TUESDAY, FEBRUARY 21, 2006

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 5:05 p.m. by Mr. Vander Borght, Mayor.

CLOSED SESSION

Present- - - -Council Members Golonski, Gordon and Vander Borght.

Absent - - - -Council Members Campbell and Ramos.

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

Campos, City Clerk.

Oral

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

5:06 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:

Public Employee Performance Evaluation: Pursuant to Govt. Code §54957 and 54957.6

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 6:41 p.m. by Mr. Vander Borght, Mayor.

Invocation The invocation was given by Pastor Ron White, American

Lutheran Church.

Flag Salute The pledge of allegiance to the flag was led by Mr. Kramer,

Community Assistance Coordinator.

ROLL CALL

Present- - - -Council Members Campbell, Golonski, Gordon and Vander

Borght.

Council Member Ramos. Absent - - - -

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

Campos, City Clerk.

Reporting on Council Liaison Committees

Mayor Vander Borght read from a letter from Los Angeles Council Member LaBonge regarding the Glendale-Burbank Interceptor Sewer Project alignment.

Mr. Campbell stated that the Environmental Oversight Committee meeting was cancelled.

Mr. Golonski reported on the Mayor's Youth Task Force meeting.

Mayor Vander Borght reported on a meeting he attended with Ms. Alvord, City Manager, Mr. Herrmann, Assistant Community Development Director/Transportation and Planning, and the City of Glendale City Manager, Council Member Najarian and Mayor Manoukian, to discuss the possibility of supporting a member of the Glendale City Council to obtain a seat on the Metropolitan Transportation Authority for a four-year term. Mayor Vander Borght encouraged Burbank's support for Council Member Najarian.

406 Airport Authority Meeting Report

Commissioner Lombardo reported on the Airport Authority meeting of February 20, 2006. He reported that the Authority adopted a first amendment to the Fiscal Year 2005-06 budget in the amount of \$4,649,740; approved the 2006 Investment Policy; and, awarded contracts for Terminal A baggage claim facility improvements, the Maintenance Facility Paving Project and Remote Lot A site improvements-Phase I. He also reported that Alaska Airlines agreed to move its 6:50 a.m. flight to 7:00 a.m., effective the following week.

Mr. Campbell requested information on the hybrid-electric demonstration bus project.

Mr. Golonski requested a periodic update on the Part 161 Study efforts.

Mr. Vander Borght inquired as to whether the Airport Authority is receiving reports from the Noise Working Group. He requested the Airport Authority's support in making the Noise Working Group as effective as possible.

The Council noted and filed the report.

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

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: Raymond and Betty Schley, on parking issues in Magnolia Park; Eden Rosen, on music lessons in multi-family residences; Mark Barton, on electronic signage; John Paramo, Marissa Gehley-Rosoff and Doug Berry, in support of counseling programs at Burbank Unified School District campuses; Sue P., Mary Schindler, Stan Hyman, Mary Whittle, Denise Sheehy, Dan Moore, LaVerne Thomas and Nichola Ellis, on the Glendale-Burbank Interceptor Sewer (GBIS) Project alignment: Michelle Feather, congratulating Dr. Gordon; Irma Loose, requesting a copy of the proposed fence regulations; Phil Berlin, on traffic issues and the GBIS alignment; Rose Prouser, on improvements needed at the Tuttle Center; Mark Stebbeds, congratulating Dr. Gordon and commenting on voter turn-out; Tony Church, on a meeting of the Magnolia Park Community Advisory Committee; David Piroli, on Airport issues; Gina Recchia, Matt Kelly, Ayerim Salgado and Kimberly Navarro, in support of funding for the Close-Up Program; James Schad, on the Magnolia Boulevard repaving project; Dink O'Neal, on the art installation at Victory and Burbank Boulevards and on electronic signage; and, Esther Espinoza, on funding for grade separations at railroad crossings.

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 were: Don Elsmore, on Airport issues and in opposition to the one-way pair operation along Chandler Boulevard; Mark Barton, on electronic signage and the art installation at Victory and Burbank Boulevards; Lew Stone, President, Burbank Firefighters Local 778, in support of the proposed Post Employment Health Plan (PEHP); Michelle Feather, in support of the proposed PEHP; Mark Modrow, in support of the Magnolia Park Property-Based Business Improvement District (PBID); Stan Hyman, showing a videotape of prior comments he made on Airport issues and on City employee retirement medical benefits; Molly Hyman, on Airport issues; Phil Berlin, in opposition to the one-way pair operation on Chandler Boulevard and on Airport issues; Carolyn Berlin, showing a videotape of a previous Planning Board proceeding, the density bonus agreement and the

review of entitlements; Rose Prouser, on the density bonus agreement, on upcoming projects, the Magnolia Park PBID, and the difference between building apartments and condominiums; Esther Espinoza, on the construction of quiet zones and the art installation at Victory and Burbank Boulevards; Bob Olson, on the one-way pair operation on Chandler Boulevard; Mark Stebbeds, on the one-way pair operation on Chandler Boulevard and on Airport issues; Howard Rothenbach, on the density bonus agreement, electronic signage and the art installation at Victory and Burbank Boulevards; David Piroli, on the density bonus agreement, quiet zones and the one-way pair operation on Chandler Boulevard; Dink O'Neal, on the one-way pair operation on Chandler Boulevard; and, LaVerne Thomas, on tracking of land use entitlements and the Chandler Bikeway.

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

9:25 P.M. Dr. Gordon Left the Meeting Dr. Gordon left the meeting at this time due to a potential conflict.

Jt. Mtg. with Redev. Agency 1202-6 Magnolia Park Business Imp. District Mr. Lynch, Senior Redevelopment Project Manager, Community Development Department, reported that in September 2004, the Council approved an Action Plan for the Magnolia Park area. He noted that the Action Plan calls for including: parking improvements; many improvements, marketing; promotions and events; and, additional street maintenance. He stated that many of these improvements were proposed to be funded by establishing a Property-Based Business Improvement District (District).

Mr. Lynch informed the Council that over 30 property-owner meetings were conducted to develop a draft Management Plan (Plan) for the proposed District, including three large group meetings, as well as small group and one-on-one meetings. He identified that the Plan outlines the proposed District boundary, which includes the commercial properties along Magnolia Boulevard and Hollywood Way bounded by Chandler Boulevard to the north, Clark Avenue to the south, the City limits to the west and Buena Vista Street to the east. He added that the Plan proposes a budget of \$250,000 per year for a five-year period with a maximum three percent increase per year; an assessment of \$0.12 per lot square footage plus

\$0.05 per building square footage in Zone 1; and, an assessment of \$0.06 per lot square footage and \$0.025 per building square footage in Zone 2, which is located along Magnolia Boulevard between Pass Avenue and the North Hollywood border, due to less services and reduced benefits to this area.

Mr. Lynch reported that parking improvements were the greatest concern cited by property owners, and stated that the current street improvements on Magnolia Boulevard will be completed the following week. He also reported that staff will be presenting the Community Church shared parking agreement to add 40 new parking spaces in the area, in addition to 16 diagonal on-street parking spaces. noted staff's current negotiations with the Los Angeles Department of Water and Power to lease the property below their power transmission lines located between Kenwood and Maple Streets, to add an additional 25 spaces between Magnolia Boulevard and the alley to the north, and 18 spaces north of the alley. He stated that the parking lot is estimated to cost \$775,000 and that the City and Redevelopment Agency will provide the matching funding to construct the parking lot. He then discussed a parking study conducted which indicated that during peak times, about half of the available parking in Magnolia Park is not being utilized due to the parking being on private lots.

Mr. Lynch also noted another concern relayed by the property owners related to the ficus trees which require constant sweeping, stain sidewalks and whose roots tear up the sidewalks. He stated that the property owners recommended an incremental process of replacing these trees and requested Council direction for staff to work with the Magnolia Park Citizens Advisory Committee on a feasible plan.

Mr. Lynch discussed that the first step in the formation of the District is that at least 50 percent of the property owners, based on assessment, sign a petition supporting its creation. He stated this is followed by a vote of the property owners, and then approval of the District by the Council.

Mr. Golonski requested clarification with staff's recommendation regarding the \$775,000 parking lot construction cost. He was supportive of any efforts undertaken to increase parking in Magnolia Park but noted the high cost, and stated his preference for participation by the District.

Mr. Vander Borght noted that this area is an integral part of the City and emphasized the need to improve parking in the Magnolia Park area. He noted that while the cost is high, it is a good use of redevelopment dollars.

Motion Failed

It was moved by Mr. Golonski that staff be directed to proceed with the District formation process and bring back additional information on the potential of the Los Angeles Department of Water and Power parking lease and a proposed matching fund investment for the Magnolia Park area. Motion failed due to lack of a second, which was withdrawn by Mr. Campbell.

Mr. Campbell noted that the Magnolia Park area is in close proximity to residential uses and requested that the District proactively pursue neighborhood protections.

Mr. Vander Borght expressed preference for staff proceeding with the Los Angeles Department of Water and Power parking lease negotiations.

Motion Failed

It was moved by Mr. Campbell, seconded by Mr. Vander Borght and failed with Dr. Gordon and Mrs. Ramos absent and Mr. Golonski voting no that "staff be directed to proceed with the District formation process and the Los Angeles Department of Water and Power parking lease as a proposed matching fund investment for the Magnolia Park area."

Motion

It was moved by Mr. Campbell, seconded by Mr. Golonski and carried with Dr. Gordon and Mrs. Ramos absent that "staff be directed to proceed with the District formation process and report back on the Los Angeles Department of Water and Power parking lot lease agreement."

10:02 P.M. Dr. Gordon Returned to the Meeting

Dr. Gordon returned to the meeting at this time.

Item Removed From Consent Agenda

The item regarding the Approval of Final Tract Map No. 62657 – 300 East Providencia Avenue was removed from the Consent Agenda for the purpose of discussion.

Motion

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

412 Close-Up Program

A report was received from the City Manager's Office stating that each year, the Council includes as part of its budget, \$20,000 to sponsor the participation of local high school students in the Close-Up Program in Washington, D.C. The funds are divided equally among participating students and eligibility applies only to participants who are both Burbank residents and attend a high school located in Burbank.

Staff indicated that this year, Burbank and Burroughs High Schools expected to send nine students and twelve students, respectively, to the Close-Up Program from March 26 to April 1, 2006 at an estimated cost of \$1,634 per student; Providence High School expected to send eight students from February 19 to 25, 2006 at an estimated cost of \$1,549 per student; and, Bellarmine-Jefferson expected to send ten students from February 19 to 25, 2006 at an estimated cost of \$1,404 per student. It was stated that with an expected total of 39 students attending the Close-Up Program, the City's \$20,000 contribution will provide approximately \$512 to each participant.

The Council approved a contribution totaling \$20,000 to eligible students from Burbank, Burroughs, Providence and Bellarmine-Jefferson High Schools to partially offset the cost of the Close-Up Program.

1011-2 Approval of a PEHP for the BFF

RESOLUTION NO. 27, 174:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AN EMPLOYER PARTICIPATION AGREEMENT BETWEEN THE CITY OF BURBANK AND NATIONWIDE RETIREMENT SOLUTIONS FOR THE POST EMPLOYMENT HEALTH PLAN (PEHP) FOR THE BURBANK FIRE FIGHTERS (BFF) LOCAL 778.

804-3 Mayor's Youth Task Force High School Grant

RESOLUTION NO. 27,175:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE MAYOR'S YOUTH TASK FORCE RECOMMENDATION TO APPROPRIATE \$25,000 FROM THE YOUTH SERVICES HOLDING ACCOUNT TO THE HIGH SCHOOL COUNSELING PROGRAM TO FUND HIGH SCHOOL COUNSELING PROGRAMS.

Adopted

The consent calendar was adopted by the following vote:

Ayes: Council Members Campbell, Golonski, Gordon and

Vander Borght.

Noes: Council Members None. Absent: Council Member Ramos.

1204-1 Approval of Final Tract Map No. 62657— 300 East Providencia A report was received from the Public Works Department requesting Council approval of Final Tract Map No. 62657, a three-lot subdivision totaling 26,931 square feet located at 300 East Providencia Avenue. The property is in the R-4 Residential Multiple Medium Density Zone and is owned by Villa Court, LLC, a California Limited Liability Company. It was stated that on May 17, 2005, through Administrative Use Permit No. 2005-25, the property owner requested City approval to convert its existing 32-unit apartment structure over three lots, to a one-lot, 32-unit residential condominium with a subterranean parking garage. Final Map No. 62657 finalizes the condominium subdivision.

Staff indicated that all requirements of the State Subdivision Map Act have been met. It was further stated that according to the State Subdivision Map Act and the provisions of the Burbank Municipal Code, the Council must approve Final Map No. 62657 if it conforms to all the requirements. If such conformity does not exist, the Council must disapprove the map at the meeting it receives the map, or at its next regular meeting. If the Council has not authorized an extension to allow more time to disapprove the map, and the map conforms to all requirements, the map shall be deemed approved by operation of law.

Dr. Gordon expressed concern with the lack of the tract map and a copy of the Conditions of Approval as supplements to the staff report.

Motion

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

1204-1 Approval of Final Tract Map No. 62657 – 300 East Providencia Ave.

RESOLUTION NO. 27,176:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK PAPPROVING FINAL MAP OF TRACT NO. 62657 (300 East – Providencia Avenue).

Adopted

The resolution was adopted by the following vote:

Ayes: Council Members Campbell, Golonski and Vander

Borght.

Noes: Council Member Gordon. Absent: Council Member Ramos.

10:17 P.M. Recess The Council recessed to permit the Parking Authority to hold its meeting. The Council reconvened at 10:21 p.m. with the same members present.

1208 906 Density Bonus Affordable Hsng. Agmt – 1241, 1245, 1301 and 1305 N. Hollywood Way

Mrs. Forbes, Deputy City Planner, Community Development Department, presented a request by Dan Moore, Trustee for Cheyenne Mission Trust, to enter into a density bonus affordable housing agreement with the City. She reported that in May 2005, a Development Review application was submitted to construct a 35-unit, three-story, multi-family project at 1241, 1245, 1301 and 1305 North Hollywood Way. She added that the application was deemed complete on June 15, 2005, and as such, the development was subject to the old multi-family development standards. She noted that the property is zoned R-4 and a maximum of 29 units may be built on the 22,000-square foot property. She added that the applicant also requested a 20 percent density bonus in accordance with the State density bonus law, in exchange for providing ten percent affordable units. She noted that a total of 35 units would be constructed and three units would be available for rent to low-income households.

Mrs. Forbes informed the Council that if a project meets all other Codes, the City must approve the density bonus proposal. She noted that according to State law, the developer is providing the requisite number of low-income units to receive the bonus. She also added that the developer may request certain concessions with the density bonus project; however, the developer has not requested any concessions but the allowable reduction in parking. She stated that the Burbank Municipal Code requires 74 spaces and the developer has proposed 68 spaces, which is six spaces short, with no tandem parking. She noted that the allowable parking shortfall per State law is 18 spaces, and all parking spaces could be in tandem.

Mrs. Forbes reported that since the project complies with State regulations, the City must grant the density bonus. She noted that the agreement ensures three units of the project will meet the affordability limitations for a minimum of 30 years. She recommended the Council approve the agreement.

Following Council deliberation, the item was postponed to February 28, 2006, and staff was directed to retain the services of outside legal counsel to provide a legal opinion on the density bonus law.

506 Regulation of Electronic Signage Ms. Steinkruger, Assistant Planner, Community Development Department, reported that on March 1, 2005, a brief summary was presented regarding the City's regulation of blinking and flashing signage. She added that staff was directed to return with a report on issues related to the regulation of electronic signage. She reported that the Burbank Municipal Code (BMC) generally prohibits signs that blink, flash, move or regularly change, excluding holiday decorations and signs indicating time and/or temperature. She also added that electronic message boards are permitted for hotels with 250 rooms or more. She noted that the BMC does not place restrictions on the type of technology; therefore, the installation of electronic message or light emitting diode (LED) signs that could be programmed to have blinking or flashing elements would be permitted, contrary to BMC provisions.

Ms. Steinkruger noted that even without blinking or flashing, electronic message and LED signs have a negative aesthetic impact and may be considered a distraction to drivers. She recommended that the Sign Ordinance be amended to remove any ambiguity regarding electronic signs and the manner in which they are permitted.

It was the Council's recommendation to ban all electronic signage in the City with a provision for a variance procedure.

Mr. Vander Borght clarified that the ban was not applicable to use of such signs for public purposes such as information on road conditions, or high schools and other public service facilities where the signs currently exist or where their need may exist in the future.

Item postponed Art Installation At the Intersection Formerly Known As Five Points

Mr. Vander Borght requested that the item regarding the Art Installation At The Intersection Formerly Known As Five Points be postponed to March 14, 2006. The Council concurred.

1402 Chandler Blvd. One-Way Pair Operation Mr. Johnson, Assistant Public Works Director/Traffic Engineer, reported that the Council directed staff to investigate the potential of modifying the existing traffic operation on Chandler Boulevard from two bi-directional streets to a one-way pair operation between Mariposa Street and Pass Avenue. He noted that a preliminary analysis indicated that Chandler Boulevard is a fairly low-volume street and the intersecting streets are also fairly low-volume, with the exception of the major intersections at Buena Vista Street and Hollywood Way. He reported that the majority of the accidents occur at the major intersections and the few wrong-way type of accidents will be decreased by a one-way operation. Generally, he stated that the street does not have a high prevalence of accidents.

Mr. Johnson noted that the major change with the one-way operation is a significant reduction in delay and associated pollution at the major intersections, making it a more efficient operation; however, the street would not be made any safer.

Staff was directed to monitor the situation for six months and return with an update.

1702 PD 99-4 Marriott Residence Inn Mr. Baker, Deputy City Planner, Community Development Department, reported that on February 7, 2006, the Council considered the first reading of the ordinance for Planned Development No. 99-4 and requested additional criteria to be incorporated into the Conditions of Approval for: a ten-foot setback on First Street and Verdugo Avenue; a ten-foot sidewalk on First Street and a seven-foot sidewalk on Verdugo Avenue; parking conditions to be monitored; and, staff to send a letter to the California Department of Transportation requesting allowance for additional landscaping on their property. He also stated that the applicant has submitted revised plans incorporating the criteria with the exception of the sidewalk on First Street which needs to be moved an additional six inches for compliance. He noted that the architect has provided assurance that the requirement will be satisfied. He then elaborated on the project's modifications and extent of the encroachments.

Dr. Gordon expressed further concern with the parking element of the project.

Ordinance Submitted It was moved by Mr. Golonski and seconded by Mr. Campbell that "Ordinance No. 3689 be read for the second time by title only and be passed and adopted." The title to the following ordinance was read:

1702

Amending PD 99-4 Marriott Residence Inn ORDINANCE NO. 3689:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING PLANNED DEVELOPMENT NO. 99-4 AND APPROVING THE DEVELOPMENT AGREEMENT FOR PLANNED DEVELOPMENT NO. 99-4 (MARRIOTT RESIDENCE INN – APPLICANT: OLSON REAL ESTATE GROUP, INC., DBA R.D. OLSON DEVELOPMENT COMPANY).

Adopted

The ordinance was adopted by the following vote:

Ayes: Council Members Campbell, Golonski and Vander

Borght.

Noes: Council Member Gordon. Absent: Council Member Ramos.

1704
Pilot Land Use
Entitlement
Verification
Program Status
Report

Mr. Hirsch, Assistant Community Development Director/License and Code Services, reported that during Fiscal Year (FY) 2005-06, the Council appropriated \$100,000 to conduct a six-month Pilot Land Use Entitlement Verification and Tracking Program. He stated that since the beginning of the program in August 2005, 100 cases, which represent 120 entitlements from the years 2002, 2001 and a portion of 2000 have been reviewed. He informed the Council that staff has found that 19 percent of the entitlements are non-compliant with one or more of their Conditions of Approval. He speculated that there is more opportunity for non-compliance as businesses and properties change ownership; therefore, the non-compliance level was expected to increase as the review continues to the 1990's, 1980's, 1970's etc.

Mr. Hirsch noted that staff is currently making preliminary budgetary plans for continued funding for this program for FY 2006-07. He recommended Council direction to continue the program as designed, with a focus on previous land use entitlements as opposed to current land use entitlements.

Mr. Golonski requested that future reports include more details on the nature of the violations.

Staff was directed to continue the program as designed, with a focus on previous land use entitlements as opposed to current land use entitlements. 1501-3 Funding Options for Quiet Zones

Mr. Johnson, Assistant Public Works Director/Traffic Engineer, reported that the Council directed staff to investigate the potential options for funding Quiet Zones in Burbank, including the use of Redevelopment Agency funds. He noted that the estimated cost of Quiet Zones on each track in Burbank is based on anticipated improvements and costs provided by Southern California Regional Railway Authority and design consultants in accordance with the Federal Railroad Administration (FRA) rules. He added that the facilities and equipment needed for a Quiet Zone can be quite costly; and, the approval process can require more than a year to complete, including project design, plan review and approval by the governing agencies.

Mr. Johnson responded to public comment with regard to the lack of unified standards and requirements, noting that all states abide by the Manual of Uniform Traffic Control Devices which includes railway grade crossings. He added that the FRA has specific standards for railway grade crossings that are uniform throughout the country. He also clarified that with the implementation of a Quiet Zone, the blinking red lights and bell would be maintained, which would aid impaired persons.

Mr. Johnson reported that most of the funding would be required for the Buena Vista Street and Vanowen Street crossing; noted that minimal improvements have been suggested for the grade crossing at Buena Vista Street and San Fernando Boulevard since the crossing will be grade-separated in the near future; and, minimal improvements without additional gates have been suggested at the Empire Avenue and Clybourn Avenue crossing since the FRA safety calculation indicates that the crossing is currently below the national safety risk threshold.

With regard to funding, Mr. Johnson reported that staff estimates approximately \$680,000 to \$700,000 is needed to implement the improvements necessary for a Quiet Zone. He provided several methods of funding the Quiet Zone, including pursuing State and Federal funding, grant funding, use of General Fund or Redevelopment Agency funding. He stated that only a portion of the funds are necessary for the design process at this time.

Motion

It was moved by Mr. Golonski, seconded by Mr. Campbell and

carried with Mrs. Ramos absent and Mr. Vander Borght voting no that "staff be directed to set aside \$680,000 from Redevelopment Agency funds to complete improvements to qualify for Quiet Zones, and to actively pursue grants."

12:41 A.M. Reconvene Redev. Agency and Parking Authority Meetings The Redevelopment Agency and Parking Authority meetings were reconvened at this time.

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 was Carolyn Berlin, on the City Attorney's response to comments made by a member of the public.

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

301-2 Memorial Adjournment There being no further business to come before the Council, the meeting was adjourned at 12:46 a.m. in memory of Amy Rebman.

Margarita Campos, CMC City Clerk

APPROVED APRIL 25, 2006

Mayor of the Council of the City of Burbank