

TUESDAY, OCTOBER 29, 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 5:03 p.m. by Mr. Laurell, Mayor.

CLOSED SESSION

Present- - - - Council Members Golonski, Murphy, Ramos (arrived at 5:04 p.m.), Vander Borgh and Laurell.

Absent - - - - Council Members None.

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

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

5:04 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:** City of Burbank v. Fitzhugh  
**Case No.:** EC 035250  
**Brief description and nature of case:** Injunctive relief.
- b. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):  
Pursuant to Govt. Code §54956.9(b)(1)  
**Number of potential case(s):** 1
- c. Conference with Real Property Negotiator:  
Pursuant to Govt. Code §54956.8  
**Agency Negotiator:** Community Development Director/ Susan Georgino  
**Property:** Assessor's Parcel #2471 036 015 – approximately 2.92 acre hillside parcel located at the end of Brace Canyon Road.  
**Parties with Whom City is Negotiating:** Santa Monica Conservancy.  
**Terms Under Negotiation:** Acquisition of land from the Santa Monica Mountains Conservancy.
- d. Conference with Labor negotiator:  
Pursuant to Govt. Code §54957.6  
**Name of the 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:** Current Contracts and Retirement Issues.

Regular Meeting Reconvened in Council Chambers	The regular meeting of the Council of the City of Burbank was reconvened at 6:32 p.m. by Mr. Laurell, Mayor.
Invocation	The invocation was given by Reverend Roby Correa, Magnolia Park United Methodist Church.
Flag Salute	The pledge of allegiance to the flag was led by Members of the Burbank Viking Football Team.
<b>ROLL CALL</b>	
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 Burbank Vikings Day	Mayor Laurell presented a proclamation in honor of Burbank Vikings Day to Tom Willkee, Head Coach of the Burbank Vikings Junior 1 Division, and Member of the Burbank Vikings Board of Directors.
Reporting on Council Liaison Committees	Mr. Golonski reported that at the Joint Action Group meeting held on October 25, the committee members reviewed a proposal from the Burbank Unified School District with regard to assistance with utility-related matters, and noted the recommendation to the Council would be to note and file the report. Mr. Golonski added that the proposal will be brought before the Council at a future meeting. In addition, Mr. Golonski reported the grant program for the Middle School Violence Prevention Program was also discussed. Ms. Murphy reported on an action item considered at the SCAG Aviation Sub-Committee meeting to approve the initial grant application for a Mag-Lev Grant which would improve transportation between airports. Ms. Murphy noted there was a discussion with regard to where the transportation lines would be run, that it was proposed that the line be run from

10/29/02

Union Station to Los Angeles International Airport (LAX) but the sentiment was expressed that the point was to get less people to LAX and more people to outlying airports, therefore the initial segment which was approved runs from Union Station to San Bernardino.

6:50 P.M.  
Hearing  
406  
Application to  
Permit 25 acres  
of Movie Equip.  
Storage on  
Airport Property

Mayor Laurell stated that "this is the time and place for the hearing on the Burbank-Glendale-Pasadena Airport Authority's Application to permit 25 acres of movie equipment storage on the Airport Adjacent Property. The hearing will fulfill the City of Burbank's obligation, imposed under Section 21661.6 of the California Public Utilities Code."

Public Notice  
Procedures

Mrs. Campos reported on the measures taken to provide the public with notice of this hearing.

Motion

It was moved by Mr. Vander Borght and seconded by Ms. Murphy that "the public notice has been provided in compliance with the procedures adopted for the conduct of this public hearing."

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.

Notice  
Given

The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that a letter had been received from Dan Feger, Deputy Executive Director of the Burbank-Glendale-Pasadena Airport Authority, referencing the fact that the Airport Authority sought and obtained approval of this project from the Federal Aviation Administration (F.A.A.) through the Form 7460 Airspace Study Process, and that copies of the F.A.A. approvals were attached to the letter.

Staff  
Report

Mr. Forbes, Associate Planner, reported that the purpose of this public hearing was to consider a request by the Burbank-Glendale-Pasadena Airport Authority (Airport Authority) to allow Desmond's Studio Production Services to utilize 25 acres

of the Burbank Airport Adjacent Property as a storage lot for movie production vehicles and equipment. He discussed that although the staff report stated Desmond's currently has vehicles parked on public streets, Mr. Desmond has clarified that although he does not currently have vehicles parked on public streets, he would be forced to move his vehicles onto public streets should this application be denied. He added that the proposed facility would store movie vehicles and equipment including dressing rooms, trucks, trailers, and generators, and that the facility would include two office trailers and a small restroom facility.

Mr. Forbes discussed the history of the acquisition of the Adjacent Property in 1999 by the Airport Authority, approval of the plan for the Authority's use of the property pursuant to California Public Utilities Code (PUC) Section 21661.6, that the plan does not permit any use of the property other than specific historic uses without further City approval, and that the proposed project is not permitted under the existing plan without City Council approval of an amendment to the plan for the proposed project. In June 2001, pursuant to PUC Section 21661.6, the Airport Authority submitted a plan for the proposed project, and the Council is required to hold a public hearing and approve the plan before the Airport Authority may use the land as proposed. He informed the Council that, additionally, use of the Adjacent Property is also controlled by the Grant of Easements, Declarations of Use Restrictions and Agreements executed by the Airport Authority and the City in 1999, and that the Easement Agreement prohibits the use without an amendment to the Agreement.

Next, Mr. Forbes detailed the procedures adopted in 1996 for the processing of applications filed pursuant to PUC Section 21661.6, and noted that, upon completion of the Preliminary Analysis, staff concluded on a preliminary basis that the proposed project satisfied the criteria for approval. With regard to comments received in opposition to the application, Mr. Forbes acknowledged comments submitted from Mr. Don Elsmore regarding the 1999 Easement Agreement, the potential tax revenue to be received from the project, and the fact that portions of the proposed project would be located within the Building Restriction Line, and Mr. Forbes responded to each of these concerns. In addition, he acknowledged receipt of one letter in support of the proposed project, which did not specifically address the Preliminary Analysis.

Mr. Forbes explained the two criteria which must be satisfied in order for the Council to approved the application as follows: 1) the Council must find that the advantages to the public of

the proposed project outweigh the disadvantages to both the public and the environment; and, 2) the Council must find the approval of the project plan is consistent with the objective of adopting land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that those areas are not already devoted to incompatible uses. He expressed staff's opinion that the advantages of supporting and bringing to Burbank an entertainment industry firm outweigh any potential disadvantages or environmental impacts of the proposed project, that the project would not have any significant environmental impacts nor impacts on the general public, that the proposed project would be compatible with the Airport and Airport operations, that the noise and potential safety hazards of the Airport would have little to no impact on the project, and that the project would not cause or contribute to an increase in noise or Airport operations, and recommended Council approval of the Authority's plan to use the Adjacent Property for the Desmond's facility as proposed.

Applicant

Mr. Marrero, Executive Director of the Airport Authority, concurred with staff's recommendation, and stated Desmond's has been providing a service to the entertainment industry in the area for 15 to 20 years, and the Airport Authority wanted to accommodate that use.

Citizen  
Comment

Appearing to comment were R. C. "Chappy" Czapiewski, in opposition to the application, referencing the Stipulated Order which was handed down at the conclusion of the PUC 21661 Hearing in 1997, a letter from Mr. Elsmore to Mr. Ovrom dated August 2001, and a document regarding the transfer of the B-6 property, and stating such a business is a security threat; Howard Rothenbach, quoting from Ordinance 3601 passed by the Council earlier this year, inquiring when the Interim Development Control Ordinance comes into effect for this project, inquiring whether the transient parking tax will be paid by Desmond's, and inquiring whether property tax will be collected on this parcel since this property is owned by a government entity and is being leased to a private business; David Piroli, in support of the application, and noting the potential use of Desmond's trucks being available for use in case of an emergency, inquiring whether Desmond's is building the 600 parking stalls and as to the basis of tax revenue projected to be generated by the project; and Esther Espinoza, in opposition to the application.

Council and staff response to oral communications.

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 Ms. Murphy that "the following resolution be passed and adopted:
406 Approve Airport Authority's App. For 25 acres of Movie Equip. Storage	<u>RESOLUTION NO. 26,348:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY'S APPLICATION TO PERMIT 25 ACRES OF MOVIE EQUIPMENT STORAGE ON AIRPORT ADJACENT PROPERTY.
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.
Reporting on Closed Session	Mr. Barlow reported on the items considered by the City Council during the Closed Session meetings.
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 Mary Christensen, owner of Bell Cottage on Magnolia Blvd, inviting the community to attend the Holiday In the Park event on Friday, November 22 from 5 to 9 PM; R. C. "Chappy" Czapiewski, distributing a Brown Act challenge stating he was denied his First Amendment right to speak on October 22 because the Mayor prevented him from speaking on a non-agenda item during the second period of oral communications; Esther Espinoza, commenting on institutional racism; Howard Rothenbach, encouraging everyone to vote on November 5, and announcing the semi-annual book sale of the Friends of the Burbank Library; and Mark Barton, on interruption of speakers.
Staff	Members of the Council and staff responded to questions

10/29/02

Response	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 was Bob Olson, in support of the Graciela Hotel as they have done an outstanding job, noting that impacts on the neighborhood have been zero, and the contribution to the neighborhood and revenues generated to the City have been significant, and encouraging the Council to continue their support of the travel and hotel industry.
Staff Response	Members of the Council and staff responded to questions raised.
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 October 1 and October 8, 2002 were approved as submitted.
802-1 Treasurer's Report	The City Treasurer's report on investment and reinvestment of temporarily idle funds for the quarter ending September 30, 2002 was noted and ordered filed.
204 Compensation For Election Officers and Rental of Polling Places	<u>RESOLUTION NO. 26,349:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE RATES OF PAY FOR ELECTION OFFICIALS AND RENT FOR POLLING PLACES INCIDENT TO THE 2003 PRIMARY NOMINATING AND GENERAL MUNICIPAL ELECTIONS.
304-1 801-2 Accepting Donations to the Burbank Animal Shelter	<u>RESOLUTION NO. 26,350:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING FISCAL YEAR 2002-2003 BUDGET FOR THE PURPOSE OF ACCEPTING THE PUBLIC'S DONATIONS TO THE BURBANK ANIMAL SHELTER.

403                                 RESOLUTION NO. 26,351:  
 907                                 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
 Authority                         AUTHORIZING THE ACQUISITION OF FEDERAL SURPLUS  
 Federal                             PROPERTY.  
 Surplus Property

1204-1                             RESOLUTION NO. 26,352:  
 Approval                         of A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
 Final                                 APPROVING FINAL MAP OF TRACT NO. 53395.  
 Tract Map No.  
 53395

1301-2                             RESOLUTION NO. 26,353:  
 Extend Price                     A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
 Agmt. No. 1274                 APPROVING AN EXTENSION OF THE TERM OF PRICE  
 w/Asplundh Tree               AGREEMENT PA 1274.  
 Expert Co.

1008                               RESOLUTION NO. 26,354:  
 Active Military                 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
 Duty Salary                     REPEALING CIVIL SERVICE RULE XV(I) RELATING TO SALARY  
 Assistance                       ASSISTANCE FOR CITY EMPLOYEES CALLED INTO ACTIVE  
                                          MILITARY DUTY AND ADOPTING SALARY ASSISTANCE FOR  
                                          CITY EMPLOYEES CALLED INTO ACTIVE MILITARY SERVICE.

704                                 RESOLUTION NO. 26,355:  
 Extension of                     A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
 DeBell                             APPROVING THE FIRST AMENDMENT TO THE CONCESSION  
 Clubhouse                       AGREEMENT FOR THE DEBELL GOLF COURSE CLUBHOUSE  
 Restaurant                     BETWEEN THE CITY OF BURBANK AND RAYMOND AND  
 Concession                     MICHELE LUCERO, DBA R & M CONCESSIONS.  
 Agmt.

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.

1704-3                             Mr. Forbes, Associate Planner, stated that the Council  
 CUP 2001-17                     approved Conditional Use Permit (CUP) 2001-17 on August 29,  
 (Graciela Hotel)               2002 to allow the Graciela Extended Stay Hotel at 322 Pass  
 Six-Month                     Avenue to sell alcoholic beverages in conjunction with hotel  
 Review                         room service and food service throughout the hotel, including  
                                          the lobby lounge area, and from in-room self-service bars, and  
                                          that one of the conditions placed on the applicant at that time



was a six-month review. He informed the Council that notice of the six-month review was provided to all property owners and tenants within 1,000 feet of the Graciela Hotel and published a notice in the newspaper, as if it were for a public hearing, and that such notice encouraged residents to submit any comments in writing prior to this evening, or in person at this meeting. Mr. Forbes reported that since the opening of the Graciela Hotel, staff had received only one complaint regarding advertising literature which was being distributed by the Graciela Hotel and the food service being advertised, and that staff found no violation of any of the conditions of approval had occurred as a result of the advertisement or the services it was advertising.

Mr. Forbes noted that no complaints had been received from the License and Code Services Division regarding the Hotel or its alcohol service, the Police Department stated no notable incidents or incidents related to the service of alcoholic beverages had occurred at the Hotel, and the Department of Alcoholic Beverage Control was also contacted by staff and they confirmed no complaints had been received regarding alcohol service at the Graciela Hotel. Mr. Forbes stated that, pursuant to Council direction to conduct traffic counts on nearby streets at three- and six-month intervals to determine whether any impact on nearby on-street parking had occurred, traffic counts were conducted in February, July and September 2002 and such traffic counts demonstrate that the Graciela Hotel and its service of alcoholic beverages have thus far not had an impact on parking in the vicinity of the Hotel. He concluded by noting that it does not appear that the Graciela Hotel has had any identifiable impacts on the surrounding neighborhood during its first six months of operation, and staff has not received any information indicating any of the conditions of approval have been violated.

The Council noted and filed the report.

205-1  
Filling Vacancies  
Of Elected  
Officials/Charter  
Amendment

Mr. Barlow reported that the Charter of the City of Burbank provides that a vacancy in a City elective office shall be filled by Council appointment, with such appointed person serving for the remainder of the unexpired term of the office, and that if such appointment is not made within 30 days, then the Mayor appoints to fill the vacancy. He noted the staff report provided information on the process of filling vacancies in numerous cities in the State, and recommended that the Council propose a Charter amendment stating that if there are more than two years remaining in the unexpired term, that a special election be called to fill the vacancy. If there are less

than two years remaining on the unexpired term, Mr. Barlow stated it was staff's recommendation that Council appoint to fill the vacancy and that the appointee serve remainder of the unexpired term. He added that the Charter also provides that if there are a majority of seats vacant on the City Council, that the remainder of the Council Members and the City Clerk call a special election, adding that staff's recommendation is that only the City Clerk be required to call the election. Mr. Barlow noted a third option would be for the Council to decide whether they appoint or call for a special election, and that vacancies which occur as a result of a recall would be filled in the same manner.

Following Council deliberation, staff was directed to bring back to Council a proposed ordinance providing for a special election if a vacant Council term has at least one year remaining on the date that the election takes place; and that an appointment will be made to fill the unexpired term if less than one year remains on the term. Staff was also directed to include a timeline of the various scenarios to be considered.

Ms. Murphy requested reconsideration of the Graciela agenda item in order to consider the applicant's request to eliminate Condition of Approval No. 9. The City Attorney ruled that such request was not within the context of the agenda item on the Graciela and informed the applicant that any such request would be an amendment to the CUP and that process would require a public hearing.

1300  
Amending BMC  
Relating to  
Purchasing and  
Contracting

Police Captain Bowers requested Council approval of an amendment to Section 9-405(2) of the Burbank Municipal Code in order to donate property to non-profit programs to benefit senior citizens and victims of domestic violence. He noted that that California State Code authorizes the disposal of unclaimed property in its possession if it is held 90 days or more, and has a value of \$500 or less, and that the Council has previously authorized donating property to juvenile delinquency programs. Captain Bowers informed the Council that specific needs had been identified in senior citizen programs and domestic violence programs where individuals could benefit from receiving similar property, and that the proposed amendment would allow the Police Department to provide domestic violence victims and organizations with a wireless phone, which would be pre-programmed to dial 911, in addition to one or two non-emergency numbers such as a relative or a domestic violence shelter.

10/29/02

Ordinance Introduced	It was moved by Ms. Murphy and seconded by Mrs. Ramos that "the following ordinance be introduced and read for the first time by title only and be passed to the second reading." The ordinance was introduced and the title read:
1300 Amending BMC Relating to Purchasing and Contracting	AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING CHAPTER 9 OF THE BURBANK MUNICIPAL CODE RELATING TO PURCHASING AND CONTRACTING.
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.
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 was Mike Nolan, commenting on the process of changing a condition of approval, street improvements on Magnolia Boulevard, and on the impact of construction at the AMC site on Magnolia Boulevard and First Street.
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 8:19 p.m.

10/29/02

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Margarita Campos, City Clerk

APPROVED NOVEMBER 19, 2002

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Mayor of the Council  
of the City of Burbank