

TUESDAY, FEBRUARY 28, 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 4:34 p.m. by Mr. Vander Borght, Mayor.

CLOSED SESSION

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

Absent - - - - Council Members None.

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

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

4:34 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: Burbank Management Association, Unrepresented and Appointed Officials.
Summary of Labor Issues to be Negotiated: Contracts and Retirement Issues.
- b. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):
Pursuant to Govt. Code §54956.9(b)(1)
Number of potential case(s): 1
- c. Conference with Legal Counsel – Anticipated Litigation (City as possible plaintiff):
Pursuant to Govt. Code §54956.9(c)
Number of potential case(s): 1
- d. 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 6:42 p.m. by Mr. Vander Borght, Mayor.

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Invocation The invocation was given by Pastor Paul Clairville, Westminster Presbyterian Church.

Flag Salute The pledge of allegiance to the flag was led by Kathryn Cerra.

ROLL CALL

Present- - - - Council Members Campbell (arriving at 7:06 p.m.), Golonski, Gordon, Ramos and Vander Borght.

Absent - - - - Council Members None.

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

301-1
Transit Task
Force Mayor Vander Borght presented Certificates of Recognition to the following Transit Services Task Force members: Mary Brady; Kathryn Cerra; Carolyn Jackson; Kathy Sanks; and, Council Member Campbell. He also recognized several staff members and the contribution of the late Rory Zipp.

301-1
Mayor's Cup
Charity Golf
Tournament Mayor Vander Borght presented a proclamation to Donna Anderson, President of the Burbank Sunrise Kiwanis Club, and Michael Caggiano, Event Chair, in recognition of the upcoming 2006 Mayor's Cup Charity Golf Tournament to be held on April 28, 2006.

GBIS Project
Alignment
Update Mayor Vander Borght requested that staff provide an update on the proposed hybrid alignment of the Glendale-Burbank Interceptor Sewer (GBIS) Project.

Mr. Andersen, Principal Civil Engineer, Public Works Department, reported that staff has received notice of a hybrid alignment, which combines portions of the south and north alignments of the proposed GBIS Project. He elaborated that the hybrid alignment follows Forest Lawn Drive until the Barham shaft site and goes north either along Clybourn Avenue, Rose Street or Pass Avenue up to Riverside Drive, where it connects with the north alignment into North Hollywood. He noted that pursuant to a request made to Los Angeles Council Member LaBonge by the Council, the comment period on the GBIS Draft Environmental Impact Report has been extended until March 31, 2006 at 5:00 p.m. He mentioned that staff is reviewing the hybrid alignment proposal and a detailed analysis will be provided at a later date.

Reporting on Council Liaison Committees	<p>Dr. Gordon reported on his participation in the Friends of the Burbank Library photo contest.</p> <p>Mrs. Ramos reported on the Ovrom Park Oversight Committee meeting she attended with Mr. Golonski.</p> <p>Mr. Golonski reported on the Peyton-Grismer Task Force meeting he attended with Mr. Vander Borght.</p> <p>Mr. Vander Borght reported on attending the Annual Ball-B-Que event and on his participation as a judge in the Annual Student Design Contest.</p>
7:18 P.M. Hearing 1211 Weed Abatement	<p>Mayor Vander Borght stated that "this is the time and place for the hearing on the confirmation of the itemized written report of the Agricultural Commissioner/Director of Weights and Measures for the County of Los Angeles regarding the abatement of nuisances by the removal of weeds, rubbish, refuse and dirt from certain real property pursuant to Resolution Number 27,169 of this Council."</p>
Notice Given	<p>The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that no written communications had been received.</p>
Staff Report	<p>A report was received from the Public Works Department requesting Council approval of a resolution ordering the abatement of nuisances caused by weeds and debris on private properties, authorizing an assessment for cost reimbursement to the County of Los Angeles and giving notice for subsequent weed and debris abatement, if required.</p> <p>Staff indicated that on February 14, 2006, the Council adopted Resolution No. 27,169 which declared weeds and debris on private properties a nuisance, requiring abatement. It was noted that written notice of the public hearing was mailed to each property owner declared in the resolution notifying them of the time and place for appeal. It was stated that the property owners may complete the abatement themselves or have the County of Los Angeles Weed Abatement Division clear their property. If the property is cleared by the County, the owner's Property Tax bill would be assessed for reimbursement for the cost incurred. It was indicated that there was no cost impact to the City's General Fund or the Redevelopment Agency budget for this program other than incidental administrative costs.</p>

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

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

1211 Weed Abatement RESOLUTION NO. 27,177:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ORDERING THE ABATEMENT OF NUISANCES IN THE CITY OF BURBANK AS CONTEMPLATED BY COUNCIL RESOLUTION NO. 27,169.

Adopted The resolution was adopted by the following vote:

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

7:20 P.M. Hearing 1702 Modifications to Fence Standards Mayor Vander Borght stated that "this is the time and place for the hearing on amending portions of the Zoning Code relating to development standards for fences, walls, hedges and other yard features."

Notice Given The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that 59 pieces of correspondence and a telephone log with 18 phone calls had been received.

Staff Report Mr. Forbes, Senior Planner, Community Development Department, requested the Council consider an ordinance establishing interim standards for fences, walls and hedges in residential zones. As a background, he stated that prior to 1967, the City permitted fences, walls and hedges up to four feet tall in front yards, and up to eight feet tall elsewhere on the property. No setback was required for street side yards, with eight-foot fences allowed up to the property line in street side yards. He reported that in 1967, the standards were changed and the front yard height limit was lowered to three feet. The eight-foot height limit was retained, but the side yard setback was applied to fences such that any fence or wall within the ten-foot street side yard could be no taller than three feet. He noted that the 1967 ordinance also created corner cutoff

requirements to ensure that driver visibility at corners was not impaired by structures, including fences and walls.

Mr. Forbes stated that the Municipal Code has traditionally focused on the height of fences and walls but has not addressed issues of design or materials. He added that enforcement of fence provisions has been, and continues to be, in response to complaints only, with no proactive enforcement. Further, he stated that there is generally no City permit or approval required for fences and most walls, which has led to inconsistent development patterns around the City, as fences and walls have been constructed over the years that do not meet Code standards. He stated that while addressing the City's fence standards has been considered for at least 15 years, no changes have been made since 1967.

Mr. Forbes reported that in August 2005, the Council held a public hearing to consider the proposed fence standards and directed staff to return with options for additional public participation in creating the standards. He stated that the Council also called for the creation of a Blue Ribbon Task Force that would work with staff and the community in developing new standards. He noted that subsequently, in response to the large number of pending complaints about fences, the Council directed staff in January 2006 to bring back a set of interim standards.

Mr. Forbes noted that the interim standards proposed by staff are based upon the standards previously considered by the Council. He reported that the intent of the standards is to provide additional flexibility for homeowners by allowing taller front yard fences and addressing arbors and other features that are present in many yards. He stated that by addressing such features, the proposed standards would be more consistent with existing development and would reduce the number of non-conforming fences. He also stated that the proposed tiered enforcement program would address the ongoing enforcement concerns and pending complaints.

Mr. Forbes informed the Council that the interim standards would be reviewed by the Blue Ribbon Task Force and that following review and additional public input, the Task Force would make recommendations to the Council on whether the interim standards should be adopted as permanent standards, and what changes should be made.

Mr. Forbes discussed that the proposed interim standards include the following provisions: the maximum height for front yards would increase from three to four feet. Any portion of the fence or wall higher than three feet would be required to be

of open design, such as wrought iron or picket fence; retaining walls within front yards would be limited to four feet in height per section, with a step-back requirement between each section. A garden wall or fence on top of a retaining wall would be limited to three feet and required to be of open design; hedges within 10 feet of a public right-of-way would be subject to the same height limitations as fences. Trees planted within 10 feet of a public right-of-way would have to be planted a minimum of eight feet apart; arbors and pergolas would be limited to a maximum size of eight-feet high, five-feet wide and two-feet deep, with no more than one feature per street frontage; fence and wall ornamentation would be limited to a maximum height and width of one foot. The features would be required to be separated by at least eight feet; standalone ornamentation would be limited to a maximum size of eight-feet high, five-feet wide and five-feet deep, with no more than two features per frontage; the maximum fence and wall height in street side yards would increase from three feet to six feet beginning at the rear of the house and extending to the rear property line; in single-family residential zones, height would be measured from the abutting ground surface while in multiple-family residential zones, height would be measured from both the abutting ground surface and the average grade of the lot. In front and street side yards, the maximum height would be four feet above average grade and five feet above the abutting ground surface. In other areas of the lot, the maximum height would be eight feet above average grade and 10 feet above the abutting ground surface; the existing corner cutoff provision for street and alley intersections would be retained, except that the height limitation would be increased from three feet to four feet. A new corner cutoff provision would be added for the intersections of driveways and sidewalks; two new discretionary permits would be created to allow for exceptions to the fence standards when certain findings can be made; and, enforcement of pre-existing fences and walls that do not conform to the interim standards would be held in abeyance when the fence or wall is six feet or less in height and determined not to pose a safety hazard.

Mr. Forbes reported that as directed by the Council, staff mailed over 22,000 letters to all single and multi-family property owners in the City describing the proposed standards and their intent. He added that letters were also mailed to all real estate brokers with a Burbank business permit. He then commented on other outreach efforts and the written correspondence received on the matter.

Citizen Comment	<p>Appearing to comment were: Barbara Weiss; Larry Marx; Margaret Sorthun; John Dincher; Sandy Dennis; Don Elsmore; Stan Smith; Lanie Miller; Deborah Andarsen; Dubroca Sylvie; Donna Stebbeds; Eden Rosen; Rance Howard; P.J. Masters; Barbara Buchanan; Tal Lancaster; Robert Magid; Rose Prouser; Mark Stebbeds; Carolyn Berlin; Phil Berlin; Irma Loose; Stan Hyman; Nichola Ellis; Mike Scandiffio; Mark Barton; David Piroli; Howard Rothenbach; Ken Hoaglund; LaVerne Thomas; Greg Bragg; Theresa Karam; Dink O'Neal; and, Molly Hyman.</p>
Hearing Closed	<p>There being no further response to the Mayor's invitation for oral comment, the hearing was declared closed.</p>
Staff Rebuttal	<p>Mr. Barlow, City Attorney, noted that additional written testimony was submitted to the Council by Robert Magid.</p> <p>Mr. Forbes responded to public testimony with regard to: permit requirements; corner cut-off provisions; availability of the staff report and fence standards; enforcement on existing trees; hedge standards; and, height of retaining walls and associated measurement standards.</p> <p>Mrs. Georgino, Community Development Director, responded to public comment with regard to enforcement procedures.</p>
Council Deliberations	<p>Following Council deliberation, the ordinance was introduced with the following amendments:</p> <p>Property owners shall not be required to pay a fee when appealing a denial of any application for Minor Fence Exception Permits or Major Fence Exception Permits;</p> <p>There shall be no height or spacing requirements on trees, bushes, hedges or other vegetation. However, trees, hedges and other vegetation shall be subject to the safety findings established for the abeyance of enforcement actions for non-conforming fences and walls;</p> <p>Yard features and ornamentation shall be allowed, and there shall be no limitation on the number or size of yard features and ornamentation;</p> <p>The fifth (5th) safety finding (i.e., finding "e") shall be deleted from Section 31-19202 regarding Enforcement Abeyance Provisions in Lieu of Fence Permits;</p>

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During any (i) enforcement action abeyance review, (ii) review of any application for a minor permit exception, or (iii) review of any application for a major fence exception permit for any non-conforming fence, wall, hedge or other feature, property owners shall have the opportunity to propose measures to mitigate or abate any safety concerns subject to Section 31-19202; and,

Finding No. 7 required for both Minor and Major Fence Exception Permits is modified to read as follows: The scale and proportion of the feature are consistent and compatible with structures on the same property and within the general area.

Additionally, the Council adopted the proposed Fee Resolution specifically providing that the permit fees for the Minor Fence Exception Permit and Major Fence Exception Permit shall be \$75 and \$150, respectively, for the first year following the effective date of the Ordinance, and that such fees shall thereafter be increased to \$150 and \$300 for Minor Fence Exception Permits and Major Fence Exception Permits, respectively.

The Council also directed that the application period for volunteers to serve on the Blue Ribbon Task Force on Fences, Walls and Landscaping be extended.

11:30 P.M.
Recess

The Council recessed at this time. The meeting reconvened at 11:40 with all members present.

Reconsideration
of Modifications
to the Fence
Ordinance

Mr. Vander Borght clarified that the adopted standards did not apply to commercial/industrial zones and requested reconsideration of the 300-foot radius limitation for complaints on fence issues.

Motion to
amend
ordinance
failed

It was moved by Mr. Campbell seconded by Mrs. Ramos to limit the complaints to within a 500-foot radius of where complainant resides. Mr. Vander Borght expressed support.

Dr. Gordon and Mr. Golonski were not supportive of the motion.

Following further discussion, Mrs. Ramos withdrew her second.

Motion

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

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issues; David Piroli, on the interim fence standards; Eden Rosen, on soot pollution, the candidates for the State Assembly race, graffiti removal and wayfinding signs; Nichola Ellis, on communicating with residents via e-mail and parkway trees; LaVerne Thomas, on the interim fence ordinance and the status of the Transportation Element; and, Dink O'Neal, on the one-way pair operation on Chandler Boulevard.

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: Mike Scandiffio, on the interim fence ordinance; Molly Shore, on the density bonus agreement; Rose Prouser, on the Transportation Scheduler specification, network lease agreement with NBC Universal, Inc., and KNBC, density bonus legal opinion and in support of compensation increases for elected officials; David Piroli, on the interim fence standards, in support of the compensation increases for the elected officials, the Los Angeles International Airport (LAX) Settlement Agreement and the density bonus agreement; Mark Stebbeds, on the density bonus agreement; Carolyn Berlin, on employee contract negotiations, the LAX Settlement Agreement and in support of compensation increases for elected officials; Phil Berlin, on the density bonus agreement and on comments made by a speaker at a previous meeting; and, LaVerne Thomas, in support of compensation increases for elected officials and on the interim fence ordinance.

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."

1007-1
1009-1 RESOLUTION NO. 27,180:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK

- Revise Spec. of
Transportation
Scheduler REVISING THE SPECIFICATION OF TRANSPORTATION
SCHEDULER (CTC No. 0970) AND REVISING THE SALARY.
- 1010 RESOLUTION NO. 27,181:
Amend A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Executive AMENDING RESOLUTION NO. 21,732 RELATING TO THE
Compensation EXECUTIVE COMPENSATION PLAN AND SALARIES FOR
Plan for FY DEPARTMENT MANAGERS, APPOINTED OFFICERS, AND
2005-08 ELECTED OFFICERS FOR FISCAL YEARS 2005-2008 AND
 AMENDING THE FISCAL YEAR BUDGET FOR 2005-06.
- 1010 RESOLUTION NO. 27,182:
Amend A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Compensation AMENDING RESOLUTION NO. 22,795 RELATING TO THE
Plan for Unrep. COMPENSATION PLAN AND TO SALARIES FOR
Mid-Mgmt. UNREPRESENTED MID-MANAGEMENT EMPLOYEES FOR
For FY 2005-08 FISCAL YEARS 2005-2008 AND AMENDING THE FISCAL
 YEAR BUDGET FOR 2005-06.
- 1507 RESOLUTION NO. 27,183:
804-2 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Optical Network APPROVING AND AUTHORIZING EXECUTION OF OPTICAL
Lease Agmt. for NETWORK LEASE AGREEMENTS FOR COMMUNICATION
CTS with NBC TRANSPORT SERVICES-VIDEO (CTC) WITH NBC UNIVERSAL
 INC. (No. CTS-001/05) AND KNBC (No. CTS-002/05).
- 1507 RESOLUTION NO. 27,184:
804-2 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Amend Fee AMENDING ARTICLE XII OF THE 2005-2006 CITYWIDE FEE
Schedule to SCHEDULE TO ESTABLISH RATES FOR COMMUNICATIONS
Establish Rates TRANSPORT SERVICES (CTS)-VIDEO AND AUTHORIZING THE
For CTS-Video GENERAL MANAGER OF BURBANK WATER AND POWER TO
 ENTER INTO AGREEMENTS FOR TELECOMMUNICATIONS
 SERVICES CONSISTENT WITH THE ADOPTED FEE SCHEDULE.
- Adopted The consent calendar was adopted by the following vote:
- Ayes: Council Members Campbell, Golonski, Gordon, Ramos
 and Vander Borcht.
- Noes: Council Members None.
- Absent: Council Members None.
- 406 Mr. Barlow, City Attorney, gave a brief summary of the
LAX Settlement settlement reached by Los Angeles International Airport (LAX)

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Agreement

and its on-going litigation with surrounding communities. He stated that for many years, the City of Los Angeles has been planning for a massive multi-billion dollar expansion of LAX that would relieve current congestion and accommodate anticipated future demand. He stated that the plan has been changed considerably over time and has recently generated considerable opposition. He noted that the Los Angeles City Council approved the LAX Masterplan in December 2004 and signed a community benefits agreement with a coalition of interest groups which requires LAX to spend approximately \$500 million on mitigation measures for the surrounding communities. He added that in January 2005, several local governments and interest groups which were not a party to the benefits agreement filed suit challenging the LAX Masterplan. He added that the Federal Aviation Administration (FAA) approved the Masterplan in May 2005 and LAX immediately took steps to implement the first phase of the plan which was the reconfiguration of the south airfield. He added that in October 2005, the FAA committed to provide \$39 million for the south airfield project contingent upon the outcome of some environmental review and other approvals.

Mr. Barlow informed the Council that in December 2005, the City and plaintiffs announced a comprehensive settlement and on December 13, 2005 the FAA issued an advisory opinion finding no objection to several key elements of the settlement agreement. He noted that this settlement agreement included provisions that: plaintiffs will dismiss all pending litigation; LAX will discontinue use of ten existing passenger gates at a rate of two gates per year starting in 2010, noting the gates will not be torn down and could be used in certain circumstances as long as the total passenger level is less than 75 million annual passengers; LAX will convene a regional Airport Working Group to pursue a regional distribution of air traffic and will develop a plan for encouraging growth at Ontario and Palmdale airports; LAX will stop requiring that property owners sign an aviation easement in exchange for sound insulation; and, approximately \$266 million over ten years would be spent in surrounding neighborhoods for noise air and traffic mitigation. He noted that the agreement expires on December 31, 2015; however, the commitment on discontinuing use of 10 passenger gates does not expire until December 31, 2020.

Mr. Barlow informed the Council that there are several unresolved issues, such as: how long it will take for the

parties to agree on a revised Masterplan; what the final Masterplan would entail; whether LAX will reach a capacity limit of 78.9 million annual passengers and the implications if the limit is exceeded; the FAA approved the Masterplan but not the settlement agreement with the exception of a few key provisions concerning the number of gates; whether the FAA will approve a new plan for the expansion of LAX; and, whether LAX will be able to develop a feasible plan for increasing use of Ontario and Palmdale airports. He indicated that the results of the agreement leave several important issues for the City and Bob Hope Airport to seriously consider, noting that even though the settlement agreement does not mention Bob Hope Airport, the Airport Working Group may recommend its increased use to accommodate a greater share of the regional traffic. He stated that the Group may recommend that the Airport Authority accommodate the increased use, conflicting with the Development Agreement between the City and Airport. He stated that regardless of the recommendation, designing LAX to accommodate no more than 78.9 million annual passengers may induce increased use of Bob Hope Airport, considering that regional demand is predicted to far exceed this level. He concluded by noting that the agreement involves LAX which is a very large and significant airport, and may have absolutely no bearing on what can or cannot be done in the City of Burbank and at Bob Hope Airport.

The Council noted and filed the report.

1:35 A.M.
Mrs. Ramos
Left the Meeting

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

1208
906
Continuation of
Density Bonus
Agmt. for
Hollywood Way

Mr. McDougal, Assistant City Attorney, requested continued consideration of a request by Dan Moore, Trustee for Cheyenne Mission Trust, property owner, to enter into a Restrictive Covenant and Density Bonus Agreement (Agreement) with the City. He stated that on February 21, 2006, the Council considered the agreement with Cheyenne Mission Trust for a 35-unit apartment building project located at 1241, 1245, 1301 and 1305 North Hollywood Way, which was approved by the Community Development Director as Development Review No. 2005-67. He reported that after considerable discussion, the Council continued this matter and requested an outside legal opinion regarding the City's obligation, if any, to approve the Agreement. He noted that

pursuant to the Council's request, the City Attorney's Office solicited a legal opinion from the law firm of Luce, Forward, Hamilton & Scripps, LLP.

Mr. McDougal requested Council approval of: a budget amendment to cover the cost of the legal opinion; waiver of confidentiality of the legal opinion by a majority vote; and, the Restrictive Covenant and Density Bonus Agreement.

Mr. Vander Borcht requested Mr. McDougal's perspective on the agreement reached between the applicant and the appellants to withdraw their appeal. Mr. McDougal stated that the City does not have any legal issue with the action, noting that it is not uncommon for appellants to reach agreements with applicants to resolve their differences.

Dr. Gordon expressed concern with the settlement agreement and required more information on it. He also requested that the agreement between the appellants and the applicant be made part of the public record. The Council concurred.

Mr. Golonski and Mr. Campbell were not in support of waiving the confidentiality of the legal opinion. Mr. Vander Borcht and Dr. Gordon were supportive of waiving the legal opinion's confidentiality.

Mr. Golonski noted that the project is not compatible with the neighborhood but noted that the City has no discretion with regard to the Density Bonus Agreement.

Dr. Gordon expressed concern with the appeal withdrawal process, stating that the process has been tainted.

Mr. Vander Borcht stated that the Council is being requested to approve a State-mandated density bonus. He noted that although the project is not appropriate for the proposed location, the law requires the Council approve the covenant and provide for the density bonus.

Mr. Campbell requested clarification with the appellant's reasons for objecting to the project and whether the objections affect the California Environmental Quality Act decision. Mrs. Forbes, Deputy City Planner, read the appeal.

Mr. Golonski requested clarification from the City Attorney on any legal prohibition from the applicant making a payment to the appellant. Mr. Barlow responded that the circumstances

Waiver of
Confidentiality
of the Legal
Opinion

Density Bonus
Agreement

- are not uncommon and added that even if the alleged facts were true, they would not constitute a legal issue for the City.
- Budget Amendment Dr. Gordon expressed concern with the amount of the budget amendment. The Council concurred to reduce the amount to \$6,000 to pay for the cost of the submitted legal opinion.
- Motion It was moved by Mr. Golonski and seconded by Mr. Vander Borght that "the following resolution be passed and adopted:"
- 1208
906
Appropriate Funds for Outside Legal Counsel RESOLUTION NO. 27,185:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2005-2006 ANNUAL BUDGET AND APPROPRIATING FUNDS IN THE AMOUNT OF \$6,000.00 TO FUND OUTSIDE LEGAL COUNSEL.
- Adopted The resolution was adopted by the following vote:
Ayes: Council Members Campbell, Golonski, Gordon and Vander Borght.
Noes: Council Members None.
Absent: Council Members None.
Recused: Council Member Ramos.
- Motion It was moved by Mr. Golonski and seconded by Mr. Vander Borght that "the following resolution be passed and adopted:"
- 1208
906
Approve Density Bonus Agmt. With Cheyenne Mission Trust RESOLUTION NO. 27,186:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE RESTRICTIVE COVENANT AND DENSITY BONUS AGREEMENT BETWEEN THE CITY OF BURBANK AND CHEYENNE MISSION TRUST FOR THE PROPERTIES LOCATED AT 1241, 1245, 1301 AND 1305 NORTH HOLLYWOOD WAY.
- Motion Failed The motion to adopt the resolution failed by the following vote:
Ayes: Council Members Golonski and Vander Borght.
Noes: Council Members Campbell and Gordon.
Absent: Council Members None.
Recused: Council Member Ramos.
- Motion to Waive Confidentiality Of the Legal The motion by Mr. Vander Borght to release the legal opinion died due to lack of a second.

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Opinion Failed

Further Discussion Mr. Campbell requested clarification as to whether there are any legal issues with regard to the withdrawal of the appeal. Mr. Barlow and Mr. McDougal responded that there is no legal issue for the City.

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

1208 RESOLUTION NO. 27,186:
906 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Approve Density APPROVING THE RESTRICTIVE COVENANT AND DENSITY
Bonus Agmt. BONUS AGREEMENT BETWEEN THE CITY OF BURBANK AND
With Cheyenne CHEYENNE MISSION TRUST FOR THE PROPERTIES LOCATED
Mission Trust AT 1241, 1245, 1301 AND 1305 NORTH HOLLYWOOD WAY.

Adopted The resolution was adopted by the following vote:

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

2:21 A.M. Mrs. Ramos returned to the Council Chamber at this time.
Mrs. Ramos Returns

1010 Mrs. Sarquiz, Management Services Director, requested Council
Approval of consideration of the compensation packages for the Elected
Compensation Officials, including the City Clerk, City Treasurer and City
Packages for Council. She noted that according to a 12-city survey
Elected Officials, conducted, Council Members are behind the compensation
City Clerk, City levels provided in other cities by 45.24 percent (or \$463.71);
Treasurer and however, the Council's compensation can only be increased up
City Council to a maximum of five percent from the previous year pursuant
to State law. She recommended that effective July 1, 2006,
the Council approve a five percent increase to the current salary
of \$975 per month. She noted that effective February 1, 2006,
Council Members lost their car allowance pursuant to Assembly
Bill 1234. She mentioned that while the job of Council Member
is part-time, a tremendous amount of time is spent researching
issues, meeting with constituents, businesses, non-profit

organizations, etc. to become more informed on the issues facing the community.

With regard to the City Clerk and City Treasurer positions, Mrs. Sarquiz noted that both positions are an integral part of the Executive Team. She added that the 12-city survey indicated that the City Clerk position is behind the average market survey by 20.78 percent and the City Treasurer position is behind the average market survey by 27.84 percent. She recommended that effective March 1, 2006, the City Clerk and City Treasurer positions be increased from \$7,690 to \$9,288, bringing both positions to the average market survey. She also requested that similar to the Executive positions, the Clerk and Treasurer salaries be increased July 1, 2007 pursuant to the survey to be conducted at that time.

In addition to salary increases, Mrs. Sarquiz recommended that the Elected Officials receive increases in cafeteria/medical premiums. She added that effective July 1, 2006, a vision plan will be provided and effective July 1, 2007, a dental plan will be available to the Elected Officials. She then elaborated on the recommended contributions to the Burbank Employee Retirement Medical Trust.

Mrs. Sarquiz also stated that through the negotiation process, the Council agreed to provide an enhanced retirement from 2% at 55 to 2.5% at 55 effective June 16, 2008 to the Miscellaneous employees, which includes the Elected Officials. She reported that both the City and Elected Officials will begin sharing in the cost of the benefit by contributing 2.4 percent, effective whenever their new salaries go into effect.

City Clerk and City Treasurer Salaries	The Council concurred to bring the City Clerk and City Treasurer positions to market survey, thereby increasing the City Clerk's salary by 20.78 percent and the City Treasurer's salary by 27.84 percent.
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Motion	It was moved by Mr. Campbell and seconded by Dr. Gordon that "the following resolution be passed and adopted:"
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1010 Amend Exec. Compensation	<u>RESOLUTION NO. 27,187:</u> A RESOLUTION OF THE CITY OF BURBANK AMENDING RESOLUTION NO. 21,732 RELATING TO THE EXECUTIVE
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2/28/06

Plan for City Clerk and City Treasurer COMPENSATION PLAN FOR CITY TREASURER AND CITY CLERK.

Adopted The resolution was adopted by the following vote:

Ayes: Council Members Campbell, Gordon, Ramos and Vander Borght.

Noes: Council Member Golonski.

Absent: Council Members None.

City Council Salary The Council concurred to approve a five percent salary increase for the City Council effective July 1, 2005.

Ordinance Introduced It was moved by Dr. Gordon, seconded by Mr. Vander Borght and carried that "the following ordinance by 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:

1010 Amend BMC Relating to Compensation of Council Members AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTION 2-202 OF THE BURBANK MUNICIPAL CODE RELATING TO COMPENSATION OF COUNCIL MEMBERS.

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 2:47 a.m. to Tuesday, March 7, 2006 at 5:00 p.m. for a Utility Users Tax Study Session in the Council Chamber.

Margarita Campos, CMC
City Clerk

APPROVED APRIL 25, 2006

Mayor of the Council
of the City of Burbank