

TUESDAY, NOVEMBER 27, 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 5:02 p.m. by Mr. Kramer, Mayor.

CLOSED SESSION

Present- - - - Council Members Laurell, Murphy, and Kramer.  
Absent - - - - Council Members Golonski and Ramos.  
Also Present - Mr. Ovrom, City Manager; Mr. Barlow, City Attorney; Ms. Alvord, Assistant City Manager; and, Mrs. Moioffer, Acting City Clerk.

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

5:03 P.M. Recess The Council recessed at this time to the Training Room, 1<sup>st</sup> Floor of City Hall Annex, 301 East Olive Avenue, to hold a Closed Session on the following:

- a. Conference with Legal Counsel – Existing Litigation:  
Pursuant to Govt. Code §54956.9(a)
  1. **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.
  2. **Name of Case:** City of Burbank v. Burbank-Glendale-Pasadena Airport Authority.  
**Case No.:** BC259852  
**Brief description and nature of case:** Declaratory Relief.
- 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):** 2

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- d. Conference with Real Property Negotiator:  
Pursuant to Govt. Code §54956.8  
**Agency Negotiator:** Community Development Director/  
Susan Georgino  
**Property:** 140-144 Providencia Avenue.  
**Parties with Whom Agency is Negotiating:** Lester D. and  
Karen J. Meek.  
**Terms Under Negotiation:** Purchase of property.

Regular Meeting Reconvened in Council Chambers      The regular meeting of the Council of the City of Burbank was reconvened at 6:34 p.m. by Mr. Kramer, Mayor.

Invocation      The invocation was given by Reverend Harry Durkee, First United Methodist Church.

Flag Salute      The pledge of allegiance to the flag was led by Mr. Feng, Public Works Director.

ROLL CALL

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

Absent - - - -      Council Members None.

Also Present -      Mr. Ovrom, City Manager; Mr. Barlow, City Attorney; and, Mrs. Moioffer, Acting City Clerk.

301-1  
Doolittle Award For Leadership      Mr. Kramer invited Mrs. Betty Ormeny to accept a presentation to Tom Ormeny who was honored with the Theatre L.A. Ovation Award for Lifetime Achievement on November 12, 2001 at the Kodak Theater in Hollywood. On behalf of her husband, Mrs. Ormeny expressed her appreciation for the award.

301-1  
Presentation by Assemblyman Dario Frommer      Assembly Member Dario Frommer presented a check for \$1.5 million to the City of Burbank in matching funds for San Fernando Park under the Urban Park Program, created by Assembly Member Frommer. He stated that Los Angeles lags behind other of the Nation's cities in open space and this State Law is designed to help cities build neighborhood parks,

He stated that Proposition 40 will be on the ballot in March which will provide \$2.6 billion for clean beaches, parks, and waterways, and, of that amount, \$140 million will go to urban parks. Assembly Member Frommer distributed to the Council a packet on Proposition 40 and requested endorsement of this

proposition.

Mr. Laurell requested agendaizing a Resolution in support of Proposition 40.

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

First Period of Oral Communications Mr. Kramer called for speakers for the first period of oral communications at this time.

Citizen Comment Appearing to comment were Gary Garrison, asking if the water in Burbank is safe to drink and noting his concern for its taste; Don Elsmore, stating he faxed a four-page letter to the Council Office Secretary earlier in the day and hoped the Council received the letter from Peter Kirsch to Richard Simon on Budget Rent-A-Car defining the B-6 property legal status, and stating his belief that even though it only applies to Budget Rent-A-Car, it should apply to all of the property; R. C. Czapiewski, requesting prayers for his health, and giving the Council a copy of the Burbank Times from July 1991 on the Mall; and Esther Espinoza, on her belief nepotism exists in the City.

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

Second Period of Oral Communications Mr. Kramer called for speakers for the second period oral communications at this time.

Citizen Comment Appearing to comment were Don Elsmore, further discussing the letter from Peter Kirsch on B-6 property, noting the letter indicates that the Airport Authority is not permitted unlimited use of the B-6 property, constructing new parking areas, and even installing a fence on the perimeter of the property because it is considered construction; R. C. Czapiewski, stating that the City had not responded to his request for information under the Brown Act on the Closed Session location of October 9, 2001 and showing a video tape of a previous Council meeting; Ted McConkey, on the Desmond property and stating that the operation would not be allowed

to move to the adjacent property because of Measure A, which he stated was not true and requesting an explanation about why Desmond cannot move, and requesting Mrs. Ramos to make a motion to reconsider the lawsuit against Measure A at this meeting; Mark Barton, expressing belief that major changes will be forthcoming with the Airport and the Federal Aviation Authority, and questioning why voters can submit a petition and have an election on an illegal matter; Irma Loose, expressing her belief that City officials do not want public input or oversight, commenting on a Burbank Leader editorial criticizing the Council, and expressing her belief that the Council is wasting taxpayers' money with the Declaratory Judgement against Measure A; Esther Espinoza, expressing her belief there is nepotism in the City; Claudia LaFrance, supporting Margarita Campos for City Clerk, noting her qualifications; Dr. Theresa Karam, on Measure A, noting the City files frivolous lawsuits spending thousands of taxpayer dollars, and expressing her belief that the lawsuit against Measure A is a sham; Ron Vanderford, commenting on closed sessions being secret meetings even if they are noticed, on the Airport Authority calling the Measure A lawsuit a sham in a Burbank Leader article, and urging Mrs. Ramos to reconsider the vote on the lawsuit; Mike Nolan, requesting more flags be placed in Magnolia Park, and asking Mrs. Ramos to reconsider the vote on Measure A litigation; David Piroli, questioning staff's treatment of permit requests on airport property, requesting staff look into the definition of the passenger facility charge, and applying for those funds; and Howard Rothenbach, opposing soliciting for an Intervenor and expressing his appreciation that no one took advantage of the offer.

|                                   |   |
|-----------------------------------|---|
| Staff Response                    | Members of the Council and staff responded to questions raised.   |
| Items Removed From Consent Agenda | The items regarding Denying Conditional Use Permit No. 2001-9 (Texaco Food Mart & Foam Brite Wash, 400 North Victory Boulevard) and the Extension of Burbank Local Transit Shuttle Contract – Super Shuttle (Doing Business as Arcadia Transit) were removed from the consent agenda for the purpose of discussion. |
| Motion                            | It was moved by Ms. Murphy and seconded by Mr. Laurell that "the following items on the consent calendar be approved as recommended."   |

1212-2  
Five-Year Copy  
Machine Lease

RESOLUTION NO. 26,131:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A FIVE-YEAR CITYWIDE COPY MACHINE LEASE BETWEEN THE CITY OF BURBANK AND IMAGE IV SYSTEMS, INC.

1502  
1<sup>st</sup> Amend. To  
Agmt. W/  
Laidlaw Transit

RESOLUTION NO. 26,132:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF BURBANK AND LAIDLAW TRANSIT SERVICES, INC.

203-6  
Child Care  
Committee  
Apts.

A report was received from Mr. Flad, Park, Recreation and Community Services Director, which stated that upon adoption of the Child Care Master Plan in 1991, the Child Care Committee became a regular Council-appointed Committee and, pursuant to the by-laws, appointments to the Committee are recommended by committee members and forwarded to the Council for approval. The report noted that the appointments are for one-year terms and include representation of those in the City whose cooperation in the child care effort is needed, including the school district, private business employers, child care providers, and parent users of child care service.

The report further noted that the by-laws do not limit the number of individuals who may serve and the following 13 names were recommended by the Child Care Committee for membership: Deane Phinny, Retired Provider/Administrator; Goldie Bemel, Burbank Unified School District; Gail Dover, YMCA; Jose Delgado, Regional Child Care Advocate; Mildred Engel, Retired Educator; Barbara Gunderson, The Walt Disney company, Work & Family Specialist; Annabelle Godwin, Retired Provider, College Instructor; Nancee Rodriguez, Child Care Center Director; Karel Roland Armstorff, Horace Mann Childrens Center Parent Representative; Carol Miller, pre-school Director; Melinda Brookshire, Child Care Educator and Consultant; Paul M. Krekorian, Lawyer and School Site Council; and Helen von Seggern, Retired Educator.

406  
1503  
504-1  
Electrical Permit  
at 4700 Empire  
Ave. (Measure

RESOLUTION NO. 26,133:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK SETTING FORTH INTERPRETATIONS OF MEASURE A AS TO THE ELECTRICAL PERMIT LOCATED AT 4700 EMPIRE AVENUE.

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A)

406  
1702  
501-2  
Building Permits  
for Construction  
at 2555 N.  
Hollywood Way  
(Measure A

RESOLUTION NO. 26,134:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
SETTING FORTH INTERPRETATIONS OF MEASURE A AS TO  
GRADING AND BUILDING PERMITS FOR THE CONSTRUCTION  
OF A PARKING LOT LOCATED AT 2555 N. HOLLYWOOD WAY,  
OWNED BY ZELMAN DEVELOPMENT.

Adopted

The consent calendar was adopted by the following vote:

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

1704-3  
602  
Deny CUP 2001-  
9 (Texaco Food  
Mart & Foam  
Brite Wash)

A report was received from Mrs. Georgino, Community  
Development Director, which stated that at its regular meting  
of October 16, 2001, the City Council voted (4-1, with Council  
Member Laurell opposing) to direct staff to prepare a  
resolution denying the appeal of Conditional Use Permit No.  
2001-9, a request by Steve Yang to allow beer and wine sales  
for off-premises consumption at the Texaco gasoline station  
food market located at 400 North Victory Boulevard.

Motion

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

1704-3  
602  
Deny CUP 2001-  
9 (Texaco Food  
Mart & Foam  
Brite Wash)

RESOLUTION NO. 26,135:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
DENYING THE APPEAL OF THE PLANNING BOARD'S  
DECISION, DENYING CONDITIONAL USE PERMIT NO. 2001-9,  
AND FINDING PUBLIC CONVENIENCE OR NECESSITY NOT  
SERVED BY ALCOHOL LICENSE, 400 N. VICTORY  
BOULEVARD (STEVE YANG, APPLICANT AND APPELLANT).

Adopted

The resolution was adopted by the following vote:

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

1502 Extension of Shuttle Contract w/ Supershuttle (DBA Arcadia Transit) A report was received from Mr. Flad, Park, Recreation, and Community Services Director, which stated that staff is requesting the City Council to approve an amendment to shuttle operation contracts for eight months with SuperShuttle (dba Arcadia Transit), which will allow staff and policy makers time to evaluate the potential of a joint use of contractors with the City of Glendale. The report noted that on July 18, 2000, the City Council voted to enter into a 15-month contract with SuperShuttle to provide demand-responsive service to the Golden State/Airport Area and to the Downtown Area, providing approximately 4,000 trips monthly from the Burbank Regional Intermodal Transit Center to these areas.

The report further noted that staff is pleased with the shuttle service and the Transportation Commission concurs that the contract should be extended. The shuttle operation contracts are paid from Proposition C transportation funds and, per the existing contract, SuperShuttle charges the City \$31.80 per revenue service hour. The contract extension will not exceed \$192,000 over the proposed period of eight months from December 1, 2001 through July 31, 2002.

Motion It was moved by Mr. Laurell and seconded by Mr. Golonski that "the following resolution be adopted:"

1502 Extension of Shuttle Contract w/ SuperShuttle (DBA Arcadia Transit) RESOLUTION NO. 26,136:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF BURBANK AND ARCADIA TRANSIT, INC.

Adopted The resolution was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Members None.

Abstain: Council Member Murphy

203 Magnolia Park CAC Annual Report Mr. Garcia, Assistant Planner, introduced Dr. Jay Adams, Magnolia Park Citizen Advisory Committee (CAC) Chair, who summarized the Committee's report submitted to the City Council.

Dr. Adams stated that the CAC has met almost every month since July 2001. He noted that the report before the Council is a summary of the Magnolia Park CAC's actions and an

outline of their recommendations to the City Council.

Dr. Adams stated the CAC has taken action on the following items: Last year, the committee recommended to continue the maintenance of the landscape to preserve the two blocks initially maintained east of Hollywood Way. The company providing this service has done an excellent job of maintaining the area and it is hoped that next year's budget will include continuing this landscape maintenance. The Committee also recommended a left turn signal on Hollywood Way at Magnolia Boulevard which was implemented, and expressed hope that a left-turn signal could be installed on the Magnolia Boulevard direction of the intersection as well.

The issue of the content of displays and maintenance of the kiosks came before the Committee which decided that community-based events and announcements should be appropriately displayed and opposed general advertising at the kiosks. The Committee requested a City department be responsible for placing the displays into the kiosks and recently developed guidelines as to content and timing. The Committee also recommended an annual budget for supplies in maintaining the kiosk displays.

Ms. Murphy stated she would support the City maintaining the kiosks and requested that expansion of the streetscape be discussed in the upcoming budget sessions. Mr. Golonski favored maintaining the kiosks, but felt it should be done by the Magnolia Park Committee.

In response to a question by Mrs. Ramos, Dr. Adams stated that there is a parking deficiency in the area of Hollywood Way and Magnolia Boulevard for any type of restaurant use at the old Thrifty site. He stated that this area is considered to be a prime development area for Magnolia Park and requested the City consider an incentive program to the property owner to construct a larger parking lot. Since Magnolia Park is not a redevelopment area, Dr. Adams stated that matching grant funds or improvements come from the General Fund making funding for improvements much more difficult to obtain.

Mr. Laurell requested that during the next budget process, projected costs on expanding the angled parking in Magnolia Park be brought back.

The Council noted the report and ordered it filed.



8:32 P.M.            The Council recessed at this time. The meeting reconvened at  
 Recess                8:39 with all members present.

1001                 Mr. Nicoll, Management Services Director, stated that the  
 201                     Council has the authority and responsibility to make an  
 City Clerk            appointment to replace the elected City Clerk who has  
 Appointment        accepted a full-time position in the City's Financial Services  
                            Department. He stated that at the Council's direction, the City  
                            advertised the position, placing notices asking for qualified  
                            applicants as indicated in the Charter. Mr. Nicoll noted that  
                            the requirements for appointment include Burbank residency  
                            and being registered as a voter in the City of Burbank.  
                            Twenty-one applications were received, the candidates were  
                            asked to submit all of their documentation, were provided an  
                            opportunity to participate in video taped presentation, and  
                            invited to attend the Council meeting to respond to questions  
                            by the Council.

Mr. Nicoll stated that 14 of the applicants were present at the meeting to make a three-minute presentation. Following those presentations, he stated, the Council has the authority and responsibility to make the determination as to whether the appointment should be made at this meeting.

Candidates appearing before the Council included: Emily Wensel, Marla Martinez, Lisa Hacobian, Christie Brandt, Cristina Pisa, Margarita Campos, Deborah Rayburn, Alan Feldstein, Cynthia Solomon, C. L. Stack, Walter "Rex" McBride, Theresa Donohue, Anthony Mortillaro, and Michelle Raluy.

Other applicants included Annabel Aghajanian, Jacqueline, Batayneh, Heidi Davenport, Kira Lutchenkov, Ross Moen, Marinette Peterson, and Lorre Rogers.

Following a vote of the Council, Margarita Campos was appointed to fulfill the unexpired term of City Clerk through April 30, 2005.

406                     Mr. Barlow stated that at the Council meeting of November  
 208                     13, 2001, staff was directed to solicit proponents of Measure  
 Selection of            A for the purpose of receiving funds to enter the lawsuit or  
 Proponent of         take action on the Measure A lawsuit. He stated that staff  
 Measure A for        sent out 200 solicitations, contacted all members of the  
 Litigation             Burbank Bar Association, members of the City's Boards and

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Funding Commissions except the Youth Board, and most of the regular Council meeting speakers as well as those recommended by Council Members. A deadline was set for November 26, 2001 at noon. He stated that no responses have been received.

Since no applications were received, the report was noted and ordered filed.

Ordinance Submitted It was moved by Ms. Murphy and seconded by Mr. Laurell that "Ordinance No. 3589 be read for the second time by title only and be passed and adopted." The title to the following ordinance was read:

604-1 Handbill Ordinance ORDINANCE NO. 3589:  
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING BURBANK MUNICIPAL CODE SECTIONS 3-104, 3-303 AND 3-308 PERTAINING TO HANDBILLS.

Adopted The ordinance was adopted by the following vote:

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

Third Period of Oral Communication Mr. Kramer called for speakers for the third period of oral communications at this time.

Citizen Comment Appearing to comment were Mark Barton, on his concern that the newspaper printed an inappropriate cartoon about a police incident; Irma Loose, on the Council not adhering to the 21<sup>st</sup> Century Plan, on the implementation of Special Elections for Measures B and A, stating her belief that the City should not have defended Charlie Lombardo, and the lack of response to her request for the cost of the October 25, 2001 Airport tri-city meeting; Eden Rosen, commenting on unfair practices by landlords in the City; Ted McConkey, on the Desmond property and Trust Agreement negotiated with the Airport, noting the Trust Agreement has been declared in default and the Airport must sell the property, and stating that for the City Attorney or anyone else to tell a reporter that the Desmond Property is in limbo due to Measure A is incorrect and misleading the public; Ron Vanderford, stating he is collecting signatures to try to stop the Platt Project which will have twin 18-story towers adjacent to a residential area, and expressing

concern with the Council discouraging voters by filing a lawsuit against Measure A; and Mike Nolan, thanking the Council for their attention to problems in Magnolia Park, noting appreciation for receiving a response from the Council regarding concerns of the community.

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 10:24 p.m. in memory of Jack Williams.

s/Kay Moioffer  
Kay Moioffer, Acting City Clerk

APPROVED MARCH 5, 2002

s/Bob Kramer

Mayor of the Council  
of the City of Burbank