TUESDAY MARCH 20, 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 5:33 p.m. by Mrs. Ramos, Vice Mayor.

CLOSED SESSION

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

Absent - - - -Council Member Campbell.

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

Oral There was no response to the Mayor's invitation for oral

Communications communications on Closed Session matters at this time.

5:33 P.M. The Council recessed at this time to the City Hall Basement Lunch Room/Conference Room to hold a Closed Session on the following: Recess

Conference with Legal Counsel – Existing Litigation:

Pursuant to Govt. Code §54956.9(a)

Name of Case: In the Matter of the Application of the Burbank-

Glendale-Pasadena Airport Authority. Case No.: OAH No. L2001-110412

Brief description and nature of case: Application of Burbank-Glendale-Pasadena Airport Authority made to Department of

Transportation, State of California for Noise Variance.

Regular Meeting The regular meeting of the Council of the City of Burbank was reconvened at 6:33 p.m. by Mr. Campbell, Mayor.

Reconvened in Council Chambers

Invocation The invocation was given by Ron White, American Lutheran

Church.

The pledge of allegiance to the flag was led by Maddy Chavez, Flag Salute

Jasmine Daniel and Sergio Torras.

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 Mayor Campbell presented a Proclamation in honor of Cesar

Chavez Week to Melissa Gwynne, Senior Librarian at the Proclamation:

Northwest Branch Library, and actor Fred Blanco. Cesar Chavez Week

301-1 Mayor Campbell commended the members of the Luther Burbank

Luther Burbank Middle School Spirit Squad

Middle School Spirit Squad, a co-ed sixth, seventh and eighth grade cheer team which has become a positive force in the community. He explained that the Spirit Squad promotes school spirit, leadership and volunteerism through their participation in various community service opportunities. He added that the Spirit Squad has: raised over \$10,000 in goods for Hurricane Katrina victims; partnered with Vons Grocery Store to distribute information to the community about Breast Cancer Awareness; raised over \$500 for breast cancer research; provided entertainment at several community events; delivered food baskets to under-privileged Burbank families during the holiday season; and, performed at local retirement homes. He also noted that the Spirit Squad represents their school and community in cheerleading competitions throughout California, and has qualified to compete in the Sharp International Competition in Las Vegas, Nevada. Certificates of Appreciation were presented to the following members of the Squad: Maddy Chavez, Jasmine Daniel, Jhenee Evans, Tuesday Hunsaker, Amy Lopez, Ashley Nieto, Bianca Orozco, Yadira Orozco, Skylar Roth, Jackie Salgado, Arielle Sanchez, Valerie Stein, Bethany Stevens, Sergio Torras and Chantel Valdivieso.

Reporting on Council Liaison Committees

Mayor Campbell reported on a recent trip to Washington D.C. and on attending the Environmental Oversight Committee meeting with Dr. Gordon.

Dr. Gordon also reported on the Environmental Oversight Committee meeting.

Mr. Vander Borght reported on attending the community outreach meeting at Jordan Middle School with Mrs. Ramos.

406 Meeting

Mr. Campbell stated that there would be no Airport Authority report Airport Authority as the meeting was postponed due to technical problems with the cablecast.

6:58 P.M. 403 Public Hearing Abandoned **Shopping Carts** Mayor Campbell stated that "this is the time and place for the hearing on adding Section 31-1121 to Chapter 31 of the Burbank Municipal Code to establish requirements and procedures for the containment of shopping carts."

Meeting Disclosures

There were no meeting disclosures.

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 eight pieces of communications and one telephone message.

Staff Report

Mr. Hirsch, Assistant Community Development Director/License and Code Services, reported that the issue of abandoned shopping carts has been of interest to the Council since 2003 due to the increase in the number of abandoned shopping carts over the past decade. He added that previously, the Council directed staff to present the issue of abandoned shopping carts to the Planning Board (Board) and the Board deliberated on this matter on November 13, 2006, and voted 4-0 in favor of the Council moving forward with the proposed ordinance. He explained that the Board made two recommendations, neither of which affected the text of the proposed ordinance. The recommendations included a desire for the Council to consider providing a "ramp-up" period of time for businesses to prepare for the implementation of the ordinance and concerns about senior citizens not having access to shopping carts to transport their purchases.

Mr. Hirsch informed the Council that the proposed ordinance is modeled after the City of Glendale ordinance which was enacted on January 1, 2006 and has lowered the number of abandoned shopping carts by 95 percent. He explained that the ordinance requires that if any business has at any time more than five shopping carts removed from their premises over a 24-hour period, the business will be required to install a containment system to prevent cart removal. He added that the type of containment system installed by a business is not specified in the ordinance; however, the containment system must be approved by the City to qualify as satisfying the requirements of the ordinance. He added that once the ordinance becomes effective, staff will dedicate the necessary resources to observe business premises and if the five cart number is exceeded, the business would be issued a notice of violation and the containment requirement will be activated. He added that a violation could be issued for each day the business is found to be in violation. He noted that although some of the enforcement measures may seem time consuming or complicated, they are far simpler than enforcing the current State law mandates. He then addressed several issues raised with regard to the ordinance, including the expense related to installing a containment system, and discussed the suggestion that the genuine need of some individuals such as seniors or low-income individuals be addressed though a rebate program.

Citizen

Appearing to comment in support of the ordinance were: Alan

Comment

Kraig; Rick Bradley; Graham Matthews; Ralph Herman; Mark Barton and, LaVerne Thomas. Jennifer Forkish, Director of Local Government Relations, California Grocers Association, commented in opposition; Eden Rosen, expressed concerns with assisting seniors who need carts and on electronic locks on carts; and, Esther Espinoza and David Piroli, on enforcement issues.

7:49 P.M. Hearing Closed

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

Staff response

Mr. McDougal, Senior Assistant City Attorney and Mr. Hirsch responded to public comment with regard to enforcement issues.

Council Deliberations

Mr. Golonski expressed support for the ordinance and the rebate program.

Mr. Vander Borght agreed with Mr. Golonski and suggested a three-cart loss threshold.

Mrs. Ramos expressed support for the ordinance and the five cart threshold.

Dr. Gordon expressed general support of the ordinance but suggested revisiting the ordinance in a year's time period following its implementation to evaluate if modifications need to be made. He also suggested the inclusion of a hardship clause for the rebate program and supported continued dialogue with the Grocers Association to provide feedback.

Mr. Campbell supported the ordinance, the rebate system and a six-month ramp-up period. He elaborated on the potential dangers that abandoned shopping carts pose to the residents, especially in the hillside area. Mr. Vander Borght and Mr. Golonski agreed with the six-month ramp-up period.

Mr. McDougall clarified that pursuant to the Council's discussion, Section 31-1121 (c) would state that the cart loss threshold shall be established and amended from time to time by a resolution of the Council and that the ordinance shall become effective at 12:01 a.m., six months following the date of publication. He added that at the second reading, a resolution would be brought back establishing the initial cart loss threshold at five.

Motion

It was moved by Mrs. Ramos, seconded by Mr. Campbell and carried that "the following ordinance be introduced and read for the

first time by title only and be passed to the second reading."

Ordinance Introduced

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK ADDING SECTION 31-1121 TO CHAPTER 31 OF THE BURBANK MUNICIPAL CODE RELATING TO SHOPPING CARTS.

8:21 P.M. 1702 Planning Application Procedures

Mayor Campbell stated that "this is the time and place for the hearing on amending sections of the Burbank Municipal Code Relating to the Planning Application Procedures."

Meeting Disclosures

There were no meeting disclosures.

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 no written correspondence.

Staff Report

Mr. Forbes. Principal Planner, Community Development Department, reported that Article 19 of Chapter 31 of the Burbank Municipal Code (BMC) prescribes procedures for City consideration of various types of planning applications including Development Review, Conditional Use Permits, Variances and other planning permits and entitlements. As currently structured, each type of planning application has its own processing requirements, including those pertaining to hearings, noticing and decision making. He added that besides Article 19, other sections of Chapter 31 establish the processing requirements for other types of applications and processing requirements for tract and parcel maps are specified in Chapter 27 of the BMC.

Mr. Forbes explained that in the current BMC, many of the requirements for different application types are duplicative, which results in redundant information appearing in the BMC. In other cases, requirements that could be applied uniformly to all application types are instead applicable only to certain types of applications but not others. He stated that the proposed ordinance seeks to standardize the application process for all types of planning applications and would establish five application processes. All planning applications would be processed pursuant to the provisions of one of the five processes and each of the processes would provide standardized processing requirements

including noticing, conduct of hearings and appeals.

Mr. Forbes reported that in addition to improving the user friendliness of the Zoning Ordinance the ordinance would simplify the process of adding new types of applications in the future. Also, the use of standardized application processes is desired in conjunction with a new project tracking software system that has been implemented for the Planning and Transportation Divisions. He mentioned the two changes pursuant to previous Council direction that all appeal hearings be held within 75 days of the date the appeal was filed, and providing the Council authority to vote as a body to have decisions of the Community Development Director reviewed by the Planning Board (Board) in lieu of an appeal being filed.

Mr. Forbes informed the Council that the Board held a public hearing to consider the proposed Zone Text Amendment (ZTA) on September 25, 2006 and voted 5-0 to recommend ZTA approval with one addition of including a statement regarding the applicability of timelines specified under various State laws, specifically the California Environmental Quality Act and the Permit Streamlining Act, to all planning applications.

Citizen Comment

Appearing to comment were Rose Prouser, on opportunities for appeals and Susan O'Carroll, requesting postponement of the hearing for one week.

8:30 P.M. Hearing Closed

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

Hearing Continued

8:44 P.M. 1703 602 Public Hearing Project No. 2006-86 401 Delaware Rd. It was moved by Mr. Golonski, seconded by Mr. Vander Borght and carried that "the public hearing be closed but Council deliberation be continued to the regular agenda of March 27, 2007."

Mayor Campbell stated that "this is the time and place for the continued 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. This public hearing was opened on January 23, 2007 with presentations by staff and the applicant and comments from the public. The public comment period of the hearing was closed and the City Council deliberated the merits of the proposed project. The matter was continued to March 20, 2007 and staff was directed to work with the applicant to develop reduced project alternatives that would be more compatible with the neighborhood."

8:44 P.M. Mrs. Ramos Recused

Mrs. Ramos stated that she will be voluntarily recusing herself from participation on the hearing due to the perception that she may have an interest, although no legal conflict of interest exists. She left the Chamber at this time.

Meeting Disclosures

Mr. Campbell reported on discussing the matter with the appellant and applicant.

Mr. Vander Borght reported on having a brief telephone conversation 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 13 pieces of communications.

Staff Report

Mrs. Forbes, Deputy City Planner, Community Development Department, requested the Council consider revisions to Project No. 2005-86, Development Review, a request by David Meissner for Delaware Investments, LLC, to construct an 11-unit multi-family project. She stated that at a public hearing on January 23, 2007, the Council took public testimony and began deliberations. She added that concerns were expressed with regard to the project complying with the Development Review findings and the Council voted 4-0 to continue the item to another meeting to allow the applicant the opportunity to make changes to the proposal. She noted that specifically, the applicant was asked to reduce the size of the project, reduce the massing, meet with the neighbors to gather more input, increase the number of non-handicapped guest parking spaces, move the driveway toward the center of the property along East Avenue and preserve trees.

Mrs. Forbes reported that the applicant met with neighbors and subsequently reduced density by one unit, stepped back the second story near the corner along Delaware Road and opened up the elevation along East Avenue. She added the Council also asked staff to consider maintaining the existing street width on Delaware Road to preserve the existing mature trees and noted that traffic engineering staff opines that the existing street width may be maintained but in the future parking along the north side of Delaware Road may be removed to allow more room for maneuverability. She also added that the applicant explored the option of moving the driveway on East Avenue towards the center of the project; however, when the driveway was moved, the height of the garage increased, which is not permitted. In addition, she stated that moving the driveway would remove parking spaces which was contrary to the applicant's efforts to maximize parking

spaces. She stated that as an alternative, the applicant may place the driveway along Glenoaks Boulevard which is not the preferred option by traffic engineering staff, but would be acceptable if it was the Council's desire.

Mrs. Forbes stated that staff believes that the project as revised continues to meet Code requirements and findings for approval of Development Review, and requested the Council approve the project.

Public Hearing Re-opened

Mr. Campbell requested consideration of whether to re-open the public hearing. The Council concurred to re-open the hearing for public comment.

Applicant

Mr. Meissner, applicant, elaborated on the following changes to the project: the square footage which has been reduced from 17,274 net building square feet to 16,011 square feet representing a seven-percent decrease; additional setbacks; and, two additional parking stalls which are being provided beyond the Code-required parking. He requested that the entrance be permitted off of Glenoaks Boulevard. With the aid of a PowerPoint, he explained the features which make his project compatible with the neighborhood.

Citizen Comment

Appearing to comment in opposition to the project were: John Mercado; Rose Prouser; Carol Mercado; Jo-Deanne Rapier; Robert Dickman; Richard Westwood; and, John Mosher. Also, Frank Gooch commented in support of the project.

Rebuttal Comments

Mr. Meissner reiterated that the project was significantly reduced to address the neighborhood's concerns and that the project is compatible with the neighborhood.

9:39 P.M. Hearing Closed

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

Mr. Golonski noted receipt of a letter from the applicant's attorney and requested a 15-minute recess to discuss the letter in Closed Session with the City Attorney.

9:42 P.M. Recess

The Council recessed at this time to Closed Session. The meeting reconvened at 10:05 p.m. with all members present except Mrs.

Ramos, who recused herself from the item.

Council Deliberations

Mr. Vander Borght expressed support for the project and noted that although the project would qualify for a 24-unit approval, the applicant is requesting 10 units. He also noted the need to meet compatibility standards by balancing the concerns of the R-1 zone in close proximity to an R-4 zone, with the applicant's property rights. He added that the applicant has made a reasonable effort with regard to compatibility and expressed support for placing the entrance off of Glenoaks Boulevard to mitigate traffic impacts to the residential streets.

Mr. Campbell requested clarification with regard to the ingress and egress off of Glenoaks Boulevard and on the elevations.

Mr. Golonski was not supportive of the ingress and egress off of Glenoaks Boulevard, noting that while it would be better from a compatibility standpoint, safety should not be traded for compatibility. He also expressed concerns with the massing, density and square footage and suggested reducing the gross square footage to no more than 15,000 square feet.

Dr. Gordon stated that although the site is an unusual piece of property, the project is still too massive for the site. He was also not supportive of the Glenoaks Boulevard entrance for safety issues.

Mr. Campbell inquired as to whether Mr. Meissner was amenable to the 15,000-square foot limit. Mr. Meissner agreed but urged that the entrance be off of Glenoaks Boulevard.

Mr. Golonski and Dr. Gordon stated they would support the Glenoaks Boulevard entrance subject to approval by the Traffic Engineer.

Mr. Campbell commended the applicant for his willingness to agree to the 15,000-square foot limit and stated that since Glenoaks Boulevard is a major arterial, it is an appropriate place to have a little higher density as opposed to residential streets. He also supported the Glenoaks Boulevard entrance subject to approval by the traffic engineer.

Motion

It was moved by Mr. Golonski, seconded by Mr. Vander Borght that "the following resolution be passed and adopted, with an additional condition to limit the gross residential square footage to no more than 15,000 square feet, and to allow the ingress and egress

access from Glenoaks Boulevard provided the Traffic Engineer finds it an acceptable option." In addition, the final plans would be reviewed by staff for substantial conformance to what has been presented at the hearing and the trees along Delaware Road would be preserved.

1703 602 RESOLUTION NO. 27,438:

Project No. 2006-

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING PROJECT NO. 2005-86 DEVELOPMENT REVIEW (401 DELAWARE ROAD).

401 Delaware Rd.

Adopted

The resolution was adopted by the following vote:

Ayes: Council Members Golonski, Gordon, Vander Borght and

Campbell.

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

Reporting on Closed Session

Mr. Barlow reported on the items considered by the City Council during the Closed Session before the meeting. He also reported that the Council met during the public hearing on the proposed project at 401 Delaware Road to discuss potential litigation.

10:46 P.M.
Mrs. Ramos
Returns
Initial Open
Public Comment
Period of Oral
Communications

Mrs. Ramos returned to the Chamber at this time.

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

Citizen Comment

Appearing to comment were: Stan Hyman, on the purchase of 261 West Verdugo Avenue; Mark Barton, on freedom of speech; David Piroli, on the Airport Noise Working Group; Joe Vasapolli and Allan Franklin, on the Whole Foods Project; Fred Prouser, on the upcoming General Election; Rose Prouser, on the proposed Charter amendments; Howard Rothenbach, on the Whole Foods Project and in opposition to placing security cameras in the ballot processing area; Garen Yegparian, on the proposed Charter amendments; and, La Verne Thomas, on the Whole Foods Project and expressing concerns about trash on freeway off- and on-ramps.

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 on the Whole Foods Project were: Gael MacGregor-Walsh; B.C. Cameron; Roman Gora; Emily Gabel-Luddy; Leah Brandon; Michelle Feather; Marva-Lea Kornblatt; Bart Giovannetti; Sheila Harmer; and, Susan O'Carroll. Also appearing to comment were: Stepan Boyajian, Chair of the Burbank Chapter of the Armenian Cultural Foundation, in support of their request to hold a candidates forum; Mark Barton, on the shopping cart ordinance; Eden Rosen, on the purchase of 261 West Verdugo Avenue and the Whole Foods Project; Molly Hyman and Stan Hyman, on the purchase of 261 West Verdugo Avenue; Rose Prouser, on the Whole Foods Project, proposed candidate forum, security cameras and the purchase of 261 West Verdugo Avenue; and, David Piroli, on the Whole Foods Project, the purchase of 261 West Verdugo Avenue and the request to hold a candidates forum.

Staff Response

Members of the Council and staff responded to questions raised.

Item Taken Out of Order

Mr. Golonski requested that the item regarding "Denying Conditional Use Permit No. 2006-125, Variance And Development Review No. 2006-105 (Whole Foods Market)" be taken out of order. The Council concurred.

1704-5 602 Project No. 2006-105, Whole Foods Mr. Barlow, City Attorney, stated that pursuant to Council direction on February 20, 2007, staff presented a resolution denying Project No. 2006-105, including Conditional Use Permit No. 2006-105, Variance and Development Review No. 2006-105, for a Whole Foods Market proposed for 901 W. Alameda Avenue. He added that Mr. Davies, applicant, submitted a request that the resolution be adopted without prejudice.

Motion

It was moved by Mrs. Ramos, seconded by Dr. Gordon that "the following resolution be passed and adopted."

1704-5

RESOLUTION NO. 27,439:

602 Project No. 2006

Project No. 2006-

105, Whole Foods A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DENYING CONDITIONAL USE PERMIT NO. 2006-105, VARIANCE AND DEVELOPMENT REVIEW NO. 2006-105 (WHOLE FOODS MARKET).

Adopted

The resolution was adopted by the following vote:

Ayes: Council Members Golonski, Gordon, Ramos and

Campbell.

Noes: Council Member Vander Borght.

Absent: Council Members None.

1208
Joint Mtg w the
Redev. Agency
Affordable
Housing Agt 261 West
Verdugo Ave

Ms. Davidson-Guerra, Assistant Community Development Director/Housing and Redevelopment, reported that on March 13, 2007, Council Member Golonski requested a discussion regarding the sale of the property at 261 West Verdugo Avenue to the Burbank Housing Corporation (BHC). She explained that on January 23, 2007, the Council and Redevelopment Agency (Agency) Board approved an affordable housing agreement among the City of Burbank, Agency and BHC. The agreement included Agency funding for the acquisition of real property for the purpose of increasing the City's inventory of affordable housing. She added that the report focused on issues such as fair market value of the property, rehabilitation costs, proximity to the Verdugo-Lake Focus Neighborhood and similar issues as detailed in the report. She stated that the purchase price for the property was \$1.4 million which was within the fair market value range as identified in an appraisal report by a certified, independent real estate appraiser. She noted that due to the concerns raised regarding a recent. below-market, private party real estate transaction, staff will implement measures to ensure that a three-year history of real estate transactions is included in future staff reports and will confer with the appropriate Council Subcommittee prior to bringing any real estate-related matters to the full Council/Agency Board.

Motion

Following Council deliberation, it was moved by Mr. Golonski, seconded by Mrs. Ramos and carried that "staff be directed to notify the BHC to cease all work on the property and take every step possible to rescind the transaction. Staff was also directed to cease any additional relocation efforts as long as they will not be detrimental to the tenants, and draft a letter for the Council's signature, indicating the Council's sentiments regarding the transaction and that since the Council did not have all the information at the time of approval, the best remedy is to reverse the transaction with the cooperation of the seller and seller's agent. If the BHC is unable to rescind the transaction the matter should be

brought back to the Council."

12:59 A.M. Recess The Council recessed to allow the Public Financing Authority to hold its meeting. The meeting reconvened at 12:59 a.m. with all members present.

204
Req. to Conduct
Candidate Forum
by the
Burbank
Armenian
Cultural
Foundation
For General
Election.

Mr. McManus, Public Information Officer, presented a request by the Burbank Armenian Cultural Foundation to conduct a candidate forum on March 22, March 23 or March 24, 2007 for the April 10, 2007 General Election. He added that a forum sponsored by the League of Women Voters (League) was held in the Council Chamber for the Primary Nominating Election and a subsequent request by the Burbank Armenian National Committee to hold another forum was not granted due to concerns that the organization had endorsed political candidates and propositions in the past.

Mr. McManus informed the Council that the League has not requested to host a General Election forum and candidate statements for the General Election are airing on Channel 6 and have been posted on the City's website. He expressed concern with the timing and ability to schedule all candidates and noted the possibility that by the time the forum airs, ballots would have already been mailed and based on passed history, some voters may have already returned their ballots. He requested the Council consider the matter and give direction as desired.

Motion

Following deliberation, it was moved by Dr. Gordon, seconded by Mrs. Ramos and carried with Mr. Golonski voting no that "the Council approve the request with conditions that all four candidates be able to participate and the public be allowed to attend."

204 Installing Video Cameras in the Ballot Process. Center Mrs. Campos, City Clerk, reported that at the March 13, 2007 Council meeting, Dr. Gordon requested that staff bring back for Council discussion the consideration of installing security cameras in the ballot processing center. She described the ballot processing procedure which is open to the public and stated that to her knowledge, there has not been any reason or issue to warrant the installation of security cameras.

The report was noted and filed.

1:34 A.M. Reconvene Agency and Pub. Fin Auth Mtgs. The Redevelopment Agency and Public Financing Authority meetings were reconvened at this time for public comment.

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.

1:35 A.M. Adjournment There being no further business to come before the Council, the meeting was adjourned at 1:35 a.m. to Tuesday, March 27, 2007 at 5:00 p.m. for an Air Quality Study Session.

margania Campo

City Clerk