

TUESDAY, DECEMBER 6, 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 4:41 p.m. by Mr. Vander Borgh, Mayor.

CLOSED SESSION

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

Oral Communications There was no response to the Mayor's invitation for oral communications on Closed Session matters at this time.

4:42 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 potential defendant):  
Pursuant to Govt. Code §54956.9(b)(1)  
**Number of potential case(s): 1**
- b. Conference with Legal Counsel – Existing Litigation:  
Pursuant to Govt. Code §54956.9(a)  
**Name of Case:** Nancy Chan v. City of Burbank  
**Case No.:** EC040714  
**Brief description and nature of case:** Plaintiff claims she tripped on sidewalk at 4000 Riverside Drive.
- c. Conference with Labor Negotiator:  
Pursuant to Govt. Code §54957.6  
**Name of the Agency Negotiator:** Management Services Director/Judie Sarquiz.  
**Name of Organization Representing Employee:**  
Represented: Burbank City Employees Association, Burbank Management Association, International Brotherhood of Electrical Workers; Unrepresented, and Appointed Officials.  
**Summary of Labor Issues to be Negotiated:** Contracts and Retirement Issues.
- d. Conference with Legal Counsel – Anticipated Litigation (City as possible plaintiff):  
Pursuant to Govt. Code §54956.9(c)  
**Number of potential case(s): 1**

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Regular Meeting Reconvened in Council Chambers      The regular meeting of the Council of the City of Burbank was reconvened at 6:45 p.m. by Mr. Vander Borght, Mayor.

Invocation      The invocation was given by Senior Executive Pastor Rick Durrance, Emmanuel Church.

Flag Salute      The pledge of allegiance to the flag was led by Don Farquhar.

ROLL CALL

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

Absent - - - -      Council Members None.

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

301-1 Pearl Harbor Day      Mayor Vander Borght presented a proclamation in memory of Pearl Harbor Day to Don Farquhar, Veterans Commemorative Committee.

301-1 Recognition of Fred Baltau      Mayor Vander Borght presented a posthumous Certificate of Recognition to Fred Baltau in appreciation of his efforts as a mentor and coach to children, and his positive impact on the community. The certificate was received by Mr. Baltau's widow, Patricia.

406 Airport Authority Meeting Report      Commissioner Brown reported on the Airport Authority meeting of December 5, 2005. He stated that the Authority approved: an update study for improvements to the high voltage electrical distribution system to include additional standby generator capability; and, Amendment No. 1 to the Passenger Facility Charge (PFC) application Number 6, and a new PFC application No. 7 to complete Airport projects, noting that all projects are in conformance with the Airport Development Agreement. He also reported that the Authority had no discussion on Assembly Bill 556 which has been placed on hold, noting that the bill is only applicable to Los Angeles International Airport and does not affect any other airports in the State.

7:13 P.M.      The Council noted and filed the report. Mayor Vander Borght stated that "this is the time and place

Continued  
Hearing  
1702  
PD 2004-64  
Fairfield  
Properties –  
Empire and  
Buena Vista

for the continued hearing on Planned Development No. 2004-64 on the Development Agreement; General Plan Amendment; Development Review; Tentative Tract Map No. 61361; and, Mitigated Negative Declaration concerning the Fairfield Residential Project. Crown Fairfield Associates, LLC, is the Owner/Applicant of the proposed project which will be located at 1935 North Buena Vista Street. Public testimony was taken on November 1, 2005 and the matter was continued to this evening.”

Meeting  
Disclosures

There were no meeting disclosures.

Staff  
Report

Mrs. Forbes, Deputy City Planner, Community Development Department, reported that at the previous public hearing, the Council requested changes to the design of the project and continued the hearing to review the revised plans. She added that specifically, the Council requested that: the setback along Empire Avenue be increased to 15 feet; all structures along Buena Vista Street including the parking structure have a minimum setback of 10 feet; and, the parking structure and sound wall have a five-foot setback along the railroad right-of-way. She noted that a portion of the sound wall, 60-feet long, is at the property line due to the location of a box culvert. She also stated that the Council required that: two parking spaces for each unit be provided in addition to guest spaces; tandem parking be permitted only for units not wide enough for a standard two-car garage; and, noted that as a result of the changes to the setbacks and the parking requirements, the project has been reduced to 276 units. She also reported that 36-inch box canary pine trees will be planted along the rear wall facing the rail road right-of-way; a green screen will allow for a planting to vine; improved landscaping will be provided along Empire Avenue; and, the bus stop will be relocated within the property line to provide more sidewalk area and allow for enhancing the surrounding landscape. She added that a Condition of Approval has been added requiring that the landscape plan come back to the Council for approval prior to building permit issuance.

Mrs. Forbes also noted that staff provided the Council with information on pursuing measures to limit noise from trains and train horns and requested that the Council approve the project as modified.

Council  
Deliberation

Mr. Barlow, City Attorney, stated that the changes presented

are within the bounds of the Council's discussion at the previous public hearing and additional public testimony was not warranted.

Mr. Golonski inquired as to whether the median on Buena Vista Street would be installed prior to the project's completion to restrict left turns from the project onto Buena Vista Street or left turns from northbound Buena Vista Street into the project. Mr. Johnson, Assistant Public Works Director/Traffic Engineer, stated that staff's initial traffic evaluation did not deem it necessary at this time to install a median to prevent the left turns, but noted that a median from a safety grant application will probably be installed prior to the project's completion. Mr. Vander Borgh inquired as to whether it would be reasonable to request the developer to fund the extension of the median if necessary and Mr. Johnson concurred.

Mr. Campbell noted that the new plans indicated that some homes may be exposed directly to train noise and inquired as to whether mitigation can be included for the establishment of a quiet zone and whether the developer may be willing to pay for the associated costs. Mrs. Forbes stated that staff did not deem it necessary to include the quiet zone as a mitigation measure, but noted that the applicant was willing to contribute \$75,000 towards the cost of installing wayside horns, although not required by the Conditions of Approval.

Mrs. Ramos requested clarification on the cost of the wayside horns, expressed preference for the quiet zone alternative as opposed to the wayside horns and inquired as to whether the applicant would be amenable to contributing the \$75,000 towards the quiet zone as well.

Jim O'Neil, Crown Realty & Development, stated that the applicant is willing to offer up to \$75,000 for the mitigation, noting that the project is making several non-required mitigations in addition to the reduction in the number of units.

Mr. Golonski stated the offer is generous for mitigating an issue that is not created by the project. Mr. Vander Borgh and Mrs. Ramos concurred.

Mr. Campbell noted the potential to create a future problem by approving a project in close proximity to the railroad. He requested that the Council consider eliminating one affordable housing unit to achieve the quiet zone mitigation. Mr. Vander

Borghht and Mrs. Ramos concurred.

Mr. Golonski noted his preference for the quite zone over the wayside horns, but stated he would rather provide affordable housing and other means be sought to finance the quite zone.

Mr. O'Neil stated that funding the quite zone mitigation would equate to a reduction of a minimum of three affordable units. He also stated that upon completion, the project would have an assessed value in excess of \$100 million and suggested that the tax increment funds to the Redevelopment Agency be used to fund the quite zone.

Mrs. Georgino, Community Development Director, informed the Council that the Redevelopment Agency has already bonded close to its maximum bonding capacity for the Golden State Redevelopment Project Area and that the bonds are part of the merged bonds for the City Center, Golden State and South San Fernando redevelopment project areas with several competing priorities such as Burbank Boulevard and Magnolia Park improvements, among others.

Mr. Vander Borghht expressed support for eliminating up to three affordable housing units to achieve the quite zone mitigation. Mr. O'Neil clarified that with the project reduction, the affordable units were decreased from 30 to 28 and will further be reduced to 25.

Mrs. Ramos expressed support.

Mr. Vander Borghht summarized the Council's direction that staff work with the general guidelines to craft the necessary language, noting that the majority of the Council is in support of the project funding the cost of implementing a quite zone at the intersection of Buena Vista Street and Vanowen Street at the expense of reducing the affordable units.

Motion

It was moved by Mrs. Ramos and seconded by Mr. Campbell that "the following resolutions be passed and adopted and the ordinance be introduced with the changes discussed:"

1702

RESOLUTION NO. 27,126:

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Adopt Neg. Dec. For PD 2004-64 (Fairfield Project) A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADOPTING A MITIGATED NEGATIVE DECLARATION FOR PLANNED DEVELOPMENT NO. 2004-64, A DEVELOPMENT AGREEMENT, GENERAL PLAN AMENDMENT, DEVELOPMENT REVIEW, AND TENTATIVE TRACT MAP NO. 61361 (Fairfield Residential Project – 1935 North Buena Vista Street, Crown Fairfield Associates, LLC, Applicant).

1702 Approve PD 2004-64 and Dev. Agmt. (Fairfield Project) AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING PLANNED DEVELOPMENT ZONE NO. 2004-64 AND APPROVING THE DEVELOPMENT AGREEMENT FOR PLANNED DEVELOPMENT NO. 2004-64 (Fairfield Residential Project – Crown Fairfield Associates, LLC, Applicant).

1702 Approve GPA, DR and Tentative Tract Map No. 61361 (Fairfield Project) RESOLUTION NO. 27,127:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A GENERAL PLAN AMENDMENT, DEVELOPMENT REVIEW, AND TENTATIVE TRACT MAP NO. 61361 (Fairfield Residential Project – 1935 North Buena Vista Street, Crown Fairfield Associates, LLC, Applicant).

Adopted The resolutions were adopted and the ordinance introduced by the following vote:

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

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

Initial Open Public Comment Period of Oral Communications 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: Eden Rosen, on increased scams during the holiday season; Don Elsmore, on the Airport Noise Variance and in support of purchasing buses for the Burbank Transportation Service; Irma Loose, on compensation for Airport Commissioners; Vi Lasky, in support of purchasing buses for the Burbank Transportation Services; Mike Nolan,

	on grade separations; Esther Espinoza, on the Crown/Fairfield Project; and, Ron Vanderford, in support of a candidate in the 2006 Special Election.
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 purchase of buses for the Burbank Transportation Service were: Eden Rosen; Vi Lasky; Mary Brady; Johnny Gonzales; Howard Rothenbach; and, Esther Espinoza, who also commented on the Crown/ Fairfield Project and the Robert Gross Park renovation project. Also appearing to comment were: Don Elsmore, on a previous Airport Authority meeting; Ron Vanderford, on Airport traffic counts; and, Mike Nolan, on the Comprehensive Annual Financial Report.
Staff Response	Members of the Council and staff responded to questions raised.
Motion	It was moved by Mr. Golonski and seconded by Mr. Campbell that "the following items on the consent calendar be approved as recommended."
Minutes Approved	The minutes for the regular meetings of November 1, November 8 and November 15 were approved as submitted.
804-1 Annual Adj. to the Dev. Impact Fee Schedule	A report was received from the Community Development Department, stating that Ordinance No. 3340, which establishes procedures for adoption of certain Development Fees in compliance with the provisions of the Government Code, mandates the adjustment of these fees by a percentage equal to the construction cost inflation rate for the prior year as determined on December 1 of each calendar year. The report stated that the Development Impact Fees are adjusted using the Construction Cost Index as published in the Engineering News-Record. It was also noted that this year, the increase in construction costs is 4.3 percent, based on the latest data

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available by the Engineering News-Record in November 2005.

The Council approved the adjustment to the Development Impact Fees in accordance with the current Construction Cost Index as required by Ordinance 3340.

802-4  
Fiscal Year  
2004-05 CAFR

A report was received from the Financial Services Department, stating that the Council engaged an independent certified public accounting firm, Conrad and Associates, to perform the annual audit of the City and its component units. It was noted that the results of the audit performed are formally published in the Comprehensive Annual Financial Report (CAFR).

The report indicated that the CAFR will be submitted to the Government Finance Officers' Association (GFOA) for an annual national achievement award which the City has received for 21 consecutive years. It was also noted that the CAFR is sent out to numerous financial institutions in order to comply with various financial and subsequent bond disclosure requirements.

The Council noted and filed the report.

1301-3  
Robert Gross  
Park Picnic  
Facility (BS  
1203)

RESOLUTION NO. 27,128:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND ADOPTING CONTRACT DOCUMENTS, PLANS AND SPECIFICATIONS, AND DETERMINING THE LOWEST RESPONSIBLE BIDDER, ACCEPTING THE BID, AND AUTHORIZING EXECUTION OF A CONTRACT TO VIDO SAMARZICH, INC., FOR THE ROBERT GROSS PARK PICNIC FACILITY PROJECT, BID SCHEDULE NO. 1203.

1601-1  
Trans. Agmt.  
For Beachwood  
Enhanced  
Bikeway

RESOLUTION NO. 27,129:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE AMENDMENT TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AGREEMENT FOR THE BEACHWOOD ENHANCED CLASS III BIKEWAY.

804-3  
907

RESOLUTION NO. 27,130:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2005-2006 BUDGET FOR THE PURPOSE OF APPROPRIATING STATE CITIZEN'S OPTION FOR PUBLIC SAFETY PROGRAM GRANT FUNDS IN THE AMOUNT OF \$154,012 AND PREVIOUS GRANT FUNDS IN THE AMOUNT OF \$158,925.97 FROM THE STATE OF CALIFORNIA.

1301-3

RESOLUTION NO. 27,131:



Burbank Landfill No. 3 Phase II-B Liner Installation (BS 1194) A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND ADOPTING CONTRACT DOCUMENTS, PLANS AND SPECIFICATIONS, AND DETERMINING THE LOWEST RESPONSIBLE BIDDER, ACCEPTING THE BID, AND AUTHORIZING EXECUTION OF A CONTRACT TO SUKUT CONSTRUCTION INC., FOR PHASE II-B LINER INSTALLATION, BURBANK LANDFILL NO. 3; BID SCHEDULE NO. 1194.

Adopted The consent calendar was adopted by the following vote:

Ayes: Council Members Campbell, Golonski, Ramos and Vander Borcht.

Noes: Council Members None.

Absent: Council Members None.

8:47 P.M. Mr. Campbell left the meeting at this time due to a potential conflict with the decision on whether or not to purchase compressed natural gas-powered buses.  
Mr. Campbell  
Left the Meeting

1502 Mr. Carrasco, Transportation Services Supervisor, Park, Recreation and Community Services Department, requested Council approval to amend the Fiscal Year (FY) 2005-06 budget to appropriate \$326,325 from Fund 532 for the purchase of seven Burbank Transportation Service (BTS) buses. He recounted that in FY 2003-04, it was determined that a longer life was possible for the seven BTS buses based on vehicle usage at that time; however, during FY 2004-05 and continuing into FY 2005-06, these vehicles have served as back-up buses for the seven compressed natural gas (CNG) media district shuttle buses which have experienced excessive downtime due to warranty repair issues. He noted that the additional use of the buses has placed an unexpected burden on the vehicles which are now experiencing significant mechanical problems. He reported that the average mileage for each BTS bus is currently 120,000 miles, and it is very unlikely that they will last another year without expensive engine and transmission repairs. He noted that because the useful lives of these buses were extended beyond their original replacement date of June 2005, the necessary capital to replace them has already been collected, and no additional funds are needed.

Mr. Carrasco informed the Council that in August 2005, the Transportation Task Force discussed the matter and supported replacing the buses with either gasoline or CNG buses during FY 2005-06. He added that it was also strongly recommended that the entire fleet have a uniform look which will require all of the transportation vehicles, including BTS, to be repainted. He

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reported that in October 6, 2005, the City issued a Request for Quotations for both gasoline-powered and CNG-powered buses. He stated that the RFQ closed on November 1, 2005, and three bids were received from: Bus West Corporation; Creative Bus Sales; and, A-Z Bus Sales. He explained that the gasoline bus bids ranged in price from \$55,189 to \$62,237.36 per bus, or \$386,323.04 to \$435,661.54 for all seven buses compared to the CNG bids which ranged from \$77,272 to \$81,956.82 per bus, or \$540,904.04 to \$573,697.75 for all seven buses. He noted that the incremental cost for the CNG option ranges from \$19,720 to \$22,083 per bus, or \$138,036 to \$154,581 for all seven buses.

With regard to seating capacity, Mr. Carrasco reported that the lowest bidder, Bus West, will provide the largest seating capacity at 21 seats in a gasoline bus, with the other two bidders providing 19 and 20 seats. He noted that two of the three bidders were only able to propose a CNG bus with a seating capacity of 12 passengers due to weight restrictions, with the third and highest bidder proposing a 15-passenger CNG bus. He noted that BTS vehicles are first responders in the event of disasters and expressed concern that in the event of a natural disaster, the CNG fueling station may go off-line which would prevent these vehicles from operating. He added that gasoline would be a much easier fuel to acquire, such as through possibly siphoning gasoline from one vehicle into another in order to remain operational. He noted that the City is considered a non-tax-paying entity and therefore unable to take advantage of the tax credit allowed by the Energy Policy Act of 2005, which was passed in August 2005.

Mr. Golonski expressed preference for the CNG option, but noted that the option would further delay the purchase of the buses and may significantly impact the BTS program.

Mrs. Ramos also expressed preference for the CNG option but approved of the purchase of gasoline vehicles at this time, considering the issues associated with the CNG option.

Mr. Vander Borcht elaborated on the considerations of the Transit Task Force and stated that based on the seating capacity, weight of the vehicles, usage of the vehicles and size of the residential streets, the gasoline-bus benefits far outweigh the CNG option.

9:08 P.M.

Following a determination to purchase gasoline buses, Mr.

Mr. Campbell Returned to the Meeting Campbell returned to the Council Chamber to discuss the appropriation matter.

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

1502 Purchase of Seven Transportation Buses RESOLUTION NO. 27,132:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2005-2006 BUDGET AND APPROPRIATING FUNDS IN THE AMOUNT OF \$326,325.00 FOR THE PURCHASE OF SEVEN REPLACEMENT BURBANK TRANSPORTATION SERVICE BUSES.

Adopted The resolution was adopted by the following vote:  
Ayes: Council Members Campbell, Golonski, Ramos and Vander Borcht.  
Noes: Council Members None.  
Absent: Council Members None.

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.

301-2 Memorial Adjournment There being no further business to come before the Council, the meeting was adjourned at 9:16 p.m. in memory of Lois Wellington.

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Josephine Wilson  
Deputy City Clerk

APPROVED MARCH 28, 2006

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Mayor of the Council  
Of the City of Burbank