

TUESDAY, OCTOBER 10, 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 Mr. Campbell, Mayor.

CLOSED SESSION

Present- - - - Council Members Gordon, Ramos, Vander Borcht and Campbell.
Absent - - - - Council Member Golonski.
Also Present - Ms. Alvord, City Manager; Mr. Stevenson, Senior Assistant 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.

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 Litigations:
Pursuant to Govt. Code §54956.9(a)
Name of Case: Pacific Gas and Electric Company v. Arizona Electric Power Cooperative.
Case No.: 2:06-CV-0559-MCE-KJM
Brief description and nature of case: Disputes involving sales of electrical energy in the California Energy markets during the California Energy Crisis of 2000-01.

Name of Case: Federal Energy Regulatory Commission (FERC) Refund Case Appeals (California Energy Crisis Litigation at the Ninth Circuit Court of Appeals).
Case No.: Consolidated Cases 01-71051, et. al. (Phase I), Consolidated Cases 01-71934 (Phase II) and Related Cases.
Brief description and nature of case: Disputes involving sales of electrical energy in the California Energy markets during the California Energy Crisis of 2000-01.

Name of Case: Cities of Burbank, Glendale and Pasadena v. Samuel W. Bodman, Secretary of Energy.
Case No.: 05-1514 (United States Court of Appeals for the Federal Circuit).
Brief description and nature of case: Appeal of adverse decision by the Department of Energy Board of Contract Appeals in the Cities of Burbank, Glendale and Pasadena v. Bonneville Power Administration (BPA) relating to a contract dispute between the cities and BPA.

Name of Case: San Diego Gas and Electric Company v. Arizona Electric Power Cooperative.

Case No.: 2:06-CV-0592-MCE-KJM

Brief description and nature of case: Disputes involving sales of electrical energy in the California Energy markets during the California Energy Crisis of 2000-01.

b. Conference with Legal Counsel – Anticipated Litigation:
Pursuant to Govt. Code §54956.95
Number of potential case(s): 1

c. Conference with Legal Counsel – Anticipated Litigation:
Pursuant to Govt. Code §54956.9(c)
Number of potential case(s): 1

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:37 p.m. by Mr. Campbell, Mayor.

Invocation The invocation was given by Reverend Ron White, American Lutheran Church.

Flag Salute The pledge of allegiance to the flag was led by Stephanie Mines.

ROLL CALL

Present- - - - Council Members Golonski, Gordon, Ramos, Vander Borght and Campbell (Left at 9:23 p.m.).

Absent - - - - Council Members None.

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

301-1 Cultural Diversity Month Mayor Campbell presented a proclamation in honor of Cultural Diversity Month to John Brady, Human Relations Council and Peter Eirich, Burbank Police Department.

301-1 Domestic Violence Awareness Month Mayor Campbell presented a proclamation in honor of Domestic Violence Awareness Month to Laurie Bleick and Chris Ramos, Family Service Agency and Stephanie Mines, Soroptimist International of the Verdugos.

301-1 Breast Cancer Awareness Mayor Campbell presented a proclamation in honor of Breast Cancer Awareness Month to representatives of Soroptimist International of the Verdugos.

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Month

301-1
Fire Prevention
Week Proc.

Mayor Campbell presented a proclamation in honor of Fire Prevention Week to Captain Bell, Burbank Fire Department.

Senator Scott
State of the State
Address

Senator Scott presented his State of the State address. He gave a brief overview of California's economy and the 2006 Legislative Session. He noted that the November 2006 ballot has the largest bond issue to address issues identified by the Legislature regarding transportation, schools, affordable housing and levys. He reported that he chairs the Senate Education Committee and the Budget Subcommittee that deals with education, and noted that with the State's \$7.5 billion in unanticipated revenues in the Fiscal Years 2005-06 and 2006-07, additional funding was allocated to education.

Senator Scott also reported that he had 14 bills signed by the Governor, including: Senate Bill 361, which revamped the antiquated funding formula for community colleges; Senate Bill 1309, which provided millions of dollars for the University of California, California State University and Community Colleges to recruit and expand enrollments in nursing education; and, Senate Bill 1655 that dealt with teacher transfer. He also discussed bills that dealt with local issues, including: Senate Bill 148, empowering cities to address loitering and crime related to liquor stores; Senate Bill 1428, regarding motion picture companies; and, Senate Bill 1116, that addresses conservators that take advantage of older citizens. He also noted his participation in the Burbank On Parade event, stated several Burbank residents were honored at the Annual Women In Business event and added that several workshops were held in Burbank, including the Dollars and Cents Financial Literacy Workshop. He commended the Council for their work.

Mr. Campbell commended Senator Scott for the 14 bills passed and his work in general. He noted that traffic is a huge issue for Burbank and noted that although the City will receive approximately \$4 million from the Transportation Infrastructure Improvement Bonds, the City's needs outweigh the amount. He inquired as to whether the Senate has thought beyond just the bonds and the container fee bills to find means by which conformity can be attained throughout the region to free up congestion.

Dr. Gordon thanked the Senator for taking the time to address the Council.

Mr. Vander Borcht thanked the Senator and requested that mass

transit be made a high priority as it is the only means to managing transportation issues. He noted that with the Senator's support, Burbank anticipated funding for mass transit projects.

Mrs. Ramos thanked the Senator for taking the time to address the Council. She noted that the City is a member of the Inter-Agency Communications Interoperability System and requested the Senator look into the allocation of Federal Homeland Security funds to make sure Burbank is receiving its fair share.

Mr. Golonski congratulated the Senator upon a successful legislative session. He requested that the Senator pay close attention to the State's consideration of re-regulation of utilities. He expressed hope the Legislature will have consideration for municipal utilities, though a minority, who have lived up to their obligation to serve the public in a reliable and quality way.

Reporting on
Council Liaison
Committees

Mr. Campbell reported on representing the Council at the Los Angeles Economic Development Corporation's Eddy Awards, where the City was nominated as one of the top five out of a total of 88 cities for being business friendly.

Mr. Vander Borcht reported on attending the Los Angeles Public Works Board hearing on the Glendale-Burbank Interceptor Sewer (GBIS) Project together with Mrs. Ramos and Mr. Campbell as a private citizen, where they addressed the Board with regard to the inadequacy of the Environmental Impact Report that was prepared for the GBIS Project. He also reported on the Memorial Field Subcommittee and the Audit Committee meetings he attended with Mrs. Ramos.

Mrs. Ramos reported on the Audit Committee meeting, stating that the Committee recommended that the following entities also be audited: the Animal Shelter; Verdugo Communications Agreement; Burbank Knowledge Learning Center; and, Burbank Bus cash receipts. She also reported on attending the Los Angeles Public Works Board hearing on the GBIS Project. She noted receipt of a documentary, entitled "Into the Fire" featuring the Burbank Fire Department which will premier on the History Channel on October 13, 2006 at 8:00 p.m. and October 22, 2006 at 4:00 p.m. She also commented on the Domestic Violence Awareness Month proclamation and announced that the Family Service Agency will hold a fundraiser on Saturday, October 14, 2006 honoring Eric Hansen, Park, Recreation and Community Services Director, for more than 35 years of service to the City of Burbank.

7:38 P.M.
1704

Mayor Campbell stated that "this is the time and place for the hearing on the request by two separate appellants to appeal the

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Hearing
Project No. 2006-
1, 3 Skyline Drive
– Hillside Devt.
Permit

Planning Board's decision to deny without prejudice the previous appeal and uphold the Community Development Director's decision to approve a pool house and deck structures and deny an exception to the 40 percent Floor Area Ratio to construct an approximately 254-square foot pool house for the property located at 3 Skyline Drive. The project was denied by the Planning Board on August 28, 2006."

Meeting
Disclosures

There were no meeting disclosures.

Notice
Given

The Deputy City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that one piece of written communication had been received in opposition to the project.

Staff Report

Ms. Shavit, Assistant Planner, Community Development Department, requested the Council Consider two appeals of the Planning Board's decision on Project No. 2006-1, Hillside Development Permit for the property located at 3 Skyline Drive. She stated that the property is located in an R-1 Zone in the hillside area above Sunset Canyon. She stated that on June 13, 2006, the Community Development Director approved the project for the construction of a pool and deck structures but denied an exception to allow a Floor Area Ratio (FAR) of 45 percent for the construction of a pool house. She added that the decision was appealed by Janek Dombrowa, the architect for the project, requesting that the Planning Board approve the original request, including the FAR exception. She noted that at the public hearing, the Planning Board denied without prejudice the appeal of the Director's decision.

Ms. Shavit informed the Council that at the Planning Board hearing, comments were made that the Board may have been able to approve the exception to the 40 percent FAR if the size of the pool house was reduced to a 60-square foot bathroom instead of an approximately 300-square foot pool house. However, the applicant has not elected to propose this change.

Ms. Shavit noted that two separate appeals have been filed by Daniela Haglund, who is requesting that the Council not uphold the Planning Board's decision and approve the original project proposal as requested; and, Christopher Boyce, who is requesting the Council not uphold the Board's decision, and that the entire project request be denied. She added that this appellant stated that the project proposal is unlike any other existing in the neighborhood and contains atypical hardscaping. She noted that the appellant resides at 4 Skyline Drive.

Ms. Shavit concluded that the project as approved by the Planning Board is compatible with the surrounding neighborhood and will not have any negative effects on noise, views, privacy or traffic. She added that the six findings required for approval of the project can be made, subject to the proposed Conditions of Approval. She noted that staff agrees with the Planning Board that three of the findings required for an exception to the 40 percent FAR requirement cannot be made. She specifically stated that the home is larger than most homes in the neighborhood on one of the smallest lots. She requested the Council deny both appeals and uphold the Board's decision to approve Project No. 2006-1 Hillside Development Permit to construct a pool and deck structures and deny the exception request, subject to the Conditions of Approval.

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| Appellant 1 | Daniela Haglund, appellant, distributed pictures of the backyard of the property at 3 Skyline Drive, commented on her outreach to the neighbors prior to hiring an architect and requested the Council approve the project as presented. Janek Dombrowa, project architect, commented on the project's plan, the FAR exception request and noted that a trellis will shade the area around the pool and over the pool house with 50 solar panels. |
| Appellant 2 | Christopher Boyce, appellant, stated he did not remember discussing any swimming pool proposals, noted the project is not aesthetically appealing and will be right outside his kitchen window. He added that the project is not compatible with the neighborhood and poses privacy concerns. |
| Applicant | Mr. Dombrowa elaborated on the project proposal and the paving issues and stated the project will not generate a lot of dust and will be well landscaped. He stated that the project will meet all landscaping, separation and privacy conditions. He requested the Council consider the unusual circumstances of the small parcel. |
| Citizen
Comment
Rebuttals
Appellant 1 | There was no response to the Mayor's invitation for oral comment.

Ms. Haglund, appellant, urged the Council to approve of the project as proposed. |
| Rebuttal
Appellant 2 | Mr. Boyce, appellant, expressed concern that the proposed solar trellis and concrete paving will radiate a lot of heat and requested that if approved, some screening be provided. |

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Applicant Mr. Dombrowa requested the Council allow the project to have a shower, toilet and sink and approve of the photovoltaic panels.

7:59 P.M.
Hearing Closed There being no response to the Mayor's invitation for oral comment, the hearing was declared closed.

Hearing continued The Council generally agreed with the Planning Board's decision and noted the applicant has expressed a desire to return with a reduced project scope to a shower and bathroom facility which is reasonable. There was consensus to continue the hearing to November 21, 2006, such that the applicant submits a revised project plan, including details on the photovoltaic panels.

1704-5
Project No. 2006-032
1902-1904
Jackson St. Mayor Campbell stated that "this is the time and place for the hearing on the appeal of the Planning Board's decision denying Project No. 2006-032, a Variance request by Ruby Herrera to consider the approval of a variance for density, setbacks and parking to legalize and expand an illegal unit at 1902-1904 Jackson Street. The Variance was denied by the Planning Board on July 24, 2006."

Meeting Disclosures There were no meeting disclosures.

Mr. Golonski
Left the Meeting Mr. Golonski recused himself due to the fact that he owns property in close proximity to the project.

Notice Given The Deputy City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that no written communication had been received.

Staff Report Ms. Shavit, Assistant Planner, Community Development Department, requested the Council consider an appeal of the Planning Board's decision to deny Project No. 2006-032, a Variance for 1902-1904 Jackson Street to legalize a third unit on the property. She stated that the appeal was filed by Ruby Herrera, property owner, who is requesting a Variance for setbacks, parking and density to legalize and expand an illegal unit on the property. She added that the project is located in an R-3 Zone, surrounded by R-3 and R-4 multi-family properties. She stated that there are two existing legal units, with legal non-conforming parking and

setbacks.

Ms. Shavit stated that the applicant is requesting to expand a 170-square foot existing legal accessory/storage structure by 288 square feet to create a 458-square foot one-bedroom apartment; however, the proposed addition and conversion does not meet current requirements for setbacks, parking and density. She noted that only two units are allowed under current density Codes and a third unit is being requested. She added that the additional unit requires three additional parking spaces, but no legal spaces are provided. Additionally, the setbacks of the proposed unit do not meet Code requirements. She stated that the applicant proposes two new parking spaces for the third unit; however, the spaces also do not meet current Code standards with substandard widths, and the project is under-parked as compared to current standards with only one parking space per unit.

Ms. Shavit informed the Council that the Planning Board denied the Variance on the basis that they could not meet three of the four findings to approve the Variance request. She recommended the Council uphold the Planning Board's denial of the Variance.

Applicant Ruby Herrera, applicant, urged the Council to approve of the proposed project. She stated that she purchased the property under the pretext that it was a duplex with a guest house. She noted that upon her knowledge that the unit was illegal she made all efforts to make the unit legal. She also stated there are several units on her block with equal or less parking space.

8:30 P.M.
Hearing Closed There being no response to the Mayor's invitation for oral comment, the hearing was declared closed.

Council
Deliberation Council discussion centered around there being other similar units in the area, appreciation for the applicant's efforts to make the unit legal, application of the density bonus law, providing additional parking, whether a precedent would be set and on making the Variance findings. There was a general desire to work something out with the applicant and to continue the hearing to a future Council date to allow the applicant the possibility to covenant the unit as a lower-income unit.

8:58 P.M.
Mr. Golonski Mr. Golonski returned to the Chamber at this time

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Returns

Reporting on Closed Session Mr. Stevenson reported on the items considered by the City Council during the Closed Session meeting.

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

Citizen Comment Appearing to comment were: Mary O'Hare and Elizabeth Montgomery, in support of hiring legal counsel for the Glendale-Burbank Interceptor Sewer Project; Gary Garrison, on senior citizen karaoke programs; Michelle Feather, in support of the Firefighters Memorandum of Understanding; and, Esther Espinoza, on being interrupted at a previous meeting and on the Medi-Cal program.

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

Agenda Item Oral Communications There was no response to the Mayor's invitation for speakers for the Agenda Item oral communications.

9:09 P.M. Recess The Council recessed to permit the Parking Authority to hold its meeting. The meeting reconvened at 9:10 p.m. with all members present.

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

1007-1
1009-1
Revise Salary for Principal Electric Engineer RESOLUTION NO. 27,333:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SALARY FOR PRINCIPAL ELECTRICAL ENGINEER (CTC No. 0790).

1007-1
1009-1
Revise Salary for RESOLUTION NO. 27,334:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SALARY FOR MANAGER TRANSMISSION AND

Manager Trans. and Dist. Engineer DISTRIBUTION ENGINEERING (CTC No. 0531).

1007-1 RESOLUTION NO. 27,335:
 1009-1 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
 Revise Salary for REVISING THE SALARY FOR POWER RESOURCES MANAGER
 Power Resource (CTC No. 0633).
 Manager

1011-2 RESOLUTION NO. 27,336:
 Approve MOU for A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
 BFF APPROVING A MEMORANDUM OF UNDERSTANDING
 BETWEEN THE CITY OF BURBANK AND THE BURBANK
 FIREFIGHTERS FOR FISCAL YEARS 2006-2009 AND
 AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2006-
 2007.

Adopted The consent calendar was adopted by the following vote:

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

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

1202-6 Ms. Hamzoian, Administrative Assistant, Community Development
 Magnolia Department, requested the Council appoint the first Property-based
 Park PBID Business Improvement District (P-BID) Board for the Magnolia Park
 P-BID. She stated that in August 2006, staff was authorized to
 open the ballots as the final step to establish and form a P-BID.
 She reported that over 50 percent of the ballots supported a
 Magnolia Park P-BID to carry out the Management Plan (Plan)
 programs and improvements. She elaborated that the Plan, which
 was developed and presented to the Council in February 2006,
 includes a parking program, increased maintenance services,
 promotions, advertising, events, business recruitment and
 advocacy to promote business interests.

Ms. Hamzoian reported that the P-BID has a five-year plan, which is the maximum length that a P-BID may be established before

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being renewed. She stated that each January, the P-BID will receive approximately \$250,000 in assessments from Magnolia Park property owners, excluding residential and nonprofit property owners. She informed the Council that the Board of Directors of the organization will be comprised of an eleven-member board representing six property owners, one business owner and two residents in the Magnolia Park area, as well as two representatives from the City.

Motion to appoint resident and City reps

It was moved by Mr. Golonski, seconded by Mr. Vander Borght and carried that "Laurie Krattiger and Nancy Winogradow be appointed as the resident representatives, and the City Manager and Community Development Director be appointed as the City representatives."

The Council expressed appreciation to all the applicants and the following individuals were appointed to serve on the Magnolia Park P-BID following a Council vote:

PBID Board members appointed

Alan Arzoian; Bradley Korb; Ira Lippman; Paul Long; Raul Porto; Sandra Spero; and, Anita McLendon.

9:23 P.M.
Dr. Gordon
Returns

Dr. Gordon returned to the Chamber at this time.

9:23 P.M.
Mr. Campbell
Left the Meeting

Mr. Campbell left the meeting at this time due to a potential conflict with the following item.

911
213
Retaining Special Counsel for the GBIS

Mr. McDougall, Senior Assistant City Attorney, reported that at the meeting of September 26, 2006, the Council directed the City Attorney's Office to solicit proposals for special legal counsel to review the Final Environmental Impact Report (EIR) prepared for the City of Los Angeles' Integrated Resources Plan (IRP), including the Glendale-Burbank Interceptor Sewer (GBIS) and to advise the City on the steps required to challenge the environmental and project approval process conducted by the City of Los Angeles. He stated that the City Attorney's Office sent an informal request for Statements of Qualifications (SOQ) and fee schedules to six law firms with known expertise in the California Environmental Quality

Act (CEQA) and the Development Review process. He added that two firms out of the six declined to submit SOQs, and SOQs were submitted by Chatten-Brown & Carstens; Gatzke, Dillon & Ballance, LLP; Luce, Forward, Hamilton & Scripps, LLP; and, Morrison and Foerster, LLP. He stated that all four firms were qualified to perform the requested services; however, staff recommended the law firm of Gatzke, Dillon & Ballance, LLP. He also recommended that the Council adopt a resolution approving a Legal Services Agreement (Agreement) with the selected firm and a budget amendment in the amount of \$40,000 to fund the Agreement.

Motion It was moved by Mrs. Ramos, seconded by Mr. Vander Borght that “the following resolution be passed and adopted, with direction to retain the firm of Chatten-Brown & Carstens with Gatzke, Dillon & Ballance, LLP as the alternate. Authorization was also given to the City Attorney’s Office to make non-substantive revisions to the Agreement prior to its execution.”

911 RESOLUTION NO. 27.337:
 213 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
 Retain Legal APPROVING AND AUTHORIZING EXECUTION OF AN
 Counsel for GBIS AGREEMENT FOR LEGAL SERVICES AND AMENDING THE FY
 2006-2007 ANNUAL BUDGET IN THE AMOUNT OF \$40,000.

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

9:54 P.M. The Parking Authority meeting was reconvened at this time for
 Reconvene public comment with Mr. Campbell absent.
 Parking Authority Meeting

Final Open There was no response to the Vice Mayor’s invitation for speakers
 Public Comment for the final open public comment period of oral communications at
 Period of Oral this time.

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Communications

9:54 P.M.
Adjournment

There being no further business to come before the Council, the meeting was adjourned at 9:54 p.m. to Monday, October 16, 2006 at 6:30 p.m. in the City Council Chamber, 275 East Olive Avenue, for a Joint Council/School Board meeting.

Josephine Wilson
Deputy City Clerk

APPROVED JANUARY 9, 2007

Mayor of the Council
of the City of Burbank