

TUESDAY, AUGUST 20, 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 6:40 p.m. by Mr. Laurell, Mayor.

ROLL CALL

Present- - - - Council Members Golonski, Murphy, Ramos (arrived at 6:51 p.m.), Vander Borgh and Laurell.

Absent - - - - Council Members None.

Also Present - Mr. Ovrom, City Manager; Ms. Scott, Chief Assistant City Attorney; and, Mrs. Campos, City Clerk.

Invocation The invocation was given by Mr. Kramer, Community Assistance Coordinator.

Flag Salute The pledge of allegiance to the flag was led by School Board President Raad.

6:48 P.M. Mayor Laurell stated that "this is the time and place for the
Hearing hearing on the consideration of the Interim Development
406 Control Ordinance which temporarily limits the issuance of any
1701 permit or approval for certain development projects related to
IDCO to Temp. the Burbank-Glendale-Pasadena Airport."
Limit Permits
Related to the
BGPA

Notice The City Clerk was asked if notices had been given as required
Given by law. She replied in the affirmative and advised that no
written communications had been received.

Staff Mrs. Georgino, Community Assistance Director, began by
Report noting that on June 30, 2002, the Council directed staff to
prepare and present an Interim Development Control Ordinance
(IDCO) that would limit certain development activities at the
Burbank-Glendale-Pasadena Airport in the event that Measure
A was declared illegal by the Court, and that because the
Airport Authority has not satisfied the requirements of
Measure A, the Authority and Airport users are prohibited from
undertaking any construction or land acquisition project at the
Airport, including the proposed terminal expansion project
recently announced as well as the previously-proposed
relocation of Parking Lots A and B, and the proposed
construction of the vehicle storage facility for Desmond Studio
Production Services. She emphasized that if Measure A is
invalidated there would be no land use regulations in place to
prevent the Authority from moving forward with certain

developments that may conflict with emerging City policies.

Mrs. Georgino added that although Measure B and the Title Transfer Agreements restrict development on the B-6 Property, the Airport would still be able to move forward with expanding the existing terminal or constructing a new terminal on other land owned by the Airport Authority and zoned for airport use by obtaining only staff-level ministerial approvals, and the proposed IDCO will prohibit certain development that would otherwise require only ministerial approvals if Measure A is invalidated, pending the revisions to the General Plan and the Zoning Ordinance. She stated that on May 21, 2001, the Airport Authority presented to the City Council a plan showing a proposed terminal expansion project and has represented that the project is necessary to meet the Federal mandates for passenger and baggage screening and it is therefore critical that the project be moved forward in an expeditious manner. She stated that if the IDCO is adopted, staff will evaluate the proposed terminal expansion to determine if it is consistent with the proposed exemption provisions, indicating staff's development review can be completed in the same time frame as the development review appeal process. Mrs. Georgino stated that on August 1, 2002, staff approved the development review application submitted for the proposed terminal project pursuant to the existing zoning regulations, and that staff's consideration for building permits is not yet complete as the schedule for issuing building permits is dependent upon the Court's ruling on the validity of Measure A and on the development review appeal process since appeals have been filed.

Mrs. Georgino informed that if approved as submitted, the terminal project would include the addition and relocation of approximately 45,000 square feet of new terminal space containing offices, concession space, hallway, restrooms, ticket counter cueing areas, security screening areas and baggage handling and screening facilities. She added, the plan includes modifications to existing interior terminal space including the conversion of office space, restrooms, concession space and hallway to other uses, including baggage handling facilities and security screening areas, and that the area of these interior modifications totals approximately 15,000 square feet. Mr. Forbes, Associate Planner, discussed the scope of the Airport expansion project and gave a detailed presentation of the expansion project as presented to the Council on May 21, 2002, for the addition of approximately 45,000 square feet to the terminal, increasing the total size of the current terminal from 173,600 square feet to 218,600 square feet, plus the additional 15,000 square feet of interior configuration.

Mrs. Georgino continued that on July 27, 2002, staff met with Madelaine Sawyer, Federal Security Director for the Burbank-Glendale-Pasadena Airport, and her deputy, John Spock, and stated both of these individuals indicated to staff that the Airport was well on its way to complying with the requirements of the Federal security mandates, but they **dd** not provide any specific comments on the plans as they relate to the Transportation Security Administration (TSA) mandates, and that they were waiting for a review of the strategic airport security roll-out team which will be provided to officials in Washington, and a report would be released at that time. She added that on August 14, 2002, the Airport Authority received a letter from the TSA commenting on the security terminal expansion project, and staff is still in the process of reviewing that letter and its implications for the terminal expansion project. She reported that the Airport Authority approved contracts for a portion of the construction at their meeting of August 19, 2002, and that such contracts indicate the work is to begin immediately, although permits have not been issued to date.

In conclusion, Mrs. Georgino stated staff believes that the potential for uncontrolled Airport development in the event Measure A is found to be invalid presents a threat to the health, safety and welfare of the community, and in light of the City's attempt to amend the General Plan and zoning in the Airport area, an IDCO is an appropriate method of stopping any development that will potentially be inconsistent with the revised General Plan and zoning, and recommended approval of the proposed IDCO.

Citizen
Comment

Appearing to comment were Kevin Ennis, a partner with the law firm of Richards, Watson, and Gershon, special counsel to the Airport Authority, stating the Authority desires to work with the City to eliminate impediments to the security enhancement project, and setting forth numerous objections to the adoption of the proposed IDCO; Howard Rothenbach, commenting on passenger enhancements in the Airport project that are not security-related, and in support of the IDCO but urging the Council to proceed with caution; Ron Vanderford, stating that in his opinion there is no emergency in passing the ordinance, and questioning the square footage required for actual security enhancements; R. C. "Chappy" Czapiewski, commenting on the Measure A hearing scheduled for August 23 and his opinion that Measure A will not be invalidated, and on the Airport historically insisting on expedited project timelines; Irma Loose, stating that Measure B is not sufficient to curtail Airport expansion, that the Council should not be

making decisions prior to the Court's decision on the legality of Measure A, commenting on the square footage of the Airport expansion and urging the Council not to pass the IDCO; David Piroli, commenting on the letter from the Council to the TSA and the Secretary of Transportation, commenting on Mr. Ennis' letter presented earlier, inquiring how the determination will be made to exclude projects that are directly and substantially related to enhancing airport security, and suggesting that the Airport Authority be asked to clarify what the TSA is actually requiring; Mike Nolan, commenting that the Airport Authority voted to proceed with a \$24 million project with or without permits from the City, requesting the City Manager expand on his remarks with regard to passenger safety in the corridors, stating the TSA's letter does not refer to relocating a roadway or protecting aircraft from the roadway, that the corridor has been declared unsafe by the Fire Department, and requesting the Council incorporate the Fire Department's letter of July 22nd into this hearing; Todd Campbell, Policy Director of the Coalition for Clean Air, in support of the IDCO, requesting clarification as to which projects would be exempt from the IDCO, expressing concern at the Airport Authority's decision to award contracts and begin construction prior to the Measure A hearing, and stating that Mr. Ennis' remarks constitute a threat to the City; Teresa Karam, on the perceived vagueness in the IDCO being alarming, and on impacts of the Airport becoming more problematic; and Mark Barton, commenting on the consequences of not moving ahead with security enhancements.

Hearing
Closed

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

Ms. Scott and Mr. Kirsch provided responses to objections expressed by public speakers as to the Brown Act, California Environmental Quality Act, governmental immunities and preemptive issues.

Ms. Murphy requested an amendment to the language contained in Section 3 of the proposed IDCO to further protect the City from uncontrolled Airport expansion. Mr. Faeger, Deputy Executive Director of the Airport Authority, stated the plans submitted to the City constitute the "shell package" of additional space required to implement the security project, and the Authority has not yet submitted plans for the tenant improvements, that the intent of Mr. Ennis' letter deals with the construction of the space which they have determined necessary for the security project, that the interior

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improvements don't create any additional space, and that Mr. Ennis' letter only speaks to the physical space subject to development review. Mrs. Georgino clarified that while the interior improvements may not increase the square footage, the construction entails a separate building application and if the IDCO were approved with the amendment requested by Ms. Murphy, the City could not issue ministerial approval of a subsequent building application.

Motion Following Council discussion, it was moved by Mr. Vander Borght and seconded by Ms. Murphy that "the following urgency ordinance be introduced and adopted by amending Section 3, subsection (ii) to read: the project will not increase the square footage of any building beyond that set forth in DR 2002-27."

406
1701
IDCO to Temp.
Limit Permits
Related to the
BGPA

ORDINANCE NO. 3601:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK ADOPTING AN INTERIM DEVELOPMENT CONTROL ORDINANCE WHICH TEMPORARILY LIMITS THE ISSUANCE OF ANY PERMIT OR APPROVAL FOR CERTAIN DEVELOPMENT PROJECTS RELATED TO THE BURBANK-GLENDALE-PASADENA AIRPORT.

Adopted The ordinance was adopted by the following vote:

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

9:03P.M.
Hearing
1701
Extension of
IDCO on Second
Dwelling Units
Pending ZTA
No.
2000-11

Mayor Laurell stated that "this is the time and place for the hearing on the consideration of the second extension of an Interim Development Control Ordinance pertaining to the issuance of new development or use permits for second dwelling units in R-1 zones."

Notice Given The 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 Mrs. Georgino, Community Development Director, stated this item seeks a one-year extension of an existing IDCO on second dwelling units pending Zone Text Amendment 2000-11 so that staff can complete the necessary research and analyses requested by the Planning Board.

Citizen Comment Appearing to comment were Mike Nolan, asking for clarification on the status of any existing use of any enforcement action or citations issued, and of the ramifications for anyone interested in selling, or refinancing, or reverse financing of their homes; and Esther Espinoza, in opposition to the extension of the IDCO.

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. Ramos that "the following urgency ordinance be introduced and adopted:"

1701 Extension of IDCO on Second Dwelling Units Pending ZTA No. 2000-11 ORDINANCE NO. 3602:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK EXTENDING AN INTERIM DEVELOPMENT CONTROL ORDINANCE WHICH TEMPORARILY LIMITS THE ISSUANCE OF ANY PERMIT FOR USE OR DEVELOPMENT OF SECOND DWELLING UNITS IN R-1 ZONES.

Adopted The ordinance was adopted by the following vote:
Ayes: Council Members Golonski, Murphy, Ramos, Vander Borght and Laurell.
Noes: Council Members None.
Absent: Council Members None.

9:13P.M. Hearing 1411-2 Conditional Vacation of a 15-foot Alley Adjacent to 1055 N. Victory Pl. (V-343 – Cooper) Mayor Laurell stated that "this is the time and place for the hearing on the proposed conditional vacation of a 15-foot Public Alley located at 1055 North Victory Place. The vacation of the Public Alley was initially noticed as a part of the August 6, 2002 public hearing. That hearing was continued to August 20, 2002, to complete noticing requirements. Testimony on the proposed vacation is welcome at this hearing."

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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 no written communications had been received.

Staff Report Mr. Gaudio, Project and Real Estate Manager, presented a drawing depicting the exact location of the remnant of the alley proposed to be vacated. He explained the owner of the property has requested the vacation, that the proposed action will eliminate the public's right to use the alley, noting that the Fire Department has requested that vehicular access be maintained for emergency purposes, that there are public utilities in the area and that the area is basically undevelopable.

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

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

1411-2 Conditional Vacation of a 15-foot Alley Adjacent to 1055 N. Victory Pl. (V-343 – Cooper) RESOLUTION NO. 26,304:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ORDERING THE CONDITIONAL VACATION OF A 15-FOOT ALLEY LOCATED AT 1055 NORTH VICTORY PLACE (V-343).

Adopted The resolution was adopted by the following vote:
Ayes: Council Members Golonski, Murphy, Ramos, Vander Borght and Laurell.
Noes: Council Members None.
Absent: Council Members None.

406 Airport Authority Meeting Report Airport Commissioner Brown reported on two actions taken at the August 19, 2002 Airport Authority meeting: an award of two contracts for residential acoustical treatment program Modules 6156.6 and 6156.7, comprising a total of 90 homes 61 of which are in Burbank, for a total cost of \$1,585,175, with construction beginning within 14 days and completed within 210 days; and, on a 6-2-1 vote, awarded a contract and approved a work order for professional service agreements for the terminal security improvements project to George Hopkins Construction Company in the amount of \$10,550,000 for the

shell construction of approximately 40,000 square feet of new terminal facility with the understanding that construction would begin immediately. He noted that Burbank's Commissioners presented an alternative plan of moving forward and awarding the contract, but to delay construction until building permits had been issued, however this plan was not approved. He noted that Commissioners Wiggins and Lombardo voted no, and explained why he abstained from voting on this issue, and concluded by commending Commissioners Wiggins and Lombardo for their efforts to protect the quality of life for Burbank residents.

The City Council received the report.

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

Citizen Comment Appearing to comment were Richard Raad, President of the Board of Education, on behalf of the Burbank Unified School District and the Board, expressing appreciation to the Council for consideration of the Middle School Grant Program and urging approval; Mark Barton, commenting on the temperature in the Council Chamber; and Esther Espinoza, making derogatory racial remarks.

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

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

Citizen Comment Appearing to comment were Irma Loose, expressing her opinion that the Channel 6 scroll is purported to be broken so that the public cannot be informed of dates and times the Plan Evaluation and Review Committee meetings are aired on Channel 6; Esther Espinoza, on the establishment of specifications for Security Guard and Senior Security Guard, on violence existing at Burbank schools, and on the urgency ordinance regarding appeals of development review decisions regarding security enhancements; Ron Vanderford, stating that the airport already has an abundance of gates to double the number of flights and passengers, that the Airport needs more interior space to increase the number of passengers, that the

number discussed in the TSA letter is 25,200 square feet, commending the Council for making the IDCO an open discussion, and in opposition to ministerial approvals by staff without the Council deciding whether the issue is discretionary or ministerial; David Piroli, in opposition to the urgency ordinance taking the Planning Board out of the appeals process, urging expedition of the appeals period from 15 to 7 days without eliminating the Planning Board review, expressing concern with the Airport's decision to move ahead with construction without permits, and in opposition to final approvals being given by the Community Development Department (CDD) Director without Council review; Mark Barton, on the Airport having the right to keep certain security matters confidential, and stating automobile pollution is worse than airplane pollution but the public does not complain about automobile pollution; Howard Rothenbach, on the purpose for the urgency ordinance not being justified, on the House of Representatives voting to extend the TSA deadline, on the TSA letter stating preferences and not mandates, in opposition to the CDD Director being given the authority to determine whether the application pertains to an Airport security project; and Mike Nolan, on office space not being necessary for security purposes, that the TSA letter doesn't mention a roadway or blast-proof walls for airplanes, in opposition to the final decision being made by the CDD Director, and in opposition to eliminating the Planning Board from the process.

Staff Response	Members of the Council and staff responded to questions raised.
Motion	It was moved by Mr. Golonski and seconded by Ms. Murphy that "the following item on the consent calendar be approved as recommended."
Minutes Approved	The minutes for the adjourned meeting of July 17, 2002, and the regular meetings of June 18, June 25, and July 2, 2002 were approved as submitted.
Adopted	The consent calendar was adopted by the following vote: Ayes: Council Members Golonski, Murphy, Ramos, Vander Borght and Laurell. Noes: Council Members None. Absent: Council Members None.
804-3	Mr. Flad, Park, Recreation and Community Services Director,

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Middle School
Grant Program

stated that the purpose of this report was to obtain Council approval for one-time funding of \$150,000 for the Middle School Grant Program, and that the only eligible applicants for the program would be the Burbank Unified School District middle schools. He noted that school violence was among the top three issues in Burbank middle schools identified by focus groups and among the top five issues in all Burbank schools, and that this fact prompted the investigation of a middle school conflict resolution program, which is the purpose of the Middle School Grant Program.

Mr. Flad added that the development of a middle school conflict resolution curriculum has been a goal of the Council, and is included in the Park, Recreation and Community Services' Work Program, and that it has also been a goal of the Burbank Unified School District (BUSD) staff and the Board of Education, who last month approved the Peace Colors Program as the preferred middle school conflict resolution curriculum. It has also been a goal of the Mayor's Youth Task Force, and of the youth represented in the Youth Solutions Summit Report. Next, he briefly described the Peace Colors Program and outlined the three basic goals of the Middle School Grant Program as follows: 1) to provide funding for the Peace Colors Program for BUSD Middle Schools; 2) to provide funding for the recommendations from the Youth Solutions Summit Report, including violence prevention, conflict resolution, cultural diversity training, and positive alternatives to violent behavior; and, 3) to provide limited funds for planning grants to assist in the development of youth directed, developed and implemented programs to address the above-stated issues. He noted that upon Council approval, the applications will be available for 30 days, after which time they will be reviewed by the Mayor's Youth Task Force, and the recommendations will be returned to the Council at the beginning of October for funding.

In response to Mr. Vander Borcht's question as to why private schools were not included as potential grant applicants since students from private schools participated in the survey, Mr. Flad explained that the California Constitution prohibits the direct funding of schools run by religious institutions.

Motion

It was moved by Mr. Golonski and seconded by Ms. Murphy that "the City Council approve the expenditure of \$150,000 for implementation of the Middle School Grant Program and that the Youth Endowment Services Fund Board Chair and Vice Chair be added to the Middle School Grant Program Proposal Review Committee."

Carried

The motion carried by the following vote:

Ayes: Council Members Golonski, Murphy, Ramos, Vander Borght and Laurell.

Noes: Council Members None.

Absent: Council Members None.

406
1701
Urgency
Ordinance to
Expedite DR
Appeals for
Projects
Involving
Compliance with
Federal Aviation
Security
Measures

Mrs. Georgino, began by stating that on July 12, 2002, the Burbank Airport Authority submitted a development review application in connection with its proposal to add approximately 45,000 square feet to the existing Airport passenger terminal, that the Authority has stated the additional space is necessary to accommodate equipment and personnel required to meet the new security requirements mandated by the TSA, office space for the TSA, and provide additional cueing space for passengers due to increased passenger processing time, and other improvements. She noted that on August 1, 2002, the development review application was approved after finding that the proposed project met all applicable Burbank Municipal Code requirements, and that on August 8, 2002, an appeal was filed to the development review approval, and two additional appeals were filed on August 15 and August 16, and that the August 8 appeal has since been withdrawn. She continued that the appeal was immediately scheduled for hearing on August 26, 2002, and that if the Planning Board acted on the matter expeditiously and their decision was appealed, that the matter would come before the Council for hearing sometime at mid- to late-September.

Mrs. Georgino stated that at the Council meeting of August 6, 2002, Mr. Golonski requested that the Council consider as an urgency ordinance a new appeal process for development review decisions relating to projects involving compliance with federal aviation security measures, and indicated that as drafted the proposed urgency ordinance would reduce the amount of time required to process a development review appeal, but would not remove the ability of anyone to appeal the development review approval, nor would it shorten the 15-day appeal process during which time they could file their appeal. She added that the determination of what would be construed as security measures would be made by the Community Development Director, acting in consultation with the City Manager, City Attorney and other entities, and that staff believed that expediting the appeals process for security-related matters is necessary to protect the health, safety and welfare of the people, and that eliminating the intermittent review by the Planning Board is the most efficient way to streamline the appeals process, rather than reducing the time

for the public to draft their appeal or reducing the public noticing period. She specifically mentioned that this action does not address the validity or lack thereof of Measure A and its applicability to this development review process nor the ultimate approval of the building permit.

Mr. Golonski stated that while he believes the Planning Board is the appropriate body to make land use decisions, he believed that the nature of the proceedings in this case and the huge potential litigation implications necessitate that security-related matters be appealed directly to the Council, who is the final decision-maker. He reiterated that the scope of the appeal is very narrow and, as the Planning Board doesn't have any latitude to make discretionary decisions, dealing with these issues puts them in an unfair position.

Mr. Vander Borcht noted the Planning Board is State-mandated and he would not support circumventing the Board and did not feel the need to expedite a process which will accommodate the Airport Authority.

Motion It was moved by Ms. Murphy, seconded by Mr. Vander Borcht and carried with Mr. Golonski voting no that "this item be noted and filed."

10:52 P.M. Mr. Golonski left the meeting at this time.
Mr. Golonski
Left the Meeting

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

Citizen Comment Appearing to comment were Eden Rosen, on landlord tenant problems in general; Mike Nolan, on the expansion of the baggage claim area being unnecessary, on abdication of the Council's right to determine whether projects are security-related, and expressing concern that the process for adding items to the agenda is not being applied equally to Council Members; David Piroli, expressing gratitude for including the Planning Board in the appeals process, and stating that Measure B offers no protection against uncontrolled Airport expansion; Howard Rothenbach, requesting clarification as to the date of the letter from Authority President Holden,

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requesting a copy of such letter, and expressing appreciation to the Council for keeping the appeals process before the Planning Board intact.

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 11:07 p.m. in memory of Carol Ellison.

Margarita Campos, City Clerk

APPROVED OCTOBER 1, 2002

Mayor of the Council
of the City of Burbank