

TUESDAY, JANUARY 23, 2007

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 5:31 p.m. by Mr. Campbell, Mayor.

CLOSED SESSION

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

5:31 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:

Conference with Legal Counsel – Anticipated Litigation:  
Pursuant to Govt. Code §54956.9(b)(1)  
**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 6:36 p.m. by Mr. Campbell, Mayor.

Invocation The invocation was given by Dr. Beverly Stillman, St. Joseph Medical Center and LEAP of Faith Empowerment Institute.

Flag Salute The pledge of allegiance to the flag was led by members of Boy Scout Troop 263.

ROLL CALL

Present- - - - Council Members Golonski, Gordon, Vander Borght, Ramos and Campbell.  
Absent - - - - Council Members None.  
Also Present - Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

301-1 Chief's Commendation Captain Craig Varner presented a Chief's Commendation to Jesse Dearo, for his selfless efforts in coming to the aid of a female crime victim who was being attacked by a knife-wielding suspect.

Reporting on Council Liaison Committees Mrs. Ramos reported on attending the Memorial Field Subcommittee meeting with Mr. Vander Borght.

Mr. Campbell reported on attending the graduation ceremony of the Fire Department's Recruit Class One on January 13, 2007.

6:47 P.M.  
Mrs. Ramos  
Recused

Mrs. Ramos stated that she will be voluntarily recusing herself from participation on the hearing for Project No. 2005-86, 401 North Delaware due to the perception that she may have an interest, although no financial interest exists. She left the Chamber at this time.

6:48 P.M.  
1703  
602  
Public Hearing  
Project No. 2006-  
86  
401 Delaware  
Rd.

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. 2005-86 Development Review, a request by Mr. David Meissner. The project was denied by the Planning Board on April 24, 2006."

Meeting  
Disclosures

Mr. Campbell reported on meeting with the applicant.

Notice  
Given

The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that the City Clerk's Office received a petition containing 153 signatures in opposition to the project, five e-mails in opposition, one e-mail in support and one e-mail expressing specific concerns.

Staff Report

Mrs. Forbes, Deputy City Planner, Community Development Department, requested the Council consider an appeal of the Planning Board's decision to deny Project No. 2005-86, Development Review. This was a request by David Meissner for Delaware Investments, LLC, to construct an 11-unit multi-family condominium project, located in an R-4 Zone across from R-1 and R-4 Zones.

Mrs. Forbes informed the Council that the application was deemed complete prior to the effectiveness of the new multi-family Codes and was therefore subject to the old multi-family Codes. However, she noted that the project conforms to many of the new Code requirements for multi-family developments. She added that the project was originally approved by staff and appealed to the Planning Board, based on several reasons, in particular, incompatibility with the surrounding neighborhood. She added that the appellant and other neighbors expressed concern over the impact the project would have on the quality of the R-1 neighborhood, and increase in risks associated with traffic,

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congestion and visibility among others. She stated that the Planning Board voted 5-0 to deny the project, citing incompatibility with the R-1 neighborhood and safety issues due to the intersections surrounding the project. In addition, the Board stated that the applicant should have worked with the community to propose a project that took into account some of their concerns.

Mrs. Forbes reported that the applicant subsequently held three community meetings and modified the project plans in an attempt to address some of the concerns raised. She noted that the applicant has also filed for a Tentative Tract Map which will make the project into condominium and not rental units. She stated that staff believed the findings for approval of the Development Review can be made and recommended the Council uphold the appeal and approve the project.

Applicant Mr. Meissner, applicant, elaborated on the project elements, changes made after meeting with the public, landscape plans, parking and circulation issues, and pedestrian access points. He stated that the project, as currently proposed, is compatible with the neighborhood and urged the Council to approve the project.

Citizen Comment Appearing to comment in support of the project were: Steven Marx; Dan Savant; Cynthia Eccles; Donald Miles; Luis Schielzeth; Denise Moss; Marc Chubin; and, Duane Rediger.

Appearing to comment in opposition to the project were: John Mosher; Carol Mercado; Michele Nobles; Jo-Jeanne Rapier; John Mercado; and, Robert Dickman. Also, Esther Espinoza, made various comments on the project.

Rebuttal Mr. Meissner responded to public comment with regard to the project's compatibility and circulation issues, and commented on the widening of Delaware Road.

8:00 P.M. Hearing Closed There being no further response to the Mayor's invitation for oral comment, the hearing was declared closed.

Council Deliberations Mr. Vander Borcht noted the need to balance the property owner's rights against those of the neighboring property owners. He stated that although the project is not perfect, it has tried to respond to the concerns of the neighbors. He noted that the applicant is entitled to 24 units by Code but is only proposing 11 units, which is

reasonable. He expressed concern that the proposed driveway may be too close to Glenoaks Boulevard and requested that the landscape plans come back to the Council if the project is approved, to ensure that the quality is indeed as represented.

Mr. Golonski noted that the site is fairly unique in its configuration, with a triangular lot on an arterial like Glenoaks Boulevard, but also jutting into the residential neighborhood. He commended the developer for meeting with the neighborhood, addressing their concerns and orienting the project in such a way as to minimize the impact. However, he expressed concern with making the findings required to approve the project, specifically that the project is compatible with the existing neighborhood and that the project characteristics preserve the character and integrity of the neighborhood.

Dr. Gordon also stated that he could not make the findings for parking and preserving the character of the neighborhood, and stated that the project is not compatible with development along Glenoaks Boulevard. He suggested the developer continue to work with the neighborhood and downsize the project.

Mr. Campbell commended the developer for making an effort to meet with the neighbors. He expressed concern with the proposed widening of Delaware Road and removal of mature trees. He also suggested downsizing the project and providing additional parking, and agreed with the concern regarding the location of the driveway.

Mr. Meissner agreed to reduce the number of units to 10 and to provide an additional guest parking space.

Motion	It was moved by Mr. Golonski, seconded by Dr. Gordon and carried with Mrs. Ramos recused that "the hearing be continued to a future date to allow the applicant to revise the project, taking into consideration the Council's discussion."
Reporting on Closed Session	Mr. Barlow reported on the item 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: Brett Loutensock, in opposition to the candidacies of Carolyn and Phil Berlin; Gary Garrison, on the

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Joslyn Center karaoke program; Robert Phipps, in support of the outdoor smoking ban; Don Elsmore, on Airport issues; Brian Malone, providing a Traffic and Transportation Committee meeting report; Eden Rosen, on the width of sidewalks and on the Empire Interchange Project; Dink O'Neal, on the proposed Charter amendments and in support of the Berlins' candidacies; Esther Espinoza, in support of the Berlins' candidacies and on Project No. 2005-86; Stan Hyman, on the parking provided for Lashers Restaurant; Jim Schad, in support of the Berlins' candidacies and requesting a copy of the original Hilton agreement; and, Mark Barton, on a previous Council meeting.

Staff  
Response

Members of the Council and staff responded to questions raised.

Agenda Item  
Oral  
Communications

Mr. Campbell called for speakers for the agenda item oral communications at this time.

Citizen  
Comment

Appearing to comment were: David Geisen, in support of the Burbank Boulevard Street Improvement Project; Esther Espinoza, on the Burbank Boulevard Street Improvement Project; Stan Hyman, on the affordable housing agreements and in support of the Burbank Boulevard Street Improvement Project; and, Mark Barton, on the Burbank Boulevard Street Improvement Project.

Staff  
Response

Members of the Council and staff responded to questions raised.

9:57 P.M.  
Recess

The Council recessed to permit the Redevelopment Agency to hold its meeting. The meeting reconvened at 10:34 p.m. with all members present.

Motion

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

1208  
906  
Relocation Plan-  
2219 and 2329 N.  
Niagara

RESOLUTION NO. 27,407:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A RELOCATION PLAN FOR THE RELOCATION OF RESIDENTS DISPLACED AS A RESULT OF THE ACQUISITION AND REHABILITATION OF 2219 NORTH NIAGARA STREET AND 2329 NORTH NIAGARA STREET.

1208  
906  
Approve an  
Affordable  
Housing Agmt-  
261 W. Verdugo

RESOLUTION NO. 27,408:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AN AFFORDABLE HOUSING AGREEMENT BETWEEN THE CITY, THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK, AND THE BURBANK HOUSING CORPORATION (261 WEST VERDUGO AVENUE).

1208  
906  
Relocation Plan-  
261 W. Verdugo  
Ave.

RESOLUTION NO. 27,409:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A RELOCATION PLAN FOR THE RELOCATION OF RESIDENTS DISPLACED AS A RESULT OF THE ACQUISITION AND REHABILITATION OF 261 WEST VERDUGO AVENUE.

1300  
403  
Addendum to  
Master Services  
Agmt.- US  
National Assoc.  
Cal-Card  
Program

RESOLUTION NO. 27,410:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE MASTER SERVICES AGREEMENT AND AUTHORIZING THE ADDENDUM TO THE MASTER SERVICES AGREEMENT FOR THE STATE OF CALIFORNIA PURCHASE CARD PROGRAM WITH U.S. NATIONAL ASSOCIATION N.D. FOR THE CITYWIDE PROCUREMENT CARD PROGRAM

Adopted                      The consent calendar was adopted by the following vote:

Ayes:        Council Members Golonski, Gordon (except Resolution Nos. 27,407, 27408 and 27,409), Vander Borgh, Ramos and Campbell.  
Noes:        Council Member Gordon (Resolution Nos. 27,407, 27,408 and 27,409).  
Absent:      Council Members None.

Item  
moved up on  
Agenda

Mr. Golonski requested that the item regarding the "Burbank Bus Passenger Survey 2006 Results" be moved up on the agenda. The Council concurred.

1502  
BurbankBus  
Passenger  
Survey 2006  
Results

Mr. Carrasco, Transportation Services Manager, Park, Recreation and Community Services Department, reported that during the month of May 2006, the consulting firm of Moore & Associates conducted a survey of BurbankBus riders. He noted that the survey was designed to provide additional insight into rider travel

patterns as well as assess customer satisfaction regarding the BurbankBus service. He stated that a group of field survey staffers from Moore & Associates distributed the self-administered customer survey throughout a five-day week. He reported that 170 valid surveys were received, which is approximately a 42.5 percent response rate. He added that three important outcomes were achieved during the survey: identification of travel patterns; identification of areas of service improvement and/or growth; and, assessment of rider customer satisfaction.

Mr. Jim Moore, Moore & Associates, reported that public ridership for BurbankBus increased by over 40 percent last year and elaborated on the customer service results. He noted that the most important attribute in choosing BurbankBus is on-time performance, and the most popular requests for service enhancement are more frequent service, mid-day service and additional seating capacity. He also commented on the peak ridership hours, trip origins, patrons' frequency, service usage and key employers.

The Council commended staff and the consultant, and the report was noted and filed. Mr. Vander Borcht stated that future Councils will have to recognize that public transit is an integral component of traffic solutions and therefore consider allocating General Fund money to fund the costs of providing mid-day service.

706  
Burbank  
Boulevard Street  
Improvement  
Project

Mr. Lynch, Senior Redevelopment Project Manager, Community Development Department, requested the Council consider the proposed construction cost estimates for the Burbank Boulevard Street Improvement Project. He stated that the street improvements are proposed to run for 2.2 miles along Burbank Boulevard from the former Five Points intersection to the North Hollywood border. He explained that the improvements include: new landscaped medians with lighted median trees; new parkway street trees; street furniture; repaving of Burbank Boulevard; enhanced treatments at six accent areas and the two major intersections at Buena Vista Street and Hollywood Way; and, traffic signal modifications and interconnect work to improve the flow of traffic.

Mr. Lynch noted that in May 2006, the Council approved the Design Development drawings and staff was directed to return to the Council and Redevelopment Agency Board prior to bidding the project. Subsequently, staff conducted several community meetings and met with the Council Subcommittee to review the

estimates and consider ways to reduce costs.

Mr. Lynch then reviewed the proposed project's scope and estimates which generally fall into three categories; civil work, landscape and traffic improvements. He noted that various cost-saving measures have been incorporated, such as: planting half 24-inch box trees and half 36-inch box trees in the parkway rather than all 36-inch box trees; removing all of the proposed tree guards in the accent areas; eliminating lighting of the palm trees but adding lighting of the median trees; removing the proposed raised planters in favor of ground level plantings; and, eliminating the banding for the crosswalks at the two enhanced intersections.

Mr. Lynch also noted that there have been some cost increases, including: additional costs in reclaim water use, addition of curb, gutter and damaged sidewalk replacement; replacement of 80 curb ramps; addition of detectible warning surfaces on curb ramps for Americans with Disabilities Act requirements; inclusion of a structural soil system for the parkway trees to prevent sidewalk upheaval; increase in labor and material costs for the traffic signal/interconnect work; and, the proposed monument sign at the west end of the Burbank Boulevard corridor. He also noted that staff anticipated returning with a contract in April 2007.

#### Motion

It was moved by Mr. Vander Borcht, seconded by Dr. Gordon and carried to "approve the Engineer's Estimate for the purpose of proceeding with the bidding process, with direction that items such as grates, planting and landscaping be to the extent feasible, set for separate bids to determine whether the alternative bids are worth the savings that would entail not having one general contractor handling the entire job."

1503  
UUD No. 1  
(B.S. 1225)  
Awarding  
contract to  
J. Fletcher  
Creamer and  
Sons

Mr. Simay, Assistant General Manager, Burbank Water and Power (BWP), reported that on June 20, 2006, the Council established Utility Underground District (UUD) No. 1 in which all utilities are required to underground their lines at their expense. He noted that BWP, the lead utility, sought bids for the conduit and maintenance vault work along Olive Avenue, and the portion of Lake Street in front of the Replacement Burbank Station (Station). However, the two bids received (\$3.5 million and \$3.9 million) were significantly over the engineer's estimate of \$2 million.

Mr. Simay added that at staff's request, the City Manager rejected both bids (Bid Schedule No. 1220) and authorized staff to solicit new bids (Bid Schedule No. 1225). He stated that before

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soliciting new bids, the work along Lake Street was shifted to the design-builder for the Station, who was willing to stay within the engineer's estimate and the target completion date. In addition, changes were made in the contractor requirements that would attract lower bids for the work along Olive Avenue, such as allowing more contractor's working hours to occur during the day and increasing the project completion time from 115 days to 135 days.

Mr. Simay reported that at the December 5, 2006 bid opening, J. Fletcher Creamer and Sons submitted a bid of \$1,773,910, which was 10.2 percent above the engineer's estimate for the Olive Avenue portion of the work. He stated that awarding the contract would not have an adverse financial impact on BWP as work on both UUD No. 1 and the Station remains within project budgets.

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

1503  
UUD No. 1  
(B.S. 1225)  
Awarding  
contract to  
J. Fletcher  
Creamer

RESOLUTION NO. 27,411:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND ADOPTING CONTRACT DOCUMENTS, PLANS AND SPECIFICATIONS, AND DETERMINING THE LOWEST RESPONSIBLE BIDDER, ACCEPTING THE BID, AND AUTHORIZING EXECUTION OF A CONTRACT TO INSTALL A CONDUIT SYSTEM FOR UNDERGROUND UTILITY DISTRICT NO. 1 – OLIVE AVENUE (BID SCHEDULE NO. 1225) TO J. FLETCHER CREAMER AND SONS IN THE AMOUNT OF \$1,773,910, AND APPROVING AN ALLOCATION OF THE COST OF SUCH WORK AMONG BURBANK WATER AND POWER AND OTHER COMMUNICATION UTILITIES.

Adopted The resolution was adopted by the following vote:

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

Noes: Council Member Gordon.

Absent: Council Members None.

11:40 P.M.  
Reconvene  
Agency  
Meeting

The Redevelopment Agency meeting was reconvened at this time for public comment.

Final Open  
Public Comment

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

Period of Oral  
Communications

Citizen Comment            Appearing to comment was David Piroli, on campaigning during oral communications and on recent Police activity related to gangs.

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

11:53 P.M. Adjournment        There being no further business to come before the Council, the meeting was adjourned at 11:53 p.m.

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Margarita Campos, CMC  
City Clerk

APPROVED JUNE 19, 2007

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Mayor of the Council  
Of the City of Burbank