

TUESDAY, JANUARY 8, 2002

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 5:30 p.m. by Mr. Kramer, Mayor.

CLOSED SESSION

Present- - - - Council Members Golonski (arrived at 5:32 p.m.), Laurell, Murphy, Ramos and Kramer.
Absent - - - - Council Members None.
Also Present - Mr. Ovrom, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

Oral Communications Mayor Kramer called for oral communications on Closed Session matters at this time.

Citizen Comment Appearing to comment were Howard Rothenbach, regarding the acquisition of property listed on the closed session agendas and alleging a Brown Act violation because the matter was not discussed in open session; Mike Nolan, on closed session items and requesting the Council discuss property acquisition matters in open session; Marie Paino, requesting that the City encourage the owners of the Media Center Mall to retain the carousel in the Mall.

5:40 P.M. Recess The Council recessed at this time to the City Hall Basement Lunch Room/Conference Room, to hold a Closed Session on the following:

- a. Public Employee Performance Evaluation:
Pursuant to Govt. Code §54957
Title of Employee's Position: City Manager.
- b. Public Employee Performance Evaluation:
Pursuant to Govt. Code §54957
Title of Employee's Position: City Attorney.

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:40 p.m. by Mr. Kramer, Mayor.

Invocation The invocation was given by Mayor Kramer.

Flag Salute The pledge of allegiance to the flag was led by Police Chief Hoefel.

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. Campos, City Clerk.

301-1
Amelia Earhart
Week

Mayor Kramer presented a proclamation in honor of Amelia Earhart Week to Laurel Schaefer, Amelia Earhart Chairman, and Nickie Bonner, President of the Zonta Club of the Burbank Area. Ms. Schaeffer stated that traditionally during the month of January the Zonta Club makes a donation to the Burbank Library, and she presented Mr. Fuchs with juvenile books and videos on the life of Amelia Earhart.

6:50 P.M.
Hearing
1704-3
602
Appeal of CUP
2001-17
(322 N. Pass)

Mayor Kramer stated that "this is the time and place for the continued hearing on the appeal of the Planning Board's decision on Conditional Use Permit No. 2001-17 applied for by Belvedere Hotels and Resorts LLC requesting authorization to sell alcoholic beverages at 322 Pass Avenue. This hearing was opened on November 13, 2001, rescheduled to December 4, 2001, at which time, at the request of the Applicant, it was continued to tonight's Council meeting."

Notice
Given

The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that written communications had been received from Mee H. Lee, of Garcia, McCoy and Lee Consulting Group representing Applicant, requesting minor language changes to the conditions.

Staff
Report

Mr. Forbes, Associate Planner, reported that at the November 13, 2001 meeting, the Council directed staff to research the intent of the Council in approving the original Homestead Village Hotel with regard to incidental and other uses aside from an extended stay hotel. He indicated the approved Homestead Village project contained a lobby area, but did not include provisions for food or alcohol service, but in 1999 plans submitted by the Graciela Burbank that included a lobby lounge area, buffet area, meeting area and kitchen were found by then Community Development Director Bob Tague to be in substantial conformance with the original approval.

Mr. Forbes indicated that staff had reviewed the minutes and videotape of the City Council meeting at which Homestead

Village was approved and found no clear indication of the Council's intent regarding the conditions of approval that limits additional uses at the subject property. He stated that because the discussion at the Council meeting focused on concerns over traffic and parking, staff believed the intent of the Council was to limit additional uses with a potential to create significant traffic or parking impacts. He indicated that with or without alcoholic beverage service, staff believed the lounge and buffet areas in question will be utilized primarily by hotel guests and will not generate any significant traffic or parking impacts, and therefore the presence of these areas in the hotel do not conflict with the Council's original intent. He stated that while staff recognized that Council's actual intent may differ from staff's interpretation, the substantial conformance finding was nonetheless made.

Mr. Forbes added that the pending application requested only that the Graciela Burbank be permitted to sell alcoholic beverages in conjunction with room service and food service that are already allowed pursuant to the substantial conformance finding. He discussed that following the December 4, 2001 Council meeting, staff discussed additional ways of addressing Council's concerns and those of neighboring residents with the applicant, should the request be approved, and in this regard staff modified one of the previously-proposed conditions of approval and proposed three additional conditions to further mitigate any potential impacts as follows: restrict the hours of alcohol service, prohibit large social gatherings at the hotel and provide for a six-month Council review and a one year sunset for the Conditional Use Permit.

Ms. Murphy indicated the Council had also received a letter from Philip E. Bradfield II concerning this application.

Mr. Golonski indicated he had spoken with Ms. Lee and discussed that he recused himself when this project originally came before the Council in 1998 because he owns property within 2500 feet of the hotel, but since that time the law has changed and now indicates a radius of 500 feet, unless it would have a financial impact, thereby allowing his participation.

Applicant

Mee Lee, representing the Applicant, stated that she would not summarize the entire history of the project, but rather would update the Council on the history since the December 4, 2001 continued hearing as follows: The Applicant hosted a community meeting and invited about 35 neighboring residents who had expressed concerns previously, the meeting

was attended by only one resident and Council Member Murphy, and extensive discussion took place.

She stated that staff had requested the Applicant to abide by a number of additional conditions since the December 4, 2001 continued hearing which respond to concerns expressed by the neighbors regarding the hotel's public areas, namely the lobby lounge and buffet area, and that the hotel not become a major destination for people who are not guests of the hotel. She reported that the Applicant was in substantial agreement with the additional conditions proposed by staff. She expressed the Applicant's goals to be a successful hotel, and to be a good neighbor as well. She discussed the language changes requested by the Applicant, and commended Mr. Forbes on his professionalism during this process.

Citizen
Comment

Appearing to comment were Howard Rothenbach, who distributed a packet of information to the Council, including a brochure of an extended stay hotel at the Empire Center, addressed the condition restricting the hours of alcohol service, played a videotape of a previous Planning Board meeting wherein the City Attorney staff said that the City was preempted on the hours of alcohol service, but that the City could mandate the hours of operation of the entire establishment, and on the requirements of the type 66 alcohol service license; Suzanne Benoit, on behalf of Spirit Works Church, expressing concerns about their church not being considered in these proceedings, nor invited to the neighborhood meeting, on the history of their church and the services they provide, on the failure of the Graciela to meet the criteria established by the Department of Alcohol Beverage Control, on their opposition to the trial period because they don't believe it is workable, and on concerns with off-street parking impacts; Virginia Barnett, Member of the Board of Trustees of Spirit Works, on the fact that activities at their church take place on a daily basis, including evenings and weekends, with extra activities during the holidays, citing the close proximity of the proposed bar to their church and concerns with parking impacts; Valery Bradfield, showing a videotape compilation of the discussions and decisions made with regard to this extended stay hotel at the Planning Board meeting of February 23, 1998 and at the Council meeting of March 31, 1998; Philip Bradfield, reading a letter he submitted at the beginning of this meeting explaining his concerns; Bob Olson, stating he was the only person who attended the meeting along with Council Member Murphy, and citing reasons why he is now in favor of the Council granting this Conditional Use Permit to the Graciela including the fact that the Applicant has reduced the number of rooms and will have

a daily shuttle to the studios which will help reduce the traffic impact in the neighborhood, noting the project will generate revenues for the City, and expressing confidence that the Applicant will abide by the restrictions imposed; Lori McCaffery, stating she was not invited to the community meeting, and expressing concern that the City approved one application and is now considering a brand new application without the required public hearings; H.L. Chambers, stating he also did not receive an invitation to the community meeting, and requesting an annual period of renewal for three years so the long-term impacts can be measured and a traffic study completed so they can have documentation when they come to the Council for traffic mitigation measures; Meg Staahl, stating she also was not invited to the community meeting, expressing displeasure with Mr. Tague's administrative decision to unilaterally change a Planned Development without a public hearing and urging the Council honor the agreement because the loss of faith in our City's government is too high a price to pay;

Rick Ramirez, on concerns with parking impacts, requesting that the Applicant provide free valet service to keep hotel traffic from taking over the streets, and opposing the sale of alcohol at the hotel; Maria Proctor, reiterating concerns relative to the close proximity to the church and the Warner Child Care Center; Ted McConkey, stating he was not invited to the meeting either though he voted against it when he sat on the Council and spoke against it at the Planning Board meeting, requesting Council reveal any ex parte communications with the Applicant or their agent, expressing his belief that this is a classic case of bait and switch, that Mr. Tague had no authority to administratively approve changes to the Conditional Use Permit without the benefit of an amendment to the Planned Development, on parking concerns and the City's failure to conduct a traffic or circulation study as required by Code; Esther Espinoza, in opposition as an approval would devalue the property in the area; Ron Vanderford, agreeing with previous speakers including parking concerns, and quoting the staff report which recognizes staff's interpretation was different than the Planning Board, but staff recommended approval nevertheless; C.L. Stack, on the problem of prostitution being overlooked; Lynne Gerred, on concerns about the parking situation; Susan Bowers, on her belief that the Applicant will abide by the conditions imposed, that the footprint is not big enough to be enlarged to the point where these impacts could come to pass, and on the fact that 50 percent of business travelers today are women who would prefer not to walk unfamiliar streets at the end of a long day looking for a place to eat; Mark Barton, stating the City has placed too many restrictions on the Graciela, and

encouraging the Council to approve the CUP and revoke it if the Applicant doesn't abide by the conditions; Mike Nolan, expressing his disappointment that Council Member Laurell left the dais, on his attempt to provide Council Member Murphy with a transcript of the public meeting on this matter to no avail, maintaining that the Alcoholic Beverage Control posting was not legal, and on the limitation of six alcoholic beverage licenses allowed in Census Tract 3116 where currently 18 already exist; David Piroli, on the proximity of the daycare center and the church and the over-concentration of bars in this area; and an anonymous speaker opposing the project because she had been evicted from an extended stay hotel in Woodland Hills.

Applicant

Ms. Lee discussed measures taken to mitigate parking concerns including a reduction of the number of rooms from 117 to 101, with an expected rate of occupancy at only 70 percent, and noted that they anticipate most of their guests will be going home for the weekends. She stated the Applicant has met with the Warner Bros. Day Care Center, which is not opposing the application and are comfortable with the conditions imposed. She added that the maximum occupancy of the lobby lounge in question is limited to 25 persons, that it is not being advertised in the hotel's brochure because it is meant to be an amenity for hotel guests, and that the Applicant will be providing shuttle service to and from the studios and/or airport for hotel guests as most of them will not have their own cars. She clarified the real issues are the lobby lounge and the kitchen service which is intended to provide room service as no food will be for sale in the buffet area. She added kitchenettes are provided in the rooms and hotel guests will be encouraged to use them. She reiterated the Applicant was aware of the conditions and has agreed to them and will abide by them. She concluded that she is confident the Council will be satisfied with their compliance, that the Applicant is required to renew the CUP in one year, and requested the opportunity to open the hotel and provide amenities and services for hotel guests. She added that the Applicant withdrew a written request for changes to the language of conditions.

Hearing
Closed

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

Mr. Golonski requested the City conduct a parking survey of the immediate neighborhood at three months and six months to measure any traffic impacts.

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Mrs. Ramos declared that she had previously met with Ms. Lee and had toured the site. Mr. Laurell reiterated that he had previously disclosed meetings with representatives from Belvedere Hotels and a representative from Warner Bros. regarding this matter.

Motion It was moved by Mr. Golonski and seconded by Mrs. Murphy that "a Resolution of the Council of the City of Burbank granting the appeal of the Planning Board's decision and approving Conditional Use Permit No. 2001-17 relating to 322 Pass Avenue, Belvedere Hotels and Resorts, LLC applicant and appellant, with the addition of a condition to be added by the City Attorney specifying that the approval will sunset annually for a period of three years."

Carried The motion carried by the following vote:

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

9:08 P.M. Recess The Council recessed at this time. The meeting reconvened at 9:22 p.m. with all members present except Mr. Golonski who returned at 9:29 p.m.

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

406 Airport Authority Meeting Airport Commissioner Lombardo reported on actions taken at the January 7, 2002 Airport Authority meeting as follows: the Authority unanimously approved Resolution No. 369 which adjusts compensation of any person employed by the Airport Authority who is called to active duty, retroactive to their first day of service for a period of one year, and requesting the Authority's contractors follow suit; viewed the CBS Channel 2 videotape and listened to the KNX Radio editorial on the Southwest Airlines application; received an update of the schedule analysis of aircraft flight changes whereby the consultant will redo the last six months of schedule changes, including a separate breakout of the three flights which violate the curfew; received a response from American Airlines regarding their flight change indicating agreement to push their 6:35 a.m. flight to 6:55 a.m. beginning January 31, 2002, ensuring the plane will not be off the ground before 7:00 a.m.;

and, received a response from America West regarding flight changes indicating the Authority's request would be referred to their scheduling department. He concluded by stating their next meeting is January 22 due to the Martin Luther King holiday on January 21.

The City Council received the report.

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 R. C. "Chappy" Czapiewski, on Esther Espinoza having a ghost writer, and all the Council Members having had a ghost writer at some point; and Howard Rothenbach, requesting a letter of public convenience or necessity setting a public hearing with respect to the number of bars allowed in the Graciela Hotel's census tract and adding that the license the applicant applied for requires that they serve the public.

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 of oral communications at this time.

Citizen Comment Appearing to comment were Laird Robertson, stating he owns the middle building in the old Thrifty site block and is representing 14 businesses in his building who share a concern with a lack of parking; R. C. "Chappy" Czapiewski, passed photos up for Council to view of the airplanes depicted on signs at the Burbank Empire Center, stating the closed session agenda items are deficient in that they are not in compliance with the Brown Act because there is no indication as to what specifically happened with those items, and inquiring as to Council Member Laurell's intent with regard to his request for a review of the videotape policy; Irma Loose, on the intent of Council Member Laurell's request to review the videotape policy, accusing Council Member Laurell of being a draft dodger, and commenting on the Court's decision on Airport litigation; Esther Espinoza, requesting a claim form be mailed

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to her due to the statute of limitations, urging the Council to hire a minority for the Community Assistance Coordinator position, and on the appointment of Council liaisons to committees; Ron Vanderford, thanking Mayor Kramer and Council Member Ramos for their vote on the Graciela Hotel hearing, advocating no changes be made to the current videotape policy, and sharing copies of a 1930 brochure from the Burbank Chamber of Commerce which his son found in a bookstore in New Orleans; Howard Rothenbach, in opposition to the Firefighters Memorandum of Understanding because they should not be given a 3.41 percent raise during an economic recession while people in the community are suffering, asking the intent of Council Member Laurell on the video policy review, and supporting a public hearing on the appeal of the old Thrifty site; Mike Nolan, on the videotape policy review, on the absence of Mr. McConkey at the end of the December 18, 2001 meeting, and on Mr. Ovrom's comments during the Graciela Hotel hearing; and Mark Barton, on putting security first at the Airport and the flaws in Measure A.

Staff
Response

Members of the Council and staff responded to questions raised.

Motion

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

Minutes
Approved
1011-2
801-2
1st Amend to
MOU w/Burbank
Firefighter's
Assoc.

The minutes for the regular meeting of October 30, 2001 were approved as submitted.

RESOLUTION NO. 26,154:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE FIRST AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BURBANK AND THE BURBANK FIREFIGHTER'S ASSOCIATION FOR FISCAL YEAR 2000-2001 AND AMENDING THE FISCAL YEAR 2001-2002 BUDGET.

1007-1
1009-1
Establish Title of
Community
Assistance
Coordinator

RESOLUTION NO. 26,155:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF COMMUNITY ASSISTANCE COORDINATOR (CTC NO. 0217) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY, AND SPECIFICATION THEREOF.

1207
PSA w/Turner
Const. for the
DCSB Project

RESOLUTION NO. 26,156:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND TURNER CONSTRUCTION COMPANY FOR PRE-CONSTRUCTION SERVICES FOR THE DEVELOPMENT AND COMMUNITY SERVICES BUILDING.

201-2
Adding Items to
the Agenda

RESOLUTION NO. 26,157:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK RELATING TO THE PREPARATION AND DISTRIBUTION OF THE AGENDA FOR CITY COUNCIL MEETINGS.

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.

1503
1504
BWP Electric
and
Water Monthly
Operating
Report

Mr. Davis presented the Burbank Water and Power (BWP) Electric and Water Report regarding water quality and power issues for December 2001.

He reported on the successes achieved during the past reporting period as follows: continued work on compliance with the South Coast Air Quality Management District's increased control requirements for Nox emissions; BWP's taken steps to manage the exposure to Enron's bankruptcy filing; and the installation of a replacement transformer at Receiving Station E with a second new transformer to be installed in February or early March 2002.

He indicated energy markets continued to remain stable and low in terms of cost due to the economy and weather throughout the West; and, due to the return of normal snow packs, he expects our contractual relationships with Northwest utilities will return to normal.

With regard to power projects, he reported the licensing process for the Magnolia Power Project (MPP) continues on track, and recommendations will be brought to the respective participating Councils in February which would move the project from planning to construction. He added that a groundbreaking ceremony will be planned within the next few weeks to kick off construction on the new Lake Street combustion turbine power plant, and that this project is on

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schedule and well within budget.

Mr. Davis reported on the continued challenge by the State urging municipal utilities who sold power to investor-owned utilities to provide some type of rebates, and indicated he was hopeful that this item may be resolved as there does not appear to be any evidence that any electricity provider controlled the energy market.

He indicated that water quality continues to meet or exceed all State and Federal drinking standards as well as the City's administrative goals. He reported that a small rebate was received from the Metropolitan Water District (MWD) in the amount of \$200,000 for part of the revenue over collection made during the prior fiscal year, and work continued with the Environmental Protection Agency (EPA) and Lockheed with issues related to the Burbank Operable Unit, and indicated another ribbon cutting ceremony would be planned in the near future for the small hydro units at the Valley Pumping Plant.

The Council noted and filed the report.

201-2
City Council
Liaisons to
Committees/
Coalitions

Mrs. Wolfe, Administrative Analyst, stated that from time to time staff presents for review the Council's Liaison to Committees and Coalitions List. She indicated there are currently four committees which do not have Council liaisons: the Peyton/Grismer Revitalization Committee, the Airport Commissioners, the Magnolia Park Citizens Advisory Committee, and the Opportunity Site 6B Committee. Mrs. Wolfe requested that the Council appoint liaisons to each of these four vacant committees and, in addition, make any necessary revisions, deletions or additions to the current list.

After Council deliberation, the following changes and additions were made: Mr. Golonski and Mr. Kramer were appointed to the Peyton/Grismer Neighborhood Revitalization Committee; the Ad-Hoc Airport Subcommittee was disbanded; Mr. Laurell and Ms. Murphy were appointed to the Airport Commissioners; Ms. Murphy and Mr. Kramer were appointed to the Magnolia Park Citizens Advisory Committee; Mrs. Ramos and Mr. Golonski were appointed to the Old Buena Vista Library Site; and Mr. Laurell and Mr. Kramer were appointed to the Opportunity Site 6B Committee.

201-1
Video Playback
During City

Mr. Barlow stated that this item was placed on the agenda for the purpose of the Council deciding whether to bring the item back for a full discussion at a future meeting. Mr. Laurell

Council meetings	stated that the current video playback policy has been in effect for over three years, and he would like to review the policy at this time.
Motion	It was moved by Mr. Laurell, seconded by Ms. Murphy and carried that "this item be brought back to a future Council meeting."
201-2 1704-3 Consideration of CUP 2000-30 (Old Thrifty Site)	Mr. Barlow stated that this item was placed on the agenda for initial discussion purposes only, but added that, due to time constraints, the Council must immediately consider setting a public hearing on Conditional Use Permit No. 2000-30, if that is their wish.
Motion	It was moved by Ms. Murphy, seconded by Mr. Golonski and carried that "the Council hear the following agenda item which would allow the Council to consider setting Conditional Use Permit No. 2000-30 for a hearing."
1704-3 Consideration to Hold a Public Hearing on CUP 2000-30 (Old Thrifty Site)	Mr. Bashmakian, City Planner, reported that Conditional Use Permit No. 2000-30 was approved by the Planning Board on December 27, 2001 to transform a single-tenant 12,341 square foot space at 990 North Hollywood Way into a multi-unit space to allow for a 3,349 square foot restaurant space with a maximum of two restaurant tenants, and the remainder of the building will be available for retail use. He added that if the Council wished to hear this matter on appeal, they must set the matter for a public hearing at this meeting.
Motion	It was moved by Ms. Murphy, seconded by Mr. Laurell and carried that "Conditional Use Permit No. 2000-30 be set for a public hearing."
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 Angel Dayan, on his impending eviction from his business premises owned by the Burbank Redevelopment Agency at the corner of Angeleno Avenue and San Fernando Road; Eden Rosen, stating she contacted the city of Glendale regarding sensitivity training, and on the abuse of the First Amendment by speakers at Oral Communications; Irma Loose, requesting Mr. Barlow provide

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her with the cost of the courthouse pursuant to the Public Records Act, stating she did not accuse Mr. Laurell of being a draft dodger, but rather that this was mentioned by another speaker, inquiring whether Mr. Laurell had ever served in the military, speculating the reason Mr. Laurell wants to curtail video playback is so that people cannot show videos on the Council's former promises; Mark Barton, on security at the Airport and on consequences of the Council's actions; and Mike Nolan, on Mr. Ovrom's explanation regarding deliberations during the appeal of Conditional Use Permit No. 2001-17, and on Mr. Laurell's hand gesture.

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 10:51 p.m.

Margarita Campos, City Clerk

APPROVED MARCH 19, 2002

Mayor of the Council
of the City of Burbank