

TUESDAY, FEBRUARY 13, 2001

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 5:07 p.m. by Mr. Kramer, Vice Mayor.

CLOSED SESSION

Present- - - - Council Members Golonski, Kramer, Laurell, and Murphy.
Absent - - - - Council Member Wiggins.
Also Present - Ms. Alvord, Assistant City Manager; Mr. Barlow, City Attorney; and, Mrs. Sarquiz, City Clerk.

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

5:08 P.M. Recess The Council recessed at this time to the Park and Recreation 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: In the matter of the application of Burbank-Glendale-Pasadena Airport Authority – Administrative (Variance) Hearing conducted by Cal Trans.
Case No.: OAH No. L-9701269
Brief description and nature of case: Administrative review of Airport noise variance standards.
- b. Conference with Legal Counsel – Anticipated Litigation (City as possible plaintiff):
Pursuant to Govt. Code §54956.9(c)
Number of potential case(s): 2
- c. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):
Pursuant to Govt. Code §54956.9(b)(1)
Number of potential case(s): 1
- d. Conference with Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
Name of Case: Charter Wire Maintenance Fee Appeal
Brief description and nature of case: Charter's appeal of City's rate order to the Federal Communications Commission.
- e. Conference with Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
Name of Case: City of Burbank vs. Ralph C. Froelich, Trustee, et al.
Case No.: BC 237022
Address: 101 West Burbank Boulevard
Brief description and nature of case: Condemnation

related to the Five Points Realignment Project.

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 Mr. Kramer, Vice Mayor.

Invocation The invocation was given by Reverend Ron Degges, Little White Chapel.

Flag Salute The pledge of allegiance to the flag was led by Aneesha Akram, CREST Program graduate.

ROLL CALL
Present- - - - Council Members Golonski, Kramer, Laurell, and Murphy.
Absent - - - - Council Member Wiggins.
Also Present - Mr. Ovrom, City Manager; Mr. Barlow, City Attorney; Ms. Alvord, Assistant City Manager; and, Mrs. Sarquiz, City Clerk.

301-1 CREST Youth Employment Program Graduates Mrs. Wolfe, Administrative Analyst I, and Vice Mayor Kramer, presented certificates of recognition to the following graduates of the City Resources Employing Students Today (CREST) Youth Employment Program: Aneesha Akram, Ana Boshyan, Karen Boshyan, Beth Chiaravalle, Clara Do, Chris Simonyan, Melly Mena, Derrek Gomez, Karen Essakhanian, Jay Tarnoff, RaeAnne Fuller, Zeliman Zourbekov, Melissa Escobar, Edward Partiai, Christina Tucker, and Vahag Arutyunyan.

301-1 Police Medals Presentation Police Chief Hoefel and Vice Mayor Kramer presented Police Medals to Sergeant Pat Lynch, Officer Kirk Barcus and Officer Joe Dean for their courageous and effective actions in a shooting tragedy in June 2000 at the Aramark building located at the corner of First Street and Orange Grove Avenue.

7:01 P.M. Hearing 1703 602 Appeal of DR No. 2000-13 (270-300 East Providencia) Vice Mayor Kramer stated that "this is the time and place for the hearing on the appeal of the Planning Board's decision affirming Development Review No. 2000-13. The Applicant, Hany Edward Awad, applied for Development Review No. 2000-13 requesting authorization to construct a thirty-three unit apartment complex at 270-300 East Providencia Avenue. Development Review No. 2000-13 was approved by the Community Development Director on September 20, 2000, which was affirmed by the Planning Board on December 11, 2000. Nearby residents have appealed the Planning Board decision to the Council."

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Notice
Given

The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that a letter had been received from Garen Yegparian, appellant, and noted that it would be made part of the record.

Staff
Report

Mr. Oschenbein, Assistant Planner, reported that the appellants, Garen Yegparian, David Stone and Roobina Ovanessian, are requesting a reversal of the Planning Board's decision to affirm the Community Development Director's approval of Development Review No. 2000-13, a request by Hany Edward Awad to construct a Code compliant, 33 unit apartment complex at 270-300 East Providencia Avenue. He noted that the appellants have appealed this project on the basis of potential impacts on the neighborhood and community.

He said that the project was approved by the Community Development Director on September 20, 2000 through the Development Review process. He said that Development Review is the process utilized by the City to review proposed development projects for conformance with adopted Codes and regulations and noted that the applications may only be approved by the Community Development Director.

Mr. Oschenbein then stated that the Director's decision was appealed by the Providencia Gardens Homeowners Association and subsequently heard by the Planning Board on December 12, 2000. He said the Board, following a public hearing, ultimately determined that the project would be consistent with the requirements of the Burbank Municipal Code. Following the Planning Board decision, he said the appellants appealed the Board decision to the City Council.

He explained that an application for Development Review may only be denied if it is found that the project will not be Code compliant. He said that it is staff's assessment that the appellants have not identified any areas in which the project is not compliant with the Municipal Code. Therefore, he noted that staff was recommending that the City Council deny the appeal of the Planning Board's decision and affirm the Community Development Director's approval of Development Review No. 2000-13.

Appellant

Garen Yegparian said his residence is near the proposed project and noted it is the largest project to be built in the last decade in Burbank. He expressed concern with the project affecting his neighborhood in the following ways: view and light

blockage due to the proximity of the building to his residence; excessive amounts of noise will affect physical health, psychological stability, social cohesion, property values, and economic productivity; increased traffic; increased on-street parking; impact on school enrollment at Miller Elementary School; air quality; and, impacts on recreational demands.

Next, he referred to a map that described the various uses surrounding the proposed project site. He also discussed several proposed projects to be constructed in the area including a disabled housing project and the South San Fernando Park and school project. He then requested that the City conduct updated traffic counts noting the last time counts were taken was in 1997.

Lastly, Mr. Yegparian asked the Council to consider his neighborhood's concerns noting they were appealing the matter due to the negative impact it will have on their quality of life.

Applicant

Hany Edward Awad, owner and developer of the project, said the project is an underdevelopment pursuant to the existing R-4 zoning standards noting he could have constructed 35 units with three stories. However, he noted that he is proposing a project of 33 units with two stories. He then described the proposed project as follows: 69 parking spaces in a subterranean garage with only 66 required by the Code; overage in landscape; net increase of 20 units since there are currently 12 units on the site; two stucco colors and two stucco textures; washers and dryers in the units; and, a large exercise room on the property,

He discussed that the condominium association from the building next store appealed the project and were heard by the Planning Board. At the hearing, he said that no person from the public spoke against the project and further said the appellants never addressed any project Code deficiencies. He then noted concern that the signatures collected on the petition by the appellants were obtained by presenting misinformation. He also said that some of the tenants in his current building signed the petition because they do not want to move from the building.

Next, Mr. Awad refuted the concerns of the appellant as follows: the project will have a minimal impact on the schools; traffic will be impacted by 120 new passes each day which is a four percent increase over current traffic passes; tenants will be required to meet noise standards; and, tenants will use the

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subterranean garage and will have minimal impacts on the street parking.

He concluded by stating that the project meets the required Codes and the appellants have not presented any evidence to the contrary and, as such, he asked the Council to approve the project as the Planning Board did.

Appellant
Response

Mr. Yegparian noted concern with the street getting narrower near the project and asking the City to address this matter. He then stated he may not have any technical criticisms of the project; however, he said his main concerns with the project were related to quality of life issues.

Hearing
Closed

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

Motion

It was moved by Mrs. Murphy and seconded by Mr. Laurell that "the following resolution be passed and adopted:"

1703
602
Appeal of DR.
No. 2000-13
(270-300 E.
Providencia
Ave.)

RESOLUTION NO. 25,930:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DENYING AN APPEAL OF A DECISION OF THE PLANNING BOARD AND APPROVING DEVELOPMENT REVIEW NO. 2000-13 (270-300 E. PROVIDENCIA AVENUE)

Adopted

The resolution was adopted by the following vote:

Ayes: Council Members Golonski, Kramer, Laurell, and
Murphy.
Noes: Council Members None.
Absent: Council Member Wiggins.

Reporting on
Closed Session

Mr. Barlow reported on the items considered by the City Council and Redevelopment Agency during the Closed Session meetings.

Oral
Communications

Mr. Kramer called for oral communications at this time.

Citizen
Comment

Appearing to comment were Roger Langford, on concern with the tone and lack of respect of the speakers before the City

Council at meetings, thanking the Council Members for the time and energy they give to the community, and on the greatness of the City and the attractions and entertainment recently brought to the City; Don Elsmore, stating the refuse rates should be reviewed by the City, on statements previously made by the City's outside counsel on the disposition of the B-6 property, on concern with the conduct of staff at the Planning Board meeting last night, and supporting the candidacy of Council Member Murphy; Mark Tiger, thanking the Council and staff for their good work in the community, and inviting the public to attend a fundraiser on February 23, 2000 at Jordan Middle School for Our Children's Place Preschool with guest speaker Jim Treelese; Irma Loose, playing a tape recording of statements made at previous Council meetings related to utility deregulation, and stating concern with statements made by Council Member Golonski in his candidate statement related to the utility and the Airport; Esther Espinoza, on the need for minority representation on the City Council, and on concern with the Council candidacy of Marsha Ramos; Frank Kaden, urging the community to vote in the upcoming Municipal Elections, on concern with redevelopment activity in the City particularly the AMC project, stating the entire Airport project and sale of adjacent properties should be considered as one project, and on concern that another guard house is in the process of being constructed at the Cayman site noting it was his understanding that only one house was to be built;

Fred Haas, on a meeting he attended related to Airport runways and safety issues, stating his belief that the Burbank Airport should be closed, and referring to surrounding airports noting his belief that no additional airport facilities were needed; Bob Etter, on concern with mud on Olive Avenue from the M. David Paul development site, on concern with the need for more schools in Burbank, and noting his belief that non-union workers were working on the new Buena Vista Library site; Mike Nolan, stating his belief that a restraining order filed by a Council Member and enforced by City officials is City business, stating the City should be looking into constructing new crosswalks similar to other surrounding cities, on concern with the conduct of staff at last night's Planning Board meeting, and asking for a report on placing a cap on the Utility Users Tax; and Dr. David Gordon, on concern with the conduct of staff at last night's Planning Board meeting, and on concern with the dismissal of a Planning staff member Gary Yamada in December 2000.

8:43 P.M.
Recess

The Council recessed at this time. The meeting reconvened at 9:03 p.m. with the same members present.

Citizen
Comment
Continued

Mark Barton, on the negotiations with the Cusumanos for the project on the old Police Building block stating his belief the City should be willing to sell the land to them for a lower price in order for the project to proceed as the City will reap the benefits once it is completed; Molly Hyman, on concern with the conduct of staff at last night's Planning Board meeting, and noting her belief that former Planning staff member Gary Yamada should be returned to the City; Ted McConkey, on a grant applied for by the Boys and Girls Club which the City agreed to fund \$105,000 in up-front costs if the grant was approved by the State however stating it was ultimately denied and noting concern that the \$105,000 was never re-distributed to other needy charities, and stating his support for an ethics commission; R. C. "Chappy" Czapiewski, on concern with the City's past policy and practices regarding the presentation of video tapes by members of the public, questioning the candidacy of Bob Kramer for City Treasurer, and on concern with statements made by the City in a final order in one of the Airport cases to waive any rights to challenge or appeal the order and to bear their own costs in the action; Ron Vanderford, supporting the return of former Planning staff member Gary Yamada, encouraging the community to vote in the upcoming elections and noting concern with the Council candidacy of Gary Olson and Dave Golonski and supporting the Council candidacy of Stacey Murphy, Marsha Ramos and Howard Rothenbach;

Todd Layfer, candidate for City Treasurer, stating he is a licensed Certified Public Accountant in the State of Illinois noting he never obtained such a license in California as it was not needed in any of his jobs, and on his experience and education noting he was a qualified candidate for the position; Brett Loutensock, on statements previously written by Vice Mayor Kramer about his concern with City officials spending public money for community events, food and other items and noting concern that he now resembles those criticisms; Stan Hyman, on the history of the purchase of the Airport and the approval of a resolution that stated there would be no increase in flights in 1975, playing a video tape recording of statements made by former Mayor William Rudell on the proposal for a new Airport Terminal at an Airport Authority meeting, and on concern with the Council candidacy of Gary Olson due to his support by people like William Rudell; LaVerne Thomas, on concern with the conduct of staff at last night's Planning Board meeting, on concern with development in the Media District and asking for a complete accounting of the tax dollars collected and spent in the West Olive Redevelopment Project Area, and on concern with groundwater contamination and

noting the need for water samples to be tested for chromium within 24 hours and referring to a notebook she received from the California Regional Water Quality Control Board; Howard Rothenbach, stating his belief that statements made by a previous speaker about the candidacy of Mr. Kramer were not City business, on concern with the conduct of staff at last night's Planning Board meeting, and refuting previous statements made by Airport Commissioner Charlie Lombardo related to the Restore Our Airport Rights (ROAR) initiative; and David Piroli, on the upcoming election stating his support for Council candidates Stacey Murphy and Howard Rothenbach and on the role Mr. Rothenbach played in the creation of the ROAR initiative.

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

10:09 P.M. Recess The Council recessed to permit the Redevelopment Agency to hold its meeting. The Council reconvened at 10:16 p.m. with the same members present.

1504 Water Quality Update Mr. Lantz, Assistant General Manager, Burbank Water and Power, reported on the request from the City Council at the October 10, 2000 meeting for staff to begin providing weekly oral presentations updating the Council and public on Burbank's water quality. He began by discussing the following activities that have taken place since the last meeting: a second meeting with the California Department of Health Services regarding the implementation of Senate Bill 2127 was held on February 7, 2001 and another meeting will be held in April 2001; and, a proposed resolution amending the Fee Resolution to accommodate the implementation of "Providing Customers a Water Quality Sampling Service" is on this evening's consent agenda for Council approval.

Next, he introduced Mr. Mike McGuire, McGuire Environmental Consultants, who he said would present a report on chromium removal technologies and treatment costs. Mr. McGuire began by explaining that Public Health Goals (PHGs) are not drinking water regulations or proposed drinking water regulations or treatment requirements. He then noted that none of the treatment options to be covered in his presentation are required to meet current drinking water standards.

Next, he discussed that the Department of Health Services (DHS) issued emergency regulations in January to require utilities to monitor for hexavalent chromium. He said that

DHS has stated that they have no plans to revisit the current monitoring level; however, DHS is under pressure to set an Action Level for chromium. He then noted that currently Burbank collects far more samples than are required under the new regulations.

Mr. McGuire explained that an ion exchange and reverse osmosis appear most promising for removal of hexavalent chromium concentrations. However, he said that these treatment technologies produce waste streams that must be handled and disposed. He then said that he evaluated the following treatment scenarios to determine their associated costs: Conventional Ion Exchange; ISEP Ion Exchange; and, Reverse Osmosis. He noted that the bottom line of his evaluation is that the reverse osmosis is far more expensive than the other two technologies. He said that ISEP Ion Exchange looks promising and could also be used to eliminate or reduce nitrate in the Burbank Operable Unit and Lake Street effluents. He further said that if it becomes necessary some time in the future, Ion Exchange could also be used to eliminate perchlorate and arsenic at these two sites.

Lastly, Mr. McGuire cautioned that a tremendous amount of research needed to be performed to verify the assumptions and cost estimates used in his evaluation. He then suggested that Burbank should investigate collaboration with the City of Glendale to create bench and pilot-scale testing projects for hexavalent chromium removal.

Mel Blevins, Water Master of the San Fernando Basin, said he has been in his position for over 20 years, and discussed the allocation and availability of water rights for Burbank. He then noted his belief that most cities will be looking to have lower concentrations of hexavalent chromium and other contaminants in the groundwater due to public pressure, and regulations from both the Environmental Protection Agency and Department of Health Services. He also noted his belief that just blending Burbank's water with the Metropolitan Water District water will not be enough to reduce the contaminant levels and as such stated that the City will need to look to other treatment technologies.

Following Council discussion, staff was directed to further investigate treatment technologies.

Motion

It was moved by Mrs. Murphy and seconded by Mr. Laurell that "the following items on the consent agenda be approved as recommended."

Minutes Approved The minutes for the regular meetings of December 12, December 19, December 26, 2000, and January 2, 2001 were approved as submitted.

1211 Annual Weed Abatement RESOLUTION NO. 25,931:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DECLARING THAT WEEDS GROWING UPON AND IN FRONT OF, AND BRUSH, RUBBISH, REFUSE, AND DIRT UPON AND IN FRONT OF CERTAIN PRIVATE PROPERTY IN THE CITY ARE A PUBLIC NUISANCE, AND DECLARING ITS INTENTION TO PROVIDE FOR THE ABATEMENT THEREOF.

604-1 202-12 Advertising on Burbank Shuttles RESOLUTION NO. 25,932:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND ADOPTING A PILOT PROGRAM FOR ADVERTISING ON BURBANK SHUTTLES.

804-2 1504 Amend Water Rates & Charges RESOLUTION NO. 25,933:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING ARTICLE XI, RELATING TO WATER RATES AND CHARGES, OF RESOLUTION NO. 25,765, THE BURBANK FEE RESOLUTION.

Adopted The consent agenda was adopted by the following vote:

Ayes: Council Members Golonski, Kramer, Laurell, and Murphy.
Noes: Council Members None.
Absent: Council Member Wiggins.

11:07 P.M. Reconvene Redev. Agency Meeting The Redevelopment Agency meeting was reconvened at this time.

Public Comment Mr. Kramer called for the second period of oral communications at this time.

Citizen Appearing to comment were Mark Barton, stating the City

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Comment

should be compensated for the old Police Building site but noting his belief the City should work hard to negotiate a fair deal with the Cusumanos, and stating his belief employees should represent their own interests before the Council; Irma Loose, on concern with the City Attorney's response to a recent public records request she made related to the Boys and Girls Club and the Serendipity Theater and making another request for the records; Bob Etter, on a complaint to possibly be filed against the Council; Esther Espinoza, on the upcoming elections and noting the need for minority representation on the City Council; LaVerne Thomas, on concern with the conduct of staff at last night's Planning Board meeting, questioning the definition of public business, and asking a question about water treatment technologies and what the City will do to clean the source zones; Ron Vanderford, on concern with a restraining order filed by Mr. Golonski against Bob Etter, and on concern with statements made by columnist Will Rogers and others against City Treasurer candidate Bob Kramer and questioning the candidacy of Todd Layfer for Treasurer; Howard Rothenbach, supporting the ROAR initiative and referring to certain items contained in the initiative; David Piroli, asking whether statements made by Charlie Lombardo on the ROAR initiative were reflective of the City Council Members, and on the definition of City business noting the Council needs to be more conscientious of this matter; and Mike Nolan, refuting the City Council's interpretation of City business, on concern with a recent incident where an individual's car was towed away on Hollywood Way due to construction on the street and noting the car was then searched by the Police and asking for the Council to look into this matter, and asking for the Council to request a report on a cap on the Utility Users Tax.

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 11:39 p.m. in memory of Beverly Joan Johnson and Morris Shurman.

Judie Sarquiz, City Clerk

APPROVED MARCH 27, 2001

Mayor of the Council
of the City of Burbank