

TUESDAY, JULY 1, 2003

A regular meeting of the Council of the City of Burbank was held in the Council Chamber of the City Hall, 275 East Olive Avenue, on the above date. The meeting was called to order at 5:02 p.m. by Ms. Murphy, Mayor.

CLOSED SESSION

Present- - - - Council Members Golonski, Ramos, and Murphy.
Absent - - - - Council Members Campbell and Vander Borght.
Also Present - Ms. Alvord, 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.

5:02 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. Burbank-Glendale-Pasadena Airport Authority.
Case No.: BC259852
Brief description and nature of case: Declaratory Relief.
- b. Conference with Legal Counsel – Anticipated Litigation (City as possible plaintiff):
Pursuant to Govt. Code §54956.9(c)
Number of potential case(s): 1
- c. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):
Pursuant to Govt. Code §54956.9(b)(1)
Number of potential case(s): 3
- d. Conference with Labor Negotiator:
Pursuant to Govt. Code §54957.6
Name of the Agency Negotiator: Management Services Director/John K. Nicoll
Name of Organization Representing Employee: Represented: Burbank Police Officers Association.
Summary of Labor Issues to be Negotiated: Current contract and retirement issues.

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:37 p.m. by Ms. Murphy, Mayor.

7/1/03

Invocation	The invocation was given by Reverend Tania Kleiman, Olive Branch Ministries.
Flag Salute	The pledge of allegiance to the flag was led by Police Captain Skvarna.
ROLL CALL	
Present- - - -	Council Members Campbell, Golonski, Ramos, Vander Borght and Murphy.
Absent - - - -	Council Members None.
Also Present -	Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.
301-1 Plant-a-Tree Donation	Ms. Meyer, Chair of the Civic Pride Committee, presented a check in the amount of \$4,985 to be used for planting ornamental trees at Johnny Carson Park, raised through the Civic Pride Committee's Plant-A-Tree Program in March 2003.
301-1 Library Bookmark Contest Winners	Mrs. Cohen, Library Services Director, gave a brief background on the Library Services Department's Bookmark Contest, which was conducted to instill the love of reading among Burbank children. She introduced Children's Librarian, Ericca Carr, to present the following winners who were awarded prizes and Certificates of Recognition: Kindergarten to Second Grade Category winner Keren Zepeda, first grader at Washington School; Third to Fifth Grade Category winner Mindesh Rattanchandani, fifth grader at Washington School; Seventh to Eight Grade Category winner Lenny Mayorga, seventh grader at Luther Burbank Middle School; and runner- up in the Kindergarten to Second Grade Category Skylar MacDonald, kindergartener at Bret Harte Elementary School.
301-1 Park and Recreation Month	Mayor Murphy presented a proclamation in honor of Park and Recreation Month to Todd Layfer, Chair of the Park, Recreation and Community Services Board.
Reporting on Closed Session	Mr. Barlow reported on the items considered by the City Council during the Closed Session meeting.
First Period of Oral Communications	Ms. Murphy called for speakers for the first period of oral communications at this time.
Citizen	Appearing to comment were Gary Garrison, on commending

Comment	<p>women police officers; Kayla Gurley, representing Burbank Thunder, a girls softball team, thanking the Council for last year's commendation and requesting financial assistance to compete in this year's World Series; John Beecher, requesting more speed bumps on West Valencia Avenue; John Holmes, on behalf of the West Jacaranda and Woodland Avenue neighborhood, presenting a letter commending the Council for the removal of a lawn sign advertising a childcare center and a neighborhood petition that the construction noise be reduced, noting the disappointment that the neighborhood had no input in the approval process for the childcare center; Howard Rothenbach, requesting the Council consider lighted crosswalks when addressing the item on public education on traffic issues; Esther Espinoza, commenting on institutional racism; James Schad, commenting on the embattled crosswalk at the Airport; and Mark Barton, commending the Police Department.</p>
Staff Response	<p>Members of the Council and staff responded to questions raised.</p>
Second Period of Oral Communications	<p>Ms. Murphy called for speakers for the second period of oral communications at this time.</p>
Citizen Comment	<p>Appearing to comment were Len Kushner, commenting on the appointment of the Burbank Water and Power Advisory Board; Robert Gangi, representing Gitana, commenting on past directives from the former Chief of Police and what he perceives to be a lack of communication, noting receipt of a recent bill from the Police Department for excessive Police calls, requesting the Council revisit the issue after a set period of time due to the perceived change of directive; Robin Vandever, one of the owners of Gitana, stating he believes the restaurant has been the target of sensational journalism, referencing a meeting which was conducted with Captains Skvarna and Koch, stating Gitana desires to be a positive influence in the community, noting patrons of other establishments use the same parking lot and those patrons are sometimes the subjects of police calls which are attributed to Gitana, requesting the Council revisit this issue at a future date; Kevin McCarney, requesting the Council not curtail the period of oral communications, and supporting adding one minute to the existing second period of oral communications, suggesting the periods be renamed to reflect their purpose; Esther Espinoza, commenting on oral communications, public education on traffic issues, and on the Gitana Conditional Use</p>

Permit (CUP) revocation; Howard Rothenbach, commenting on oral communications and requesting that the time for oral communications be extended, noting the large number of incidents which prompted police calls to Gitana, requesting that the Council hold the establishment accountable to their conditions of approval; Mark Barton, requesting additional time for oral communications.

David Piroli, commenting on the Gitana CUP, stating he was opposed to a mixed use which contained senior housing and a restaurant/sports bar, urging the Council to schedule a revocation hearing, and requesting three minutes at the beginning or three minutes at the end for oral communications, and in support of staff's recommendation that the City not provide any further financial assistance to the Burbank Unified School District; Mike Nolan, on Measure A and in support of public education on traffic issues; C.L. Stack, requesting the Council simplify the oral communications rules, commenting that changes need to be made to the Joint Powers Agreement in order for Burbank to have equal representation; Eden Rosen, in support of the Gitana CUP revocation and requesting the Council extend the one-minute period of oral communications; and Ann Bogue, commenting on second dwelling units on single-family lots, inquiring how homeowners of R-1 Zoned property will be affected by the ordinance.

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

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

304-1 RESOLUTION NO. 26,516:
801-2 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Civic Pride's AMENDING FISCAL YEAR 2002-2003 BUDGET FOR THE
Donation of PURPOSE OF ACCEPTING THE CIVIC PRIDE COMMITTEE'S
Plant-A-Tree DONATION OF PLANT-A-TREE MONIES IN THE AMOUNT OF
Monies \$4,985.

1004 RESOLUTION NO. 26,517:
Trust Agmt. for A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
VEBA APPROVING THE TRUST AGREEMENT (CITY OF BURBANK
 WELFARE BENEFIT PLAN) BETWEEN THE CITY OF BURBANK
 AND WASHINGTON TRUST BANK.

Adopted

The consent calendar was adopted by the following vote:

Ayes: Council Members Campbell, Golonski, Ramos,
Vander Borgh and Murphy.
Noes: Council Members None.
Absent: Council Members None.

1704-3
Gitana CUP
Revocation

Mr. Forbes, Senior Planner, reported on May 27, 2003, staff provided the Council with a report that contained information on the Conditional Use Permit (CUP) revocation process in general, and on some of the specific terms of Gitana's CUP, the nightclub/restaurant/sports bar located at 260 East Magnolia Boulevard. He stated the Council directed staff to return with a report from the Police Department outlining the recent history of police activity at Gitana and analyzing the demands placed upon the City's police services. He added the Police Department analyzed all of the police calls to Gitana and the immediate vicinity between October 2002 and May 2003 and evaluated the extent to which the calls were related to the business, and determined that a total of 63 police calls for service that were linked to Gitana occurred during the eight-month period for incidents such as assaults with a deadly weapon, fights, and driving under the influence.

Further, he reported based upon the frequency and nature of the police calls for service and the number of police officers that are often required to handle the situations, the Police Department determined that the incidents create a substantial adverse impact on the delivery of police services within the City of Burbank prompting the Chief of Police to request that the Planning Board conduct a compliance hearing pursuant to the conditions of approval for Gitana's CUP, to determine if Gitana is creating a substantial adverse impact on police services to the detriment of public health and safety and in violation of the conditions of approval.

Mr. Forbes advised although the Council has the authority to directly initiate revocation proceedings, staff recommended holding a compliance hearing before the Planning Board prior to scheduling a revocation hearing before the Council, to ensure compliance with the intent of Gitana's conditions of approval. He stated following the compliance hearing, the Planning Board and/or the Council may determine that Gitana has not complied with the conditions of approval and may set the matter for a revocation hearing. He added if the Planning Board and/or Council established that a revocation hearing should occur based upon the determination of the Planning

7/1/03

Board compliance hearing, staff would recommend proceeding with scheduling a revocation hearing before the Council as a noticed public hearing with notices to the business/property owner and all property owners and tenants in the vicinity.

Mr. Campbell inquired whether the incidents at Gitana could be attributed to seasonal events such as sporting events, and Captain Skvarna responded he did not have any information to that effect, but noted the Police Department always anticipated a greater number of incidents in major sports seasons such as the National Basketball Association (NBA) finals.

Motion It was moved by Mrs. Ramos and seconded by Mr. Campbell that "staff be directed to schedule a compliance hearing before the Planning Board with the Chief of Police."

Carried The motion carried by the following vote:

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

Noes: Council Members None.

Absent: Council Members None.

412
Financial
Partnerships
Between the
City and the
BUSD

Ms. Alvord, City Manager, stated during the Fiscal Year (FY) 2003-04 budget adoption at the June 17, 2003 Council meeting, Council Member Golonski suggested that a discussion amongst the Council and the School Board of the Burbank Unified School District (BUSD) be considered to ascertain the feasibility of the City providing the School District with financial support for the 2003-04 school year.

She added with the Council and School Board scheduled to conduct a joint meeting on July 16, 2003, a preliminary discussion was suggested to formulate ideas and determine the agenda, in addition to the feasibility of providing financial support to the BUSD. She noted the challenges faced by the City in balancing the FY 2003-04 Budget and concluded with staff's recommendation that the Council not provide any further financial assistance to the BUSD above and beyond what the City is already providing in partnership with the District for FY 2003-04. She added staff was open to and supportive of Council direction to work cooperatively with the BUSD on other possible cost saving ventures. She also noted the importance of the partnership between the School District and the City to the community.

Mr. Golonski noted the financial challenges facing the BUSD and requested the Council ask the School Board to compile a prioritized list of programs that would be restored if funding was made available. With regard to potential synergies, he requested the School Board prepare to discuss the subject at the July 16, 2003 meeting, together with ideas on the possibility of forming a fundraising agency or foundation. He stressed the need for the BUSD to continually support conservation efforts in order for the City to offer additional assistance in the form of a rate structure that offers extra discount if overall usage was reduced.

Mr. Vander Borcht noted the need for the City to pay a fair share for the use of BUSD facilities especially by the community.

Staff was directed to request the BUSD to compile a prioritized list of needs; explore synergies; consider fundraising possibilities; and commit to conservation efforts. Staff was also directed to provide a report to ensure the City was paying for its fair portion of the use of BUSD facilities.

1503
1504
BWP Monthly
Operating
Report

Mr. Davis, General Manager, Burbank Water and Power (BWP), presented BWP's Monthly Water and Electric Operating Report and stated water quality met or exceeded the Federal water drinking standards and the goals set by the Council; locally produced water exceeded 50 percent of the water consumed in the City; and the Water Fund was in good status though water sales were slightly below expectation but were offset by cost savings. He also noted the continued restoration work on Reservoir 2.

With regard to electric operations, he reported there were no outages; service restoration did not meet the desired standards; and the Electric Fund was in good status though electric sales were still below forecast with wholesale revenues compensating for the loss. In anticipation for high temperatures, he stated the Olive 3 and 4, and Magnolia 5 units were available for generating power; the Olive 1 and Lake 1 units had been retrofitted and were in service; and Olive 2 was still undergoing retrofitting for return to service at the end of July 2003. He informed the Council BWP started joint training classes with the City of Glendale regarding the new power plant and that BWP together with the City Attorney's office are working with the Air Quality Management District on trying to keep Magnolia 5 and the Olive 3 and 4 units available as emergency generators pending retrofitting. He added the installation of the new customer service information system was underway, on schedule and within budget.

7/1/03

The Council noted and filed the report.

- 201-1
Oral
Communications
- Mr. Barlow, City Attorney, reported the Council requested to agendize the Oral Communications matter to consider changes to the format. He stated the Ralph M. Brown Act provided that the public had a right to address the Council on any matter on the agenda of the Council before action was taken, and to also address the Council on any subject within the subject matter jurisdiction of the Council. He explained the oral communications format established by the Council in June 2001, and presented several options should the Council consider changing the format.
- Motion
Failed
- It was moved by Mr. Golonski, seconded by Mrs. Ramos and failed with Mr. Campbell, Mr. Vander Borght and Ms. Murphy voting no that "the one minute period of Oral Communications be dropped and expand the four minute period to five minutes, and open it up to any subject within the subject matter jurisdiction of the Council."
- Motion
- It was moved by Mr. Vander Borght, seconded by Mr. Campbell and carried with Mr. Golonski and Mrs. Ramos voting no, that "the one minute period of Oral Communications be changed to two minutes and the last three minute period be changed to two minutes and staff directed to rename the periods to identify the purpose."
- 1600
Public Education
Programs on
Traffic
- Ms. Wolfe, Administrative Analyst, City Manager's office, presented Mayor Murphy's request to discuss public education programs regarding traffic. She noted the Police Department provided the Council with a report on the current programs and requested the Council discuss the matter and direct staff as desired.
- Ms. Murphy noted the need for public education on the effects of traffic violations especially around schools and residential neighborhoods, and stated her preference for the City to carry out a more concerted effort on public education, including increased signage, and requested staff provide a report on available options with regard to crosswalks including the installation of lighted crosswalks.
- 1702
ZTA 2001-11
- Mr. Bashmakian, Deputy Community Development Director, presented a report requesting the Council adopt Zone Text

Second Dwelling Units Amendment No. 2001-11 as an urgency measure. He stated on May 13, 2003, the Council adopted Ordinance No. 3622 which eliminated the previous requirement for a Conditional Use Permit (CUP) for a second dwelling unit and directed staff to develop procedures for ministerial review and approval of second dwelling unit permits, including provisions for public notification and appeals.

He added the proposed ordinance provides procedures for applying for and processing second dwelling unit permits, and provides that henceforth approvals of second dwelling units will be made by the Community Development Director. He also stated the ordinance provided for public notice of the Director's decision to approve or disapprove a second unit application to the property owner and residents within 300 feet (ft) of the proposed unit, and procedures and rules for appeals of the Director's decision to the Planning Board and Council.

He explained Ordinance No. 3622 would become effective on June 28, 2003 and noted if the subject ordinance was adopted using ordinary procedures for introducing, adopting and publishing Council Ordinances, it would not go into effect until August 6, 2003 leaving a period from June 28 to August 6, 2003, in which a CUP would not be required for a second dwelling unit, and during which time there would be no other officially-adopted procedures for accepting, processing, noticing and appealing such applications. To avoid unnecessary confusion, delays and expenditure of staff time and resources, he stated staff was recommending adopting the ordinance as an urgency ordinance so that it would become effective immediately upon adoption.

Ordinance Submitted and Reso. Adopted It was moved by Mr. Golonski and seconded by Mr. Campbell that "Ordinance No. 3626 be introduced and adopted as an urgency ordinance and that the following resolution be adopted."

1702 App. Procedures And Appeal Procedure for Second Dwelling Units ORDINANCE NO. 3626:
AN URGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK ADDING SECTION 31-625.11 OF THE BURBANK MUNICIPAL CODE PERTAINING TO THE APPLICATION PROCEDURE AND A NOTICE AND APPEAL PROCEDURE FOR SECOND DWELLING UNITS.

1702 Amend Fee RESOLUTION NO. 26,518:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK

7/1/03

Reso. Relating to Second Dwelling Units AMENDING ARTICLE III OF RESOLUTION NO. 26,506, THE BURBANK FEE RESOLUTION, RELATING TO SECOND DWELLING UNITS PERMITS.

Adopted The ordinance and resolution was adopted by the following vote:

Ayes: Council Members Campbell, Golonski, Ramos, Vander Borgh and Murphy.

Noes: Council Members None.

Absent: Council Members None.

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

Citizen Comment Appearing to comment were Eden Rosen, commenting on the need to regulate the demeanor and decorum on the part of Board or Commission Members, and inquiring why Burbank does not have a care advocate for dementia; and Ann Bogue, inquiring as to the need for the urgency ordinance on second dwelling units, and expressing disagreement with the State mandate.

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 10:11 p.m. to Tuesday, July 15, 2003 p.m. for a Traffic Study Session.

Margarita Campos, City Clerk

APPROVED AUGUST 12, 2003

Mayor of the Council
of the City of Burbank