

TUESDAY, SEPTEMBER 24, 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 5:37 p.m. by Mr. Laurell, Mayor.

CLOSED SESSION

Present- - - - Council Members Golonski, Murphy, Ramos, Vander Borcht and Laurell.

Absent - - - - Council Members None.

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

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

Citizen Comment Appearing to comment was Marie Paino, referencing the phrase "In God We Trust" which appears on federal currency as it pertains to the case of Rubin v. City of Burbank.

5:38 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. Conference with Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
Name of Case: Rubin v. City of Burbank
Case No.: B148288
Brief description and nature of case: City Council prayer litigation.
- b. Conference with Labor Negotiator:
Pursuant to Govt. Code §54957.6
Name of Agency Negotiator: Management Services Director/ John Nicoll
Name of Organization Representing Employee:
Represented: Burbank City Employees Association, Burbank Management Association, International Brotherhood of Electrical Workers, Burbank Firefighters Association, Burbank Firefighters Chief Officers Unit, and Burbank Police Officers Association; Unrepresented, and Appointed Officials.
Summary of Labor Issues to be Negotiated: Contract for Fiscal Year 2002-2003.

9/24/02

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:46 p.m. by Mr. Laurell, Mayor.

Invocation The invocation was given by Reverend Ron Degges, Little White Chapel.

Flag Salute The pledge of allegiance to the flag was led by Libby Nardo.

ROLL CALL

Present- - - - Council Members Golonski, Murphy, Ramos, Vander Borght and Laurell.

Absent - - - - Council Members None.

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

301-1
Joslyn Center
30th Anniversary Mayor Laurell presented a proclamation in honor of the 30th Anniversary of the Joslyn Adult Center to Libby Nardo, Florence Nos and Doug Halter, members of the Joslyn 30th Anniversary Committee.

301-1
Starlight Bowl
10th Anniversary Mayor Laurell presented a proclamation in honor of the 10th Anniversary of the Starlight Bowl to Mrs. Stewart, Recreation Supervisor, and a Mayor's Commendation to Mrs. Stewart for her outstanding efforts to the Starlight Bowl summer concert series during the past ten years.

7:02 P.M.
Hearing
1704-3
602
CUP 2002-7
(600 N.
Glenoaks, 7-
Eleven Store) Mayor Laurell 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. 2002-7 to permit 7-Eleven Stores to operate a 24-hour convenience store with alcohol sales at 600 North Glenoaks Boulevard, in the C-3 Commercial General Business Zone. The CUP was approved by the Planning Board on July 22, 2002."

"This public hearing was opened on September 10, 2002, with presentations by staff, the applicant, and the appellant, and comments from the public. The public comment portion of the hearing was closed and this hearing was continued to this date to allow the full Council to deliberate on the proposed CUP. A videotape of that meeting on September 10, 2002, along with the agenda packet for this matter, has been delivered to Council Member Ramos for her review. The Council will now continue its deliberations on the proposed

Staff
Report

application and appeal.”

Mr. Ochsenbein, Associate Planner, stated this item was continued from the September 10, 2002 public hearing in order for the full Council to vote on the matter. He noted that, in the meantime, staff has been working with the applicant to alleviate some of the neighbors' concerns, the result of which is an additional condition of approval which calls for a review of the Conditional Use Permit (CUP) to assure compliance after a period of one year. He noted a correction to condition of approval number 14 relating to trash enclosures and trash pick-ups, stating no trash pick-ups may take place between the hours of 7:00 p.m. and 7:00 a.m.

Mr. Ovrom noted that a request for crime statistics had been made via e-mail by a Council Member and the information had been provided to the Council and to the public.

Mrs. Ramos stated she had requested recent statistics from Police Chief Hoefel regarding the criminal activity at 7-Eleven Stores and asked Chief Hoefel to elaborate. Chief Hoefel stated he ran two sets of statistics, one was for a seven-year period of time during which the 7-Eleven Store at 600 North Glenoaks Boulevard was in operation, stating during that time period there were six major crimes (robbery and attempted robbery), with three of those crimes occurring after midnight. He indicated the second set of statistics run were for a four year period on the other six 7-Eleven Stores located in Burbank, the result of which were two major crimes after midnight. In addition, Chief Hoefel cited sixteen calls for service after midnight during this calendar year at the six 7-Eleven Stores in Burbank, with no arrests as a result of those calls for service.

Mrs. Ramos disclosed that she met with Stuart Chase, the owner of the property, and advised him that she would be discussing her concerns regarding criminal activity and the security of the store.

Mr. Golonski stated it would be very onerous on the City if it became necessary to revoke the CUP after a one-year period, that he is not comfortable with the findings which the Council is required to make, and therefore he cannot support the 24-hour use.

Motion

Following Council discussion, it was moved by Mrs. Ramos and seconded by Ms. Murphy that "the following resolution be passed and adopted with an added condition that at completion of one year of operation, the project be reviewed by the standards of the Burbank Municipal Code:"

9/24/02

1704-3
602
CUP 2002-7
(600 N.
Glenoaks, 7-
Eleven Store)

RESOLUTION NO. 26,326:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DENYING AN APPEAL OF THE PLANNING BOARD'S DECISION AND APPROVING CONDITIONAL USE PERMIT NO. 2002-7, 600 NORTH GLENOAKS BOULEVARD (7-ELEVEN STORES, APPLICANT).

Adopted The resolution was adopted by the following vote:

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

Reporting on
Closed Session

Mr. Barlow reported on the items considered by the City Council and Redevelopment Agency during the Closed Session meetings, noting that on a 4-1 vote, with Mrs. Ramos voting "no", the Council decided to appeal the case of Rubin v. City of Burbank to the State Supreme Court, and that the matter on the Agency's closed session agenda pertaining to a conference with a real property negotiator regarding property located in the mall and surrounding areas was not discussed, adding that he mistakenly reported that the item was discussed at last week's closed session when in fact it was not.

406
Airport
Authority
Meeting Report

Commissioner Wiggins reported on the Airport Authority's evening meeting of September 19, 2002 as follows: approved the Operations and Finance Committee Reports; approved minutes of the September 3, 2002 meeting; approved a Work Order for Phase 2 of the 161 Study, briefly outlining the components, adding the timetable for completion of the project is approximately one year at a cost of \$1,046,00; and, adopted a Resolution of Necessity for the acquisition of 2650 North Hollywood Way.

The Council received the report.

First Period of
Oral
Communications
Citizen
Comment

Mr. Laurell called for speakers for the first period of oral communications at this time.
Appearing to comment were Dorinda Carey, expressing appreciation to the Burbank Fire Department for their efforts

during the recent brushfire in the foothills, and commenting on the handling of an incident by a Burbank Police Officer; Robin Vandever, representing Gitana, encouraging Council support for the Downtown Programs proposed; Howard Rothenbach, on South San Fernando Park, requesting Exhibit B referenced in the report, and asking for an explanation of Phases 2, 3 and 4 and how long it would take to accomplish the phases; R. C. "Chappy" Czapiewski, stating that Mr. Ovrom took the oath of office in 1985, reading from a deposition Mr. Ovrom signed, and submitting a Public Records Act request; and Esther Espinoza, on the use of public money for Channel 6.

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 Bill Smith, in opposition to the City's participation on the Los Angeles Equestrian Center (LAEC) Advisory Board, on the final selection for the LAEC Advisory Board being made by the Los Angeles Parks Department, and objecting to the make-up of representation on the Board as it gives Los Angeles the majority; R. C. "Chappy" Czapiewski, submitting a Public Records Act request regarding the decision of Judge Montes on the Measure A Declaratory Relief lawsuit, and of bills submitted and payments made to the law firm of Peter Kirsch; Jeff Hobson, representing the Glendale Rancho Homeowners Association, stating that the Glendale City Council is opposed to the formation of the LAEC Advisory Board, that an Environmental Impact Report (EIR) is necessary before LAEC can attempt to host non-equestrian events, that Burbank should not be a party to this attempt by the LAEC; Floran Frank, in opposition to non-equestrian events being held at the LAEC, and requesting that either she or a resident of the Rancho Area be appointed to represent the City on the LAEC Advisory Board; Lynn Brown, in opposition to non-equestrian events being held at the LAEC; Frank Gangi, expressing support of staff's recommendations regarding the Downtown Programs, and in opposition to the Business Improvement District (BID) being changed from a tenant-based BID to a property-based BID, and supporting an expansion of the area of the BID; Irma Loose, on the impacts of the Airport and the cost burdens of Airport litigation, on the Declaratory Relief lawsuit overturning Measure A, and on the PERC recommendations being a waste

of time because they will not be implemented by the Council; Howard Rothenbach, inquiring whether the City of Burbank would be interested in taking over the operation of the LAEC; Esther Espinoza, in support of the LAEC Advisory Board proposal; George Chatigny, General Manager of the LAEC, in support of the LAEC Advisory Board concept as it will assist in keeping all the parties informed of happenings at the LAEC, stating they do not wish to hold any non-equestrian events which be unsuitable to the community, and that horse events will always have priority over non-equestrian events;

Michael Hastings, principal with Direct Point Advisors representing the LAEC, on the scope of events which were formed after meeting with neighbors, with the LAEC taking the Council's directives into consideration when formulating the proposed schedule of events, and requesting Council support to move forward with a test period; Mark Barton, on the period of oral communications being the public's right, requesting the Council's speaking time also be limited, and in support of 7-Eleven Stores; Howard Friedman, resident of the Rancho Area, in support of the LAEC in general but requesting that noise-generating events be prohibited at the LAEC; Bill Tucker, identifying himself as a property owner on San Fernando Boulevard, member of the Burbank Parking Management Committee and Stakeholders Association, expressing support for the Downtown Programs proposed by staff; Theresa Karam, in opposition to the approved 40,000 square foot addition at the Burbank Airport, and encouraging people to vote at the next municipal election; Mike Nolan, commending the Council for voting to appeal the Rubin case, on the criteria proposed for the Downtown Programs, and requesting a review of the Gitana Conditional Use Permit; and, David Piroli, inquiring what will be done with the space when security measures at the Airport are downgraded and when technology doesn't require the huge machinery of today, and in support of requesting a review of the Gitana CUP.

Staff
Response

Members of the Council and staff responded to questions raised.

8:59 P.M.
Mrs. Ramos Left
the Meeting

Mrs. Ramos left the meeting at this time due to a potential conflict with the following item.

405-1

Mrs. Wolfe, Administrative Analyst II, stated the purpose of

202
Request from
LA Depart. Of
Recreation and
Parks for
Consideration of
Proposed LA
Equestrian
Center Advisory
Board

this report is to present the Council with a proposal submitted by the Los Angeles Department of Recreation and Parks regarding the formation of a Los Angeles Equestrian Center (LAEC) Advisory Board. She added that at a previous meeting, the Council discussed the importance of including the residents of neighborhoods impacted by the LAEC in the decision-making process regarding potential or proposed non-equestrian events, and a draft proposal was received on July 29, 2002 for a proposed forum through which impacted cities could have a voice in the activities at the LAEC. She introduced Linda Barth, Senior Management Analyst II with the City of Los Angeles Department of Recreation and Parks.

Ms. Barth stated the Los Angeles Department of Recreation and Parks frequently sets up advisory boards to obtain public input. She explained that the proposal plays off the existing model of the successful park advisory boards; that Glendale and Burbank representation is important because the LAEC borders those two cities; that Los Angeles is willing to discuss a slightly different ratio of participation as the point of the board is to provide input on non-equestrian events; that Los Angeles views the facility as a regional facility and is seeking to make the board as representative as possible of users of the LAEC; and that Los Angeles would be willing to have a reporting process in place as this will be a Brown Act board.

Motion

Following Council discussion, it was moved by Mr. Golonski and seconded by Ms. Murphy that "staff work with the City of Los Angeles on the following direction: that the City of Los Angeles adjust the composition of the Board to equal representation (2 each) from Burbank, Glendale, Los Angeles and the LAEC; that if Glendale declines to participate, Burbank be given an additional representative; that the Council be able to appoint the two representatives to the LAEC Advisory Board; that the Council be able to remove Burbank's representatives if they are not effectively representing Burbank; that one of the two representatives from each city be selected to serve on the 1- and 2- year terms rather than be chosen by a random drawing; and, that the criteria for the appointment be brought back for a future meeting."

Carried

The motion carried by the following vote:

Ayes: Council Members Golonski, Murphy, Vander Borcht and Laurell.
Noes: Council Members None.
Absent: Council Members None.
Abstain: Council Member Ramos.

9/24/02

9:49 P.M.
Recess The Council recessed to permit the Redevelopment Agency to hold its meeting. The Council reconvened at 10:48 p.m. with all members present.

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

Minutes
Approved The minutes for the regular meetings of August 6 and August 13, 2002 were approved as submitted.

1006-1
Amendments to
The City's
Conflict of
Interest Code RESOLUTION NO. 26,329:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DESIGNATING CLASSIFICATIONS OF EMPLOYMENT WITH THE CITY SUBJECT TO THE REPORTING REQUIREMENTS OF THE CITY'S CONFLICT OF INTEREST CODE AND REPEALING RESOLUTION NO. 25,845 RELATING THERETO.

703
801-2
804-3
S. San Fernando
Park Project
Mitigated Neg.
Dec. RESOLUTION NO. 26,330:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADOPTING A MITIGATED NEGATIVE DECLARATION FOR SOUTH SAN FERNANDO PARK PROJECT AND AMENDING THE FISCAL YEAR 2002-2003 ANNUAL BUDGET.

1411-1
Vacation of
Right-of-Way
Pacific bet.
Beechwood and
Sparks (V-345) RESOLUTION NO. 26,331:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DECLARING ITS INTENTION TO CONSIDER THE CONDITIONAL VACATION OF A PORTION OF THE RIGHT-OF-WAY EXTENDING PARALLEL TO PACIFIC AVENUE BETWEEN BEECHWOOD DRIVE AND SPARKS STREET, BURBANK, CALIFORNIA (V-345).

1503
1504
Agmt. w/SCT
Utility Systems
For Customer
Information and
Billing System RESOLUTION NO. 26,332:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND ADOPTING CONTRACT DOCUMENTS FOR LICENSING AND IMPLEMENTATION OF A CUSTOMER INFORMATION AND BILLING SYSTEM FOR THE BURBANK WATER AND POWER DEPARTMENT, AND AUTHORIZING THE EXECUTION OF AGREEMENTS WITH SCT UTILITY SYSTEMS, INC., AND GROUP1 SOFTWARE.

Adopted The consent calendar was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Members None.

1503-1 Mr. Simay, Assistant General Manager, Burbank Water and
1301-1 Power, illustrated the location of the proposed on- and off-
Hollywood Way ramps on State Route 134 and stated in order to accomplish
Distributing the construction of the ramps, it is necessary to relocate the
Station Design/ existing Hollywood Way Distributing Station and move the
Build Agmt. existing off-ramp further East. He noted most of the project
(B.S. 1128) will be funded through CalTrans, and the City's obligation is
 for the cost of relocation of the existing off-ramp and
 construction of the new distributing station. With respect to
 the timeline of the project, he indicated the Hollywood Way
 Station site needs to be cleared by April 2004, therefore the
 new station needs to be operational a few months prior to that
 time so that the electrical load can be transferred, and
 construction of the new distribution station would take
 approximately 16 months. He noted the best way to meet
 those deadlines is through the use of a design build contract,
 which has been negotiated with ABB, Inc., and briefly outlined
 the terms and conditions of the contract, the amount of which
 totals an amount not to exceed \$11,250,000.

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

1503-1 RESOLUTION NO. 26,333:
1301-1 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Hollywood Way APPROVING AND ADOPTING CONTRACT DOCUMENTS,
Distributing PLANS, AND SPECIFICATIONS FOR THE HOLLYWOOD WAY
Station Design/ DISTRIBUTING STATION AND INCIDENTAL FREEWAY OFF-
Build Agmt. RAMP WORK, BID SCHEDULE NO. 1128, AND AUTHORIZING
(B.S. 1128) THE EXECUTION OF A DESIGN-BUILD SERVICES AGREEMENT
 BETWEEN THE CITY OF BURBANK AND ABB, INC.

Adopted The resolution was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Members None.

9/24/02

1503
1504
BWP Monthly
Water and
Electric Report

Mr. Davis, General Manager, Burbank Water and Power, stated water quality for the month of August met or exceeded state and federal drinking water standards; water sales continued to run slightly below budget due to mild weather conditions; reported on a Federal Energy Regulatory Commission case involving El Paso Gas where it was determined there was market manipulation during the California energy crisis; reported that Olive 1 and 2 are back up on digital control and Lake One is operational, as it recently passed its emissions certification in one week; electric sales are also down due to mild weather conditions; and that wholesale net sales are slightly ahead of budget.

The Council noted and filed the report.

Ordinances
Submitted

It was moved by Ms. Murphy and seconded by Mr. Vander Borght that "Ordinance Nos. 3604 and 3605 be read for the second time by title only and be passed and adopted." The title to the following ordinances were read:

501
Amend Chapter
7 (Building
Code)

ORDINANCE NO. 3604:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING CHAPTER 7 OF THE BURBANK MUNICIPAL CODE REGARDING THE BUILDING CODE.

904-1
Amend Chapter
15 (Fire
Prevention)

ORDINANCE NO. 3605:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING CHAPTER 15 OF THE BURBANK MUNICIPAL CODE REGARDING FIRE PREVENTION.

Adopted

The ordinances were adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Members None.

11:01 P.M.
Reconvene
Redev. Agency
Meeting

The Redevelopment Agency meeting was reconvened at this time.

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 Marie Thoman, expressing opposition to the building of South San Fernando Park because of the heavy traffic on San Fernando Boulevard, suggesting the park be placed on the other side of South San Fernando Park, and against the Council Members being verbally abused by speakers during oral communications; Irma Loose, in opposition to the Council Members voting to appeal the case of Rubin v. City of Burbank because she feels there should be a separation of church and state and the litigation is a misuse of taxpayers funds, submitting six Public Records Act requests; and Mark Barton, on the motivation to win despite the consequences, especially with regard to the Airport.
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 11:11 p.m.

Margarita Campos, City Clerk

APPROVED OCTOBER 22, 2002

Mayor of the Council
of the City of Burbank