

TUESDAY, JUNE 13, 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 5:06 p.m. by Mrs. Ramos, Vice Mayor.

CLOSED SESSION

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

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

5:07 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 – Existing Litigation:  
Pursuant to Govt. Code §54956.9(a)  
**Name of Case:** McDonald, et al. v. City of Burbank, et al.  
**Case No.:** EC039823  
**Brief description and nature of case:** Personal injury claims re Grismer housing rehabilitation project.
- b. Conference with Legal Counsel – Anticipated Litigation (City as possible plaintiff):  
Pursuant to Govt. Code §54956.9(c)  
**Number of potential case(s):** 1
- c. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):  
Pursuant to Govt. Code §54956.9(b)(1)  
**Number of potential case(s):** 6

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:32 p.m. by Mrs. Ramos, Vice Mayor.

Invocation The invocation was given by Pastor Ross Purdy, First Presbyterian Church.

Flag Salute The pledge of allegiance to the flag was led by Sam Engel.

## ROLL CALL

Present- - - -

Absent - - - -

Also Present -

Council Members Golonski, Gordon, Ramos and Vander Borght.  
Council Member Campbell.  
Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

301-1  
Spring Crest  
Program

Vice Mayor Ramos introduced Sommer Barwick, Administrative Analyst, Management Services Department, who briefly described the CREST Youth Employment Program. Vice Mayor Ramos presented Certificates of Recognition to the following participants who completed the Spring program: Gervok Amasbyan; Mary De La Cruz; Marten Garibkhanyan; Mkrtich Gasparyan; Louie Kahlil; Monica Pardo; Sasha Perez; Phillip Petrosyan; Diana Serrano; Anne Sogomonyan; Lidia Termanyan; Veronica Zamudio; and, Leslie Zumarán.

301-1  
Leadership  
Burbank  
Graduates

Ken Neilsen, President of Woodbury University, and Ernie Burger, former Chair of Leadership Burbank, briefly described the Leadership Burbank program. Vice Mayor Ramos presented Certificates of Recognition to the following graduates: Darrin Borders; Linda Gaul; Dennis Gibbons; Albert Hernandez; Robert Idavia; Edwina Jeraci; Jeffrey Alan Jones; Susan Langford; Luray Leinenbach; Roe Leone; Kathleen Lindblom; Loren Lintner; Bryan Madden; Linda Noel; Whit Prouty; Christine Rodriguez; Bill Taylor; Eula Laki Warren; and, Yumika Whitaker.

301-1  
Flag Day

Vice Mayor Ramos presented a proclamation in honor of Flag Day to Sam Engel, representing the Burbank Kiwanis Pause for the Pledge Committee. Mr. Engel introduced the Master of Ceremonies for the Flag Day Program, fellow Kiwanian David Harris, and made brief remarks regarding their annual art contest and the Flag Day Program.

301-1  
L.A. River  
Revitalization  
Master Plan

Ara Kasparian, with the Los Angeles Department of Public Works, Bureau of Engineering, made a presentation on the City of Los Angeles' efforts on the Los Angeles River Revitalization Master Plan.

Reporting on  
Council Liaison  
Committees

Mrs. Ramos reported on attending the San Fernando Service Sector Governance Council meeting, and the Instrumental Music and Vocal Music Association performances at the local high schools.

6/13/06

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

Initial Open Public Comment Period of Oral Communications Mrs. Ramos called for speakers for the initial open public comment period of oral communications at this time.

Citizen Comment Appearing to comment were: Fred Prouser, on a private business advertisement within public parks; and, Gary Garrison, on public transportation to Dodger Stadium.

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

Agenda Item Oral Communications Mrs. Ramos called for speakers for the agenda item oral communications at this time.

Citizen Comment Appearing to comment were: Rose Prouser, on the proposed lobbyist registration ordinance, Planned Development process and the Planned Development annual review; David Piroli, on lobbyist registration and a Closed Session item; and, Phil Berlin, on development agreements.

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

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

1702 Annual Review Of Planned Developments A report was received from the Community Development Department for the purpose of complying with the Burbank Municipal Code which requires the Community Development Director to submit to the Council an annual review of each Development Agreement entered into pursuant to the Planned Development (PD) provisions of the Code. This review was for the time period of May 31, 2005 through May 30, 2006. Staff indicated that: there have been a total of 106 PD applications received since the PD process began in 1985; there are currently 17 active PDs that are not yet built or not yet

complete; all of the active PDs are in compliance with requirements of their Development Agreements; and, there are currently 12 PDs with expired Development Agreements and these PDs no longer have the vested rights to develop as detailed in the Development Agreement. Staff further stated that four PDs with expired Development Agreements were rezoned in 1998 to a zone compatible with the surrounding land uses, forty-six PDs have been completed and 23 PD applications were denied or withdrawn. The Council was informed that there are currently four PD applications in the application or approval process and that the Planning Division and City Attorney staff are working together to amend the Code to improve the use and administration of the PD process.

The Council noted and filed the report.

Adopted

The consent calendar was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Member Campbell.

1702  
Process for  
Amending  
Development  
Agmts.

Mr. Forbes, Senior Planner, Community Development Department, reported that at the April 4, 2006 meeting, the Council requested that staff return with information on the process for amending Development Agreements (DAs). He explained that DAs are contracts entered into between the City and a property owner for the purpose of establishing requirements for the development of property and that the City is authorized to enter into DAs by the State of California Government Code.

Mr. Forbes informed the Council that in Burbank, DAs are typically applied for in conjunction with an application for a Planned Development (PD) zone. He explained that the PD provides the development and use standards for specific property and the DA, as a contract, provides vested rights to the property owner to build their project under the approved PD.

He added that without an accompanying PD zone, a DA may provide vested rights to a property owner of the zoning regulations that were in place at the time the DA was approved. He stated that because they are negotiated contracts, DAs may also be used as a means for a developer to provide certain concessions or benefits to the City, such as the funding of public infrastructure in exchange for receiving vested rights to build the project.

Mr. Forbes further stated that because the DA constitutes a contract between the City and another party, the DA, and when applicable the accompanying PD Zone, cannot be amended or cancelled unless by mutual consent of both parties and the City does not initiate PD or DA amendments. He noted that if an applicant wishes to make changes to a project that was previously approved under a PD and DA, the first step in the process is typically a request for a substantial conformance finding. He elaborated that the Burbank Municipal Code (BMC) charges the Community Development Director with reviewing project changes to determine whether the changes would be in substantial conformance with the original project approval. He added that in some cases, the DA also sets forth additional procedures for the substantial conformance process, including public noticing and appeal provisions. He reported that if the changes are determined not to be in substantial conformance with the original DA and PD approval, the applicant may apply to the Council to amend the PD and DA.

Mr. Forbes also stated that pursuant to the BMC and the California Government Code, the process for amending or canceling a PD or DA in whole or in part is the same as the process for adopting the original DA, and includes noticed public hearings before the Planning Board and Council. He noted that if the request is denied, the applicant will then be required to comply with the original DA and PD approvals. He emphasized that the authority for the City to enter into a DA and the process required to amend a DA, is provided under State law. He stated that any process that the City uses for adopting and amending DAs must be consistent with the provisions of State law, and the City's ability to alter the process for adopting and amending DAs is very limited.

Mr. Forbes informed the Council of their additional discretion to alter the PD process, including the process for making substantial conformance findings, since the process is dictated by the BMC. He added that since the Code requires that all PDs be accompanied by a DA, the PD amendment process is directly tied to the DA amendment process. He recommended the Council note and file the report, and provide any direction to staff on desired changes to the PD or DA process.

Following deliberation, the Council: did not support separating the PD and DA requirements; supported formalizing the substantial conformance process by adding a process to the BMC which would include increased public noticing and notification to the Council and Planning Board, with the ability for the Council/Board to appeal the Director's decision. The Council also expressed desire for the Conditions of Approval for future PDs to set clear parameters for substantial conformance

to provide guidance to the Director in making conformance findings; supported using overlay zones or some alternative PD zoning process such that when a project does not get built, the PD zoning reverts back to the underlying zoning in place before the PD was approved; requested fully-dimensioned and detailed plans as part of the application package accurately showing all details, including sidewalks and landscaping; and, supported a community meeting requirement to seek community input and address community concerns prior to the public hearing process.

401  
201  
Lobbyist  
Registration  
Ordinance

Mr. Barlow, City Attorney, reported that Council Member Ramos requested the Council consider a lobbyist registration ordinance. He noted that this matter was previously considered on February 18, 2003, at which time the Council made a determination not to proceed with such an ordinance. He added that staff has done no further work on this matter and if the Council decides to proceed in considering such an ordinance, staff will provide research and information as directed by the Council

There was no consensus to proceed with such ordinance and the Council noted and filed the report.

Final Open  
Public Comment  
Period of Oral  
Communications

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

Citizen  
Comment

Appearing to comment was: Theresa Karam, on the passing of a community member.

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 9:02 p.m. in memory of Bill Paonessa.

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Margarita Campos, CMC  
City Clerk

APPROVED JULY 27, 2006

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Mayor of the Council  
Of the City of Burbank