

TUESDAY, JUNE 5, 2001

A regular meeting of the Council of the City of Burbank was held at the Fire Training Center, 1845 North Ontario Street, on the above date. The meeting was called to order at 5:30 p.m. by Mr. Kramer, Mayor.

CLOSED SESSION

Present- - - - Council Members Laurell, Murphy, and Kramer.  
Absent - - - - Council Member Golonski and Ramos.  
Also Present - Mr. Ovrom, City Manager; Mr. Barlow, City Attorney; Ms. Alvord, Assistant City Manager; and, Mrs. Elliot, Municipal Records 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 Fire Training Center 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 Labor Negotiator:  
Pursuant to Govt. Code §54957.6  
**Name of Agency Negotiator:** Management Services Direcotr/John Nicoll  
**Name of Organization Representing Employee:** Burbank City Employees Association, International Brotherhood of Electrical Workers, Burbank Firefighters Association, Burbank Firefighters Chief Officers Unit, and Burbank Management Association.  
**Summary of Labor Issues to be Negotiated:** Contract for Fiscal Year 2001-2002.

Regular Meeting Reconvened in Fire Training Center The regular meeting of the Council of the City of Burbank was reconvened at 6:38 p.m. by Mr. Kramer, Mayor.

Invocation The invocation was given by Reverend Tania Kleiman, Central Baptist Church.

Flag Salute The pledge of allegiance to the flag was led by Jonathan Delvecchie.

#### ROLL CALL

Present- - - - Council Members Laurell, Murphy, Ramos and Kramer.

Absent - - - - Council Member Golonski.

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

301-1 St. Francis Xavier Country Fair Rory Zipp, representing St. Francis Xavier Parish, invited the Council and community to attend their Country Fair, June 8, 9, and 10, 2001.

301-1 Road Kings Car Show Don Baldaseroni, representing the Road Kings, invited the Council and community to attend the Road Kings annual car show at Johnny Carson Park on June 10, 2001.

301-1 Annual High School Science Awards Al Zorn, Public Works Department Recycling Supervisor, recognized high school students participating in the volunteer service program. Those students recognized included: Magdalena Escareno, John Burroughs High School for service with the Burbank Temporary Aid Center; Linda Moon, Burbank High School for service during Red Ribbon Week; Jelly Mae Jadraque, John Burroughs High School for service with the Library Literacy Program; Avenes Hovik Rostomyan, Monterey High School for service as an Election Pollworker; Miranda Chatigny, Providence High School for service as a mentor at McKinley Elementary School.

Jeannette Meyer, Burbank Water and Power Marketing Manager, introduced the following Science Scholarship Award Winners and presented each of them with a \$3,000 scholarship from the City of Burbank: Michelle Young, Providence High School, and Mary Grace Savella, John Burroughs High School. Mrs. Meyer stated that these students maintained a 3.5 or higher grade point average and

6/5/01

submitted a 1,000 word essay on power in order to qualify for the scholarship.

301-1  
John Burroughs  
High School  
National Grand  
Champion Choir

The John Burroughs High School National Grand Champion Choir, Powerhouse, was presented a Certificate of Recognition by Mayor Kramer. The choir performed for the Council.

6:59 P.M.  
Hearing  
1702  
1101-1  
ZMA 2000-1  
(1105 N. Valley  
St.)

Mayor Kramer stated that "this is the time and place for the hearing on Zone Map Amendment No. 2000-1, General Plan Amendment No. 2001-1, and a Negative Declaration related thereto. Paul and Carla Grace, the property owners of 1105 North Valley Street, have applied to have the property re-zoned from the R-1 zone to the R-2 zone."

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. Bowler, Assistant Planner, presented a report on the request to adopt an ordinance approving Zone Map Amendment No. 2000-1 to rezone the property at 1105 North Valley Street from the R-1 to the R-2 Zone; a resolution adopting General Plan Amendment No. 2001-1 which amends the Land Use Element of the General Plan to allow rezoning R-1 property designated Single family Low Density in the Plan in situations where the R-1 property is completely surrounded by property already zoned R-2; and, a resolution adopting a Negative Declaration for the General Plan Amendment.

He stated that in September 2000, Paul and Carla Grace applied to have their property at 1105 North Valley rezoned from the R-1 to the R-2 zone. Mr. Bowler stated the property is a through lot with frontage on both Valley Street and Clybourn Avenue between Magnolia and Chandler Boulevards and noted that all adjacent properties on both sides for several lots are already zoned R-2.

Mr. Bowler stated that in January 2001, the applicants submitted a request for a General Plan Amendment to allow R-1 zoned property that is completely surrounded by R-2 zoned property to be rezoned to R-2. He also stated that this

Amendment would immediately make it possible to rezone five other lots in the City and could potentially affect one more; however, in response to a question by the Council, he stated that each property would need to apply separately for rezoning. He concluded by stating that the Planning Board recommended approval of this request at their April 23, 2001 meeting.

- Applicant Paul Grace, applicant, stated he was under the impression that the zone change had actually been previously approved. He stated that the purpose of the request is to allow him to construct an additional residence on the back portion of the lot for a family member.
- Hearing Closed There being no one appearing from the public to speak on the matter, the hearing was declared closed.
- Motion It was moved by Mrs. Murphy and seconded by Mr. Laurell that "the following ordinance be introduced and read for the first time by title only and be passed to the second reading, and that the following resolutions be passed and adopted." The ordinance was introduced and the title read:
- 1702 AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK  
1101-1 APPROVING ZONE MAP AMENDMENT NO. 2000-1 (PAUL  
Approve ZMA AND CARLA GRACE, APPLICANTS).  
2000-1 (Paul  
and Carla Grace)
- 1702 RESOLUTION NO. 26,019:  
1101-1 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
Approve GPA APPROVING GENERAL PLAN AMENDMENT NO. 2001-1 (PAUL  
2001-1 (Paul AND CARLA GRACE, APPLICANTS).  
and Carla Grace)
- 1702 RESOLUTION NO. 26,020:  
1101-1 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
Adopt Neg. Dec. ADOPTING A NEGATIVE DECLARATION FOR GENERAL PLAN  
For GPA 2000-1 AMENDMENT NO. 2001-1 AND ZONE MAP AMENDMENT NO.  
and ZMA 2000- 2000-1.  
1



City policies to protect the residents' quality of life and the integrity of the R-1 zone; the size and use of the building will adversely change the nature of the neighborhood with negative impacts for adjacent homeowners; the Planning Board findings in Resolution 2816 are not supported by the evidence presented; the Mitigated Negative Declaration is deficient in its analysis and the mitigation measures proposed are inadequate; and, an Environmental Impact Report should have been prepared.

Applicant

Mr. Lippman, representing Burbank Temple Emanu-El, requested the City Council to deny the appeal to construct the pre-school on the existing lot. He stated that in December 1999, the Temple submitted a request to the Planning Board to operate a day care center at 407 East Bethany Road. He said the Planning Board determined a variance was needed and representatives from the Temple met with the neighbors to redesign the project to be residential in nature and subsequently presented the new proposal to the public and Planning Board, which was approved by the Board on March 26, 2001.

Mr. Lippman concluded by stating that the pre-school is an important part of the community and needs a modern building.

Appellant

Mr. Rudell, attorney representing appellants Robert and Judith LaVerde in this matter, as well as other residents in the 400 block of Bethany Road stated that the LaVerdes live at 411 Bethany Road, adjacent to the project and are requesting that the Council approve the appeal and reverse the Planning Board's approval of the project. He noted that the project was approved on a 2-1 vote since two members were absent. He then said this project encroaches into an established R-1 neighborhood, presenting a threat of institutional encroachment and adverse financial aesthetics into the residential neighborhood. Mr. Ruddell further stated that there are no mitigation measures under the California Environmental Quality Act and no conditions imposed under the Conditional Use Permit that will effectively eliminate permanent adverse effects of the project. The applicant has operated a private educational institute or nursery school for 30 years and, generally speaking he said there has been harmony, but the current proposal is an expansion, encroaching into a single family neighborhood and demolition of a single family residence.

He then stated that there are insufficient parking spaces, citing that the 21 spaces would be used if the full 80 students were enrolled, and stating that the church parking spaces do not provide the necessary spaces due to concurrent activities occurring in the social hall.

Mr. Ruddell concluded by questioning the statement in the staff report that a nursery school does not generate more noise than a residential structure, noting that the second story activities could create sound carrying into the residential community, and questioned the finding as subjective by a City Planner rather than what a resident would perceive to be significant and acceptable.

Citizen  
Comment

Appearing to comment were Maureen Ehrhardt, stating that there is currently a parking problem on Amherst Drive due to Temple and nursery school activities and expressed concern about the proposed building not conforming to the neighborhood, and stating she heard there will be a second-phase permit requested for additional kitchens which indicates increased social activity; David Stott, resident of Bethany Road, speaking in opposition of a commercial building at this location and requesting that the Council approve the appeal, and noting that parking problems currently exist; Bob LaVerde, resident of Bethany Road and the appellant, speaking in opposition to expansion and suggesting looking at retrofitting the current structure, requesting that the existing residential structure not be destroyed, and expressing concern that the existing street is too narrow to accommodate the proposed development; Karen DeJong, a resident of Bethany Road, presenting petitions to the Council along with a map showing locations of concerned residents, and expressing concern about the project, noting her belief that the project will affect the value of their homes, and requesting approval of the appeal; Rubik Ohanians, whose home faces the Temple's driveway, stating he currently experiences traffic problems and difficulty in having trash bins moved or not being able to set them out, and noting that the expansion would negatively impact the value of his property as well as lead to further expansion of the Temple; Patrick Murphy, stating his three daughters attended the pre-school and his belief that there is a need to provide adequate child care and pre-school opportunities and felt the Temple did a great job, and further stating that the design has been reduced significantly from the original plan.

Sylvia Nielsen, expressing concern about the project affecting the neighborhood, but also expressing hope that it will work out for everyone; Jean Friedman, stating her hope that the Temple will be able to convert the existing house into a usable day care facility; Stephen Kellogg, stating that the first application was denied and the second application was approved with a 2-1 vote, expressing concern for loss of a residential home to a commercial structure three times the size of the residence, asking if there is a need for more pre-schools, and expressing concern that if the pre-school fails, it cannot be converted back into a home; Leonard Kushner, stating that the school meets a need of the community, noting that the Temple has satisfied the State regulatory demands as well as those of City staff, and requesting the Council uphold the decision of the Planning Board; Paul Katz, member of the Board of Directors for Temple Emanu-El, stating that he appreciates concerns expressed by neighbors, but feels that concerns stem from the unknown, noting that the size of the proposed structure is no larger than can be built for a residence and will fall within the integrity of the community, and noting that the day care operation has not been intrusive to the neighborhood and they are only requesting an additional 20 children; Gilbert Gradsky, stating his support for the project and questioning if the objections stated tonight were included in the original request where they weren't addressed;

Tom Lopez, urging the Council to grant the appeal, and expressing concern about the construction activity; Dean Bowman, stating his concern that the social hall will not be controlled by the Temple when renting it out; Esther Espinoza, expressing concern over further decreases in property values caused by this project; Robert Dickman, stating his support for the project and stating his opinion that it will not be a detriment to the neighborhood, also stating that the permit is valid only for a pre-school operation and his feeling that it would not fail, and stating that it would further enhance the religious community; Peter Chernack, stating his opposition to the appeal, stating both of his daughters attended the pre-school at Temple Emanu-El and expressing his feeling that this is a progressive step for the community, and urging support of the Conditional Use Permit; and Nat Rubinfeld, stating his support of the Conditional Use Permit and urging the Council to deny the appeal.

8:34 P.M.  
Recess

The Council recessed at this time. The meeting reconvened at 8:39 with the same members present.

6/5/01

Citizen Comment Continued Ernest Erhardt, stating his opposition for replacing the house and concern about lowering property values; Mike Nolan, stating his support for those neighbors who spoke against the project and are attempting to protect their neighborhood; Ted McConkey, stating concern over removing a single family home and replacing it with a commercial structure, and expressing support for the appeal, citing traffic and noise problems; and Mark Barton, suggesting a compromise in the design of the structure that would be more representative of a residence.

Applicant Mr. Lippman responded to the concerns by stating the following: the new structure will look like a residence with a white picket fence in the front; the traffic will not change since there is no additional egress or ingress on Bethany Road; drop-off times for the pre-school are staggered; the pre-school is open to all of the community for an enhanced pre-school experience; and, there are currently no plans for additional kitchens. He concluded by requesting that the Council deny the appeal.

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

The City Council deliberated on the matter. Following discussion, Mr. Ovrom stated that, since it appeared that the vote would be evenly split (Mr. Laurell and Mr. Kramer supporting the appeal and Mrs. Murphy and Mrs. Ramos supporting the denial of the appeal), the matter could be continued to a specific date in order to allow Mr. Golonski to vote on the matter after familiarizing himself with the testimony given and deliberations made. He further stated this would allow the interested parties an opportunity to get together another time if they so desire.

Motion It was moved by Mrs. Murphy, seconded by Mr. Laurell and carried with Mr. Golonski absent that "the hearing be continued to June 26, 2001."

9:22 P.M. Recess The Council recessed at this time. The meeting reconvened at 9:38 p.m. with the same members present.

Reporting on  
Closed Session

Mr. Barlow noted that, although on the agenda, the Council did not discuss with its real property negotiator the sale of property bounded by Olive Avenue, Angeleno Avenue, Third Street, San Fernando Boulevard, except for the corner piece at San Fernando Boulevard and Olive Avenue.

406  
Airport Authority  
Report

Airport Authority Commissioner Charlie Lombardo reported on items that were on the Airport Authority meeting agenda of Monday, June 4, 2001, including the following: A new lease with Metropolitan Culinary Services for a one-year contract with a series of four one-year options and an increase of the minimum annual guarantee by 3.8 percent and the rental charged them by 6.5 percent plus the yearly Consumer Price Index (CPI) adjustment; Approval of Financial Advisory Services Agreement with Leigh Fisher Associates and Ricondo and Associates including all aspects of planning, development, management, operation, and financing of the Airport's facilities; Award of two contracts for an additional sixty homes for the residential sound insulation program; Work Order with Environmental Science Associates for the elimination of approximately 1,040 parking spaces on the trust property, construction of two levels of elevated parking on Lot C to accommodate relocation of 613 of the B-6 trust property valet and rental car spaces, relocation of approximately 127 B-6 trust property rental car parking spaces to a new consolidated rental car ready return lot on portions of the Media and Mercury General Aviation lease holds; and, Award of contract to Padilla and Associates to include paving the parking lot in front of Hangar 2, repaving the ramps to the east and west of Hangar 2, and crack sealing and sealing the aircraft parking ramp to the north of Hangar 2.

The City Council received the report.

Oral  
Communications

Mr. Kramer called for oral communications at this time.

Citizen  
Comment

Appearing to comment were Don Elsmore, stating his concern with the sanitized reports on Airport matters presented by the Airport Commissioners, noting that it is his opinion that the construction of a parking structure is expansion and it is illegal; Esther Espinoza, speaking on oral communications and lack of support for Latino candidates; Robert Ross, stating that it is important to properly resolve the Temple Emanu-El pre-school issue, questioning the legality of the Airport case; Irma Loose, on curtailing her freedom of speech on various Airport issues; Ted McConkey, stating he attended the Airport

6/5/01

Authority meeting of June 4, noting that new members Bill Wiggins and Dave Newsham were not present, and stating there were several important issues to be discussed, and asking if the Airport Commissioners have been sworn in and are official representatives of Burbank; Mark Barton, requesting that when the Council considers standards for oral communications that stricter guidelines be adhered to; Howard Rothenbach, raising questions on the memorandum written by the City Attorney on his opinion of the Restore Our Airport Rights (ROAR) initiative since it seemed to be in conflict with his opinion on Measure B; David Piroli, stating his concern that Mr. Newsham and Mr. Wiggins were not at the recent Airport Authority meeting, commenting on the Airport information made available at this Council meeting, and noting that the use of the pre-school at Temple Emanu-El can change over the years and questioning how the City can guarantee that a use will remain; and Mike Nolan, on a memo to the City Council by the City Manager on the Americans with Disabilities Act requirements for the new stadium style AMC theaters.

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 items on the consent agenda be approved as recommended."

Minutes  
Approved

The minutes for the regular meeting of April 17, 2001 were approved as submitted.

1301-3  
1207  
701  
Buena Vista  
Branch Library  
(B.S. 1090)

RESOLUTION NO. 26,021:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR STATEMENT OF QUALIFICATIONS (SOQ) FOR CONSTRUCTION OF THE BUENA VISTA STREET BRANCH LIBRARY AND LINCOLN PARK PROJECT, BID SCHEDULE NO 1090.

Adopted

The consent calendar was adopted by the following vote:

Ayes: Council Members Laurell, Murphy, Ramos and Kramer.

Noes: Council Members None.

Absent: Council Member Golonski.

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

Citizen Comment Appearing to comment were Irma Loose, expressing her belief that her video tape from the Council meeting of May 15, 2001 was sabotaged by removing her comments, and playing a copy of the tape checked out from the Library; Mark Barton, commenting on AMC and the financial problems within the movie industry; Howard Rothenbach, asking if the City would allow an Airport terminal to be built on the B-6 site and questioning why ROAR violates State Code while Measure B does not; David Piroli, commenting favorably on the new timer at the podium and thanking Mayor Kramer for trying to get answers to questions asked by the public; Mike Nolan, clarifying his question on the AMC issue and stating that he still has not received an answer; and Theresa Karam, stating her concern that Bill Wiggins and David Newsham were not in attendance at their first Airport Authority meeting and requesting they be terminated.

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 10:56 p.m. in memory of Gladys Grady Callahan.

Kay Moioffer, Deputy City Clerk

APPROVED JULY 31, 2001

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Mayor of the Council  
of the City of Burbank