCHITECTURAL SERVICES BETWEEN THE CITY OF
Services Bldg. BURBANK AND LEO A. DALY COMPANY.

1301-3 RESOLUTION NO. 26,989:
CDBG Street, A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Sidewalk & Ped. APPROVING AND ADOPTING CONTRACT DOCUMENTS,
Ramp Project PLANS AND SPECIFICATIONS, AND DETERMINING THE
(BS No. 1182) LOWEST RESPONSIBLE BIDDER, ACCEPTING THE BID, AND
 AUTHORIZING EXECUTION OF A CONTRACT FOR THE 2004-
 05 CDBG STREET, SIDEWALK AND PEDESTRIAN RAMP
 PROJECT, BID SCHEDULE NO. 1182.

Adopted The consent calendar was adopted by the following vote:

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

9:11 P.M. Mr. Golonski left the meeting at this time due to a potential
Mr. Golonski conflict with the following item.
Left Meeting

1703 Mrs. Forbes, Principal Planner, Community Development
Alameda North Department, informed the Council that while processing the
Neighborhood first proposal of the Platt Project, residents in the adjacent
Protection area reported existing problems with speeding cut-through
Program traffic and commercial parking encroachment in their
 residential neighborhood. She added that the Council directed
 staff to conduct a study on traffic and parking conditions in
 the area bounded by Hollywood Way, Oak Street, Buena Vista
 Street, Olive Avenue and Alameda Avenue. She noted that
 the Council selected this area because it appeared to be the

most directly affected by the existing and proposed commercial development.

Mrs. Forbes reported that staff retained Kaku Associates to prepare the study. She explained that a questionnaire was sent to property owners and tenants in the study area and simultaneously, segment intersection counts were also taken. She added that staff and the consultant conducted five community meetings to educate the public on various traffic calming measures available to address the impacts. She then discussed the elements of the Neighborhood Protection Plan proposed by the residents, including: permit parking; striping; red curbing; eliminating the left-turn lane from northbound Buena Vista Street to Oak Street; diverters; provision of street parking; and, stop signs.

Mrs. Forbes informed the Council that staff recommended implementing some of the program elements, such as: permit parking on the local streets but not on Alameda Avenue; implementation of the speed awareness campaign by placing a speed trailer on the streets; striping and red curbing along Oak Street; and, a raised three-way stop sign intersection at Lima Street and Oak Street. She noted that the cost to implement the first phase is estimated at \$57,000 and will be reimbursed by the Platt Project developer as a Condition of Approval for that Planned Development project. She added that staff recommended additional community meetings be conducted a year after implementation of the first phase and after additional traffic counts have been taken to determine any second phase improvements.

The Council approved of staff's recommendations to proceed with implementing the first phase and to include residents from Oak Street to Verdugo Avenue just north of the study area when reviewing the effectiveness of the measures.

The Council also directed that a review be conducted in six months; special permits be provided for school functions; parking permits be provided for the entire block; the left-turn traffic movement onto Fairview Street off of Olive Avenue be restricted; and, an easier method be implemented for the residents to be able to achieve changes to restrictive parking in the future.

9:21 P.M.
Mr. Golonski
Returned to the
Meeting

Mr. Golonski returned to the meeting at this time.

202-11
Appointments
To the Landlord-
Tenant
Commission

Mrs. Campos, City Clerk, requested the Council make appointments from the qualified applicants to fill three terms on the Landlord-Tenant Commission ending on June 1, 2005. She reported that on March 30, 2005, the City Clerk's Office began advertising and accepting applications for vacancies on various City boards, commissions and committees and as of the application deadline of Friday, April 29, 2005 at 5:00 p.m., only two applications were received for the three vacancies on this Commission. She noted that at the Community Development Department's request, the application period for the vacancies was extended to Friday, May 20, 2005 at 5:00 p.m. to allow for the Council to make the appointments prior to June 1, 2005. She reported that as of this extended deadline, applications were received from the following: Janis Bunch; Molly L. Shore; Yvette M. Ulloa; Maria E. Gonzalez-Romano; and, Alma Briseno.

Following a vote of the Council, Molly Shore and Alma Briseno were appointed to the Landlord Tenant Commission for four-year terms ending June 1, 2009. Staff was directed to bring back the third vacancy appointment between Janice Bunch and Maria E. Gonzales-Romano for full Council consideration at a later date.

1702
Review of
Planned Dev.
Agmts.

Mrs. Lazar, Senior Planner, Community Development Department, presented information on the status of Development Agreements (DAs) that have been entered into as part of the Planned Development (PD) process. She noted that the Burbank Municipal Code (BMC) requires that the Community Development Director submit to the Council, on an annual basis, a review of DAs entered into pursuant to the PD provisions of the BMC and stated that the current review covers the time period between April 1, 2004 through April 1, 2005. She reported that this annual review is an opportunity to ensure that developers are complying with their schedules and Conditions of Approval. She explained that there are currently 18 active PDs that are not built or not yet complete and that all PDs are in compliance with their schedules and requirements with the exception of PD 94-7, Warner Bros. Main Lot Master Plan and PD 94-8, Warner Bros. Studios Ranch Lot Master Plan. She noted that both projects were required to conduct a child care survey by November 2000 which has not been complied with. She stated that Warner Bros. is aware of their obligation under the DA and has been working with staff to find a solution to meeting the

requirement.

Mrs. Lazar informed the Council that there are 10 un-built PDs for which DAs have expired, including PD 94-4 for a 253-room hotel on First Street which expired on March 4, 2005 during the current one-year review period. She added that the property owner has submitted an application for a new PD for a smaller hotel. She noted that the remaining DAs expired in 2000 or 2001 and that these sites are therefore left with a PD zoning for an approved project, but the developers no longer have vested rights to build the projects and the conditions and regulations that the City has imposed on the particular projects, which were contained in the DAs, are no longer in effect. She noted that staff recommends a two-pronged approach to remedy such situations, including rezoning of these properties to the zone designation that preceded the DA or to a use consistent with surrounding land uses; or, the BMC be amended to include a process for PDs to ensure that in the future, a PD zone does not effectively replace the existing underlying zone until its certain that the entitled project is actually going to be built, and to ensure that all requirements for the PD and any Conditions of Approval would not be part of a DA that has an expiration date, but rather be an integral part of the approved PD zone. She requested Council direction to: 1) proceed with the rezoning of PDs with expired DAs; and, 2) work with the City Attorney's Office on amending the BMC relating to PDs to eliminate the zone reversion clause, and to ensure that if PDs are not built in accordance with the provisions of the DA, the underlying zone does not get changed.

The Council was not supportive of hiring a contract planner to rezone PDs with expired DAs and requested that staff not re-prioritize the task but accomplish it in a reasonable timeframe.

Following Council deliberation, staff was directed to: 1) proceed with the rezoning of PDs with expired DAs to the original underlying zone or to a zone consistent with the surrounding uses by Council action; and, 2) work with the City Attorney's Office on amending the BMC relating to PDs to eliminate the zone reversion clause, and to ensure that if PDs are not built in accordance with the provisions of the DA, the underlying zone does not get changed.

604
Real Estate
Open House

Mr. Hirsch, Assistant Community Development Director/
License and Code Services, reported that at the May 3, 2005
Council meeting, staff reported that the Temporary Real Estate

5/31/05

Sign Ordinance Open House Sign Ordinance, which became effective July 24, 2004 and sunsets on July 24, 2005, had been effective in regulating the placement of real estate "Open House" signs within the public right-of-way. He added that the Council directed staff to return with an ordinance which eliminates the sunset provision of the ordinance and a resolution to amend the Burbank Fee Schedule to raise the permit fee from \$10 to \$12 and to make the fee non-prorated.

Mr. Hirsch briefly described the restrictions, standards and requirements of the ordinance which include: size of sign; height of sign; only local address to be advertised on the sign; number of signs permitted per property; sign types; location; timeframe for posting signs; permit requirement; and, required identification. He also gave an update on the permitting process.

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

604 RESOLUTION NO. 26,990:
Real Estate A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Open House AMENDING ARTICLE II, SECTION 7, SUBSECTION (D)(5) OF
Sign Ordinance RESOLUTION NO. 26,737, THE BURBANK FEE RESOLUTION,
RELATING TO TEMPORARY "OPEN HOUSE" SIGNS IN THE
PUBLIC RIGHT-OF-WAY PERMIT.

604 AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK
Real Estate AMENDING ORDINANCE NO. 3641 TO ELIMINATE THE
Open House SUNSET PROVISION OF THE TEMPORARY "OPEN HOUSE"
Sign Ordinance REAL ESTATE SIGNS ORDINANCE.

Adopted The resolution was adopted and the ordinance was introduced by the following vote:

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

Noes: Council Members None.

Absent: Council Member Ramos.

206 Captain Craig Varner requested Council approval of an
Approval of ordinance governing the "rules of the road" along the bicycle
Bike Paths, Bike paths, bicycle trails, bikeways, equestrian, hiking and

Trails, Bikeways, Equestrian, Hiking and Recreation Trails Ordinance

recreation trails. He noted that the bikeways, bicycle paths and other types of trails are avenues of recreational activity enjoyed by many local residents for walking, riding bicycles, skating, horseback riding and skateboarding. He noted that the proposed ordinance will govern the modes of transportation along these areas and keep the areas as safe as possible. He noted that motor vehicles, motorized scooters, motorized skateboards, electric personal assistive mobility devices/ segways; low speed or neighborhood electric vehicles; and, motorized bicycles will be prohibited. He noted that self propelled wheel chairs, invalid tricycles and motorized quadrocycles utilized by persons with physical disabilities will be allowed to operate on any area where a pedestrian will be allowed to travel such as bikeways.

Ordinance Introduced

It was moved by Ms. Murphy and seconded by Mr. Campbell that "the following ordinance be introduced and read for the first time by title only and be passed to the second reading." The ordinance was introduced and the title read:

206
Approval of
Bike Paths, Bike
Trails, Bikeways,
Equestrian,
Hiking and
Recreation Trails
Ordinance

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK ADDING ARTICLE 28, SECTION 29-2704 TO CHAPTER 20 OF THE BURBANK MUNICIPAL CODE ESTABLISHING THE RULES OF THE ROAD FOR PEDESTRIAN AND BICYCLE FACILITIES, INCLUDING BUT NOT LIMITED TO SIDEWALKS, BICYCLE PATHS, BICYCLE TRAILS, BIKEWAYS, EQUESTRIAN TRAILS, HIKING AND RECREATION TRAILS.

Adopted

The ordinance was introduced by the following vote:

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

Noes: Council Members None.

Absent: Council Member Ramos.

1503
1504
BWP Monthly
Operations
Report

Mr. Davis, General Manager, Burbank Water and Power, presented the monthly Water and Power Operating Report for the month of May 2005. He gave the Council an update on the: drinking water quality standards; Water Fund; Burbank Operable Unit improvements; ground water replenishment efforts; stated there were no reported electric outages; and, gave an update on the Electric Fund. He also reported that the Lake One retrofitting and the Magnolia Power Project construction have been completed.

5/31/05

406
1501-3
Pending Diesel
Bus Purchase

Mr. Vander Borght noted that an urgency item was added to the Agenda for the Council to consider sending a letter to the Airport Authority urging them to reconsider the purchase of diesel buses and in support of purchasing Compressed Natural Gas buses instead.

Motion

It was moved by Mr. Campbell, seconded by Mr. Vander Borght and carried with Mrs. Ramos absent that "staff be directed to draft a letter to the Airport Authority urging them to pursue the cleanest option and technology available with regard to bus purchases for the Airport. The letter would also request that the Authority provide the City with an opportunity to comment on the matter prior to taking final action."

Ordinance
Submitted

It was moved by Ms. Murphy and seconded by Mr. Campbell that "Ordinance No. 3668 be read for the second time by title only and be passed and adopted as amended." The title to the following ordinance was read:

504
Adopt 2004
Electrical Code

ORDINANCE NO. 3668:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING CHAPTER 7 OF THE BURBANK MUNICIPAL CODE REGARDING THE BUILDING CODE AND ADOPTING THE 2004 CALIFORNIA ELECTRICAL CODE.

Adopted

The ordinance was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Member Ramos.

Ordinance
Submitted

It was moved by Mr. Campbell and seconded by Ms. Murphy that "Ordinance No. 3669 be read for the second time by title only and be passed and adopted as amended." The title to the following ordinance was read:

1702
Amend Ch. 31
Relating to Dev.
Standards for

ORDINANCE NO. 3669:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING VARIOUS PROVISIONS OF CHAPTER 31 OF THE BURBANK MUNICIPAL CODE RELATING TO DEVELOPMENT

R-1 and R-1-H Zones STANDARDS FOR R-1 AND R-1-H ZONES.

Adopted The ordinance was adopted by the following vote:

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

Ordinance Submitted It was moved by Mr. Campbell and seconded by Ms. Murphy that "Ordinance No. 3670 be read for the second time by title only and be passed and adopted." The title to the following ordinance was read:

1702 ORDINANCE NO. 3670:
 Amend Zone AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK
 Map to AMENDING THE ZONE MAP TO ELIMINATE THE R-1-E
 Eliminate RESIDENTIAL ESTATE ZONE.
 The R-1-E
 Residential Zone

Adopted The ordinance was adopted by the following vote:

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

Ordinance Submitted It was moved by Ms. Murphy and seconded by Mr. Campbell that "Ordinance No. 3671 be read for the second time by title only and be passed and adopted." The title to the following ordinance was read:

804-5 ORDINANCE NO. 3671:
 Proposed AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK
 Community ADDING ARTICLE 20 TO CHAPTER 14 OF THE BURBANK
 Facilities District MUNICIPAL CODE RELATING TO PUBLIC SERVICES AND
 No. 2005-1 IMPROVEMENT FINANCING.

Adopted The ordinance was adopted by the following vote:

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

5/31/05

Absent: Council Member Ramos.

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

Citizen Comment Appearing to comment were: Paul Dyson, on the Maglev presentation; Theresa Karam, on the deposition costs in the case of Karam v. City of Burbank; Michael Garcia, announcing a National Trails Day event; Esther Espinoza, on appointments to boards, commissions and committees; and, Mike Nolan, on the Airport Authority bus purchase.

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 10:47 p.m.

Margarita Campos, CMC
City Clerk

APPROVED AUGUST 30, 2005

Mayor of the Council
of the City of Burbank