

TUESDAY, APRIL 10, 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 6:35 p.m. by Mr. Wiggins, Mayor.

Invocation The invocation was given by Captain Gary Smith, Salvation Army.

Flag Salute The pledge of allegiance to the flag was led by Superior Court Judge West.

ROLL CALL

Present- - - - Council Members Golonski, Kramer, Laurell, Murphy and Wiggins.

Absent - - - - Council Members None.

Also Present - Mr. Ovrom, City Manager; Mr. Barlow, City Attorney; Ms. Alvord, Assistant City Manager; and, Mrs. Moioffer, Deputy City Clerk.

301-1
International
Building Safety
Week Mayor Wiggins presented a Proclamation for International Building Safety Week, April 8 - 14, 2001, to John Cheng, Assistant Community Development Director – Building Official.

301-1
Earth Day Mayor Wiggins presented Bonnie Teaford, City Engineer, a proclamation in honor of Earth Day, April 22, 2001. He noted that this is a day for re-emphasizing a 1970 national commitment to environmental policies and practices that will protect, preserve and enhance planet Earth and its inhabitants, present and future.

301-1
Court
Unification Superior Court Judge West explained the process of Court Unification which occurred in February 2000 merging all municipal courts in the County with one Superior Court serving the entire County of Los Angeles. He stated that the court in Burbank no longer serves only Burbank and judges are no longer elected by Burbank voters, but are elected County-wide. He spoke on the activities of the courts in the north central district of the County and the need for communication between the Court and the Burbank City Council. This district, he said, includes Burbank, Glendale, LaCanada, Montrose, LaCresenta, and portions of Angeles Crest. He discussed the various new programs including the one-trial program and the full-service nature of the Burbank Court, noting there is now a new courtroom for family law as well as two new trial courts that the County will attempt to maximize by shifting more of the Court's activities to Burbank.

7:03 P.M.
Hearing
1702
701
PD 2001-1 w/
DR 2001-1
Buena Vista
Library

Mayor Wiggins stated that "this is the time and place for the public hearing of the Council of the City of Burbank regarding the new Buena Vista Library Project. The various components of this project that require Council consideration are: a Mitigated Negative Declaration; Planned Development No. 2001-1; and, a Development Agreement."

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 communications had been received.

Staff
Report

Mr. Ochsenbein, Associate Planner, reported on the request by Charles Walton Associates AIA, Inc. on behalf of the City of Burbank, to construct a 28,198 square foot municipal library with associated on-grade parking for 154 automobiles and a two acre passive park on a vacant 236,392 square foot property at the corner of Buena Vista Street and Verdugo Avenue.

He stated that the site was previously utilized by the Burbank Unified School District, first as Abraham Lincoln School and, subsequently, as administrative offices. He stated that both park facilities and municipal libraries are conditional uses permitted within the R-1 zone; however, the Land Use Element of the General Plan recommends that any development of a former school site proceed through the City's Planned Development process.

Mr. Ochsenbein discussed that this application includes a request to vary from two standards of the R-1 Zone: the developer's request to construct a building that has a maximum height of 40 feet rather than the permitted 35 feet, the location of the highest point being the center of the building and the center of the lot; and, secondly, the applicant has requested that the required landscape setback for the parking lot along Buena Vista Street be reduced from ten feet to eight feet to meet the Public Works Department's requirement for a dedication of two feet along Buena Vista Street to create an eight foot parkway, noting the difficulty of redesigning the parking lot while maintaining setbacks for the library and park facilities.

He then stated that staff is requesting that item number 14 of the proposed conditions of approval regarding the

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undergrounding of street lights be removed as the City will not be able to underground the existing overhead power lines in the foreseeable future and undergrounding them at the same time would be more appropriate, noting that the proposed conditions of approval included with the Development Agreement reflect this request. He further stated that, in conformance with the California Environmental Quality Act, a mitigated negative declaration has been prepared for the project which specifically addresses concerns regarding construction noise and would limit construction on week days to the hours of 7:00 a.m. to 6:00 p.m. and prohibit construction on weekends.

Mr. Ochsenbein concluded by stating that the Planning Board approved this application on March 12, 2001, adding and modifying several conditions that have been incorporated into the conditions of approval presented to the City Council.

Citizen
Comment

Appearing to comment were Bob Etter, on concern that the building was torn down before something other than a school was approved and spending money before the property is zoned correctly, questioning if the Deed of Trust has been checked to see if a violation of the trust exists, speaking on behalf of having a library at this location, and asking if prevailing wages would be paid; Dink O'Neal, stating that, assuming the stipulations of the trust have been met, the current library is outdated and needs to be replaced, on belief that the existing facility could not be used as a school and urging approval of the project, and noting that the public use of the rooms in the new facility need to be spelled out beforehand; and Tom Bakas, on concern about traffic on Brighton Street and requesting speed bumps and islands at the street entrances since the park will draw small children, and on his belief that the existing library is outdated and the new facility will offer a number of positive programs for children.

Hearing
Closed

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

Motion

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

1702
701
Adopt a
Mitigated
Negative
Declaration (320
N. Buena Vista)

RESOLUTION NO. 25,973:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
ADOPTING A MITIGATED NEGATIVE DECLARATION (320
NORTH BUENA VISTA STREET).

Adopted

The resolution was adopted by the following vote:

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

Ordinance
Introduced

It was moved by Mrs. Murphy, seconded by Mr. Laurell and
carried that "the following ordinance be introduced and read for
the first time by title only and be passed to the second reading
and that there be an additional condition for the access plan to
come back to Council for approval." The ordinance was
introduced and the title read:

1702
701
PD 2001-1
(320 N. Buena
Vista St.)

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK
APPROVING PLANNED DEVELOPMENT NO. 2001-1 AND A
DEVELOPMENT AGREEMENT RELATED THERETO (320 NORTH
BUENA VISTA STREET).

Oral
Communications

Mr. Wiggins called for oral communications at this time.

Citizen
Comment

Appearing to comment were Emzy Veazy III, on flag code
violations in the City of Glendale and issuing a warning to the
City of Burbank in case it occurs here; Don Elsmore, on House
Committee meetings, specifically on transportation
congestion, on the Federal Department of Transportation
overseeing the Federal Aviation Administration and the current
Secretary of Transportation's attitude toward building local
airports, on Congresswoman McDonald advocating caps on
flights at LAX which will affect airports regionally, and
supporting Burbank becoming part of that move; Irma Loose,
commenting on indebtedness of the Redevelopment Agency,
on her belief that Council lacks authority to use the Utility
Users Tax without public input, and on lack of accountability
as to use of taxpayers dollars; Esther Espinoza, on lack of

response to ethnic communities; Jay Grassie, stating that her neighborhood acquired sufficient signatures on a petition to place speed bumps on Florence Street, questioning why the residents have not yet received a letter advising of the approval of speed bumps, and requesting that Florence Street be placed on the priority list for safety reasons; C. L. Stack, requesting that if the AMC project developer is not going to perform, the property be given to another developer and no more money be given to the project; Howard Rothenbach, stating he noticed the fenced vacant lot across from the AMC Theater was open and there were cars parked there, noting his concern that someone will be injured parking on that dirt lot, questioning if the Council is considering suit against the Restore Our Airport Rights (ROAR) initiative, and also asking what the issues are; R. C. "Chappy" Czapiewski, echoing Mr. Rothenbach's concerns regarding the ROAR initiative, and on the Council's lack of appreciation for aviation history;

Ted McConkey, on the prohibition of the use of public funds against or for an initiative, on the allocation of funds to fight the Airport on Burbank's behalf being used now to fight against the citizens fighting the Airport, and stating that the collection of 10,000 signatures on the ROAR petition should send the Council a message; Dr. Theresa Karam, on charges placed against her by the City Attorney's Office and the Court's decision; Mark Barton, stating the election results clearly state the people's wishes; David Piroli, stating his appreciation for lack of negative fliers from the candidates, expressing interest in the fact that Judge West said that City funds helped build the Court House, parking structure, and court rooms so, in his opinion, anything occurring in that building should be considered City business, commenting on not addressing the infrastructure problem and on redevelopment business; Bob Etter, questioning procedures for informing property owners in the area of projects as well as the tenants; and Margaret Stephens, on rental rates in Burbank, on concern with Section 8 applications at Olive Court, and asking what the Council is going to do to help the low income residents.

Staff
Response

Members of the Council and staff responded to questions raised.

Motion

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

- recommended.”
- 201-1 Attendance of Newly Elected City Council Members
A report was received from Mr. Hess, Administrative Analyst, requesting that the Council consider a closed session confidentiality waiver for the express purpose of enabling newly elected Council Members to attend any and all Closed Sessions to assist with the transition and familiarization with Council issues and practices prior to the official May 1, 2001 change-over of Council Members. The report noted that this confidentiality waiver for newly elected Council Members has been common practice during transition periods and is a critical aspect of new Council Member orientation.
- The City Council approved allowing transitional attendance of newly elected City Council Members in any and all Council Closed Sessions as a necessary third party.
- Adopted The consent agenda was adopted by the following vote:
- Ayes: Council Members Golonski, Kramer, Laurell, Murphy and Wiggins.
Noes: Council Members None.
Absent: Council Members None.
- 1504 Water Quality Update
Mr. Lantz, Assistant General Manager, Burbank Water and Power (BWP), reported on the request from the City Council at the October 10, 2000 City Council meeting for staff to begin providing oral presentations updating the Council and public on Burbank’s water quality. He said that the following upcoming activities will take place in the next week(s): water and system test for total chromium and chromium 6 at various public buildings will be taken on April 11, 2001; and, well and aquifer testing of the Burbank Operable Unit will continue until May 2001. He also noted that a progress meeting with the California Department of Health Services regarding the implementation of Senate Bill 2127 will be held on April 12, 2001, and BWP will be budgeting for an American Water Works Association Research Foundation matching grant for chromium treatment technologies with the cities of Los Angeles, San Fernando, Glendale, and possibly Los Angeles County in Fiscal Year 2001-02.
- Public Comment Mr. Wiggins called for the second period of oral communications at this time.
- Citizen Comment Appearing to comment were Mark Barton, commenting on election statistics and stating that 7,000 people signed the

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ROAR petition, however, Howard Rothenbach received less than 3,000 votes; Irma Loose, on Council comments regarding her video tape from a previous City Council meeting, stating that profanity began on the dais and therefore was acceptable for the public to use; Esther Espinoza, on lack of support of minorities in City government; Howard Rothenbach, clarifying intent of ROAR initiative as it applies to Airport construction; and Dr. Theresa Karam, giving accolades to Vice Mayor Kramer and regret that other Council Members have taken the Pet Adoption show from him when he has made major strides for this program.

Staff
Response

Members of the Council and staff responded to questions raised.

Adjournment

There being no further business to come before the Council, the meeting was adjourned at 9:06 p.m. to Friday, April 13, 2001, at 8:00 a.m. in the Police/Fire Conference Room, 200 North Third Street, to hold a Closed Session on the following items:

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

Kay Moioffer, Deputy City Clerk

APPROVED MAY 22, 2001

Mayor of the Council
of the City of Burbank