

TUESDAY, AUGUST 19, 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 5:03 p.m. by Mrs. Ramos, Vice Mayor.

CLOSED SESSION

Present- - - - Council Members Campbell, Golonski, Ramos, and Vander Borght.

Absent - - - - Council Member Murphy.

Also Present - Mr. Newsham, Interim Assistant City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

Oral Communications There was no response to the Vice 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)
  1. **Name of Case:** Jose Guevara v. City of Burbank.  
**Case No.:** EC033729  
**Brief description and nature of case:** Individual fell into sidewalk vault.
  2. **Name of Case:** Sara Kirst, et a. v. City of Burbank.  
**Case No.:** BC023061  
**Brief description and nature of case:** Alleged employment discrimination.
- 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. Public Employee Performance Evaluation:  
Pursuant to Govt. Code §54957 and 54957.6  
**Title of Employee's Position:** City Attorney.
- d. Public Employee Performance Evaluation:  
Pursuant to Govt. Code §54957 and 54957.6  
**Title of Employee's Position:** City Manager.

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 Mrs. Ramos, Vice Mayor.

Invocation           The invocation was given by Chaplain Jon Arnold, Providence Saint Joseph Medical Center.

Flag Salute           The pledge of allegiance to the flag was led by Police Captain Skvarna.

ROLL CALL

Present- - - -       Council Members Campbell, Golonski, Ramos, and Vander Borght.

Absent - - - -       Council Member Murphy.

Also Present -       Mr. Newsham, Interim Assistant City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

301-1  
Sister City  
Committee  
Report               Darryl Forbes, President of the Sister City Committee, stated this year marked the 20<sup>th</sup> anniversary of the Student Exchange Program, and noted the students who traveled to Ota, Japan in July 2003 were the 10<sup>th</sup> group of exchange students to participate from Burbank. He introduced the trip's chaperones, Debbie Graves and Nina Cannistraci, who expressed appreciation for the opportunity to attend the trip and gave brief descriptions of the events which transpired during the trip; and two participant students, Monique Maravilla and Kelly Reinig, who also gave brief remarks about the trip and expressed appreciation to the Council for their support.

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

406  
Airport  
Authority  
Committee  
Meeting               Airport Commissioner Charlie Lombardo reported on the Airport Authority meeting of August 18, 2003. He stated four items were considered and approved unanimously, including: a lease with the Federal Aviation Administration (FAA) for a Stand Alone Weather Sensor; Resolution 385 authorizing acceptance of the FAA grant offer related to runway safety area land acquisition in the amount of \$2,705,266; a terminal space lease amendment with the Transportation Security Administration (TSA), noting the proposed amendment would allow staff to invoice the TSA for the initial period of August 2002 to December 2002 in the amount of \$62,761, and for the period of December 2002 to April 2003, in the amount of \$3,316, for a trailer used as a break area; and, award of a non-exclusive license agreement to Los Angeles SMSA LP, dba Verizon Wireless by Airtouch Cellular, to install an antenna that will enable passengers to use their laptops while waiting for flights. He also informed the Council that during closed session, staff was authorized to enter into negotiations with

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Southwest Realty Partners and Mason and Mason to appraise the B-6 property, and that an ad hoc committee consisting of Mr. Brown (Burbank), Mr. Povilaitis (Glendale) and Ms. Streator (Pasadena) was appointed to investigate the issues pertaining to the potential renaming of the Airport. Commissioner Lombardo commented on a letter received from American Airlines in response to the request that the early Sunday morning flight be rescheduled to comply with the voluntary curfew, and stated another letter was sent to United Airlines requesting reconsideration for scheduling their early morning flight as close to 7:00 a.m. as possible. He also noted the slight increase in traffic at the Airport due primarily to passengers preferring to use the Burbank-Glendale-Pasadena Airport rather than driving to Los Angeles International Airport (LAX), and inexpensive parking rates.

7:06 P.M.  
Hearing  
410  
404  
Congestion  
Management  
Program

Vice Mayor Ramos stated that "this is the time and place for the hearing on the City's conformance with the Metropolitan Transportation Authority's Congestion Management Program and the adoption of the 2003 Local Implementation Report."

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. Kriske, Assistant Transportation Planner, Community Development Department, requested Council approval of a resolution certifying that the City is in compliance with the Los Angeles County Metropolitan Transportation Authority's (MTA) Congestion Management Program (CMP), and adopting a Local Implementation Report (LIR) for the 2002-03 reporting period as required by the CMP. He noted each year, the Los Angeles CMP requires the City to submit to the MTA a report of new development and transportation improvements executed during the year to ensure that regional transportation impacts from local development are being mitigated by improvements to the transportation system. He explained the LIR tracks the relationship between development and transportation improvements by assigning debit points to development and credit points to transportation improvements. To maintain eligibility for Proposition 111 Gas Tax funds, Mr. Kriske stated the City must demonstrate a positive balance of credits to debits, and the total balance is carried over from year to year enabling surplus credits earned in prior years to make up for any subsequent shortfalls. He informed the

Council the City accrued a net point surplus of 414 for the 2003 reporting period, and explained the improvements that contributed to the surplus, including: the recently concluded left-turn signal phasing projects; State Route 134 Hollywood Way on- and off-ramps relocation; the Burbank Cottages Child Care facility currently under construction; and small ridership increase in the City's shuttle services. He added the surplus credits would be added to the City's overall credit surplus of 102,514 points from prior years for a total credit balance of 102,928. He concluded this credit balance, if approved by the MTA, ensures the City remains eligible for Proposition 111 State Gas Tax revenues as well as other transportation funding sources that require CMP compliance.

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

Mr. Campbell inquired as to why the credits and debits process began with no debit balance and Mr. Kriske responded tracking of development was not started until 1995, and added he would research the process and report to the Council.

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

410 RESOLUTION NO. 26,539:  
 404 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
 Congestion FINDING THE CITY TO BE IN CONFORMANCE WITH THE  
 Management CONGESTION MANAGEMENT PROGRAM AND ADOPTING THE  
 Program LOCAL IMPLEMENTATION REPORT.

Adopted The resolution was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Member Murphy.

7:13 P.M. Vice Mayor Ramos stated that "this is the time and place for  
 Jt. Hearing with the hearing to confirm the Engineer's Report and the levy of  
 Parking the annual assessment for the public facility located at 133  
 Authority East Orange Grove. The property owners that would be  
 1202-5 assessed are AMC, Islands Restaurant, Panda Inn, Richard  
 Downtown Henson and the Parking Authority. This is a joint hearing of  
 Public Facility the City Council and the Parking Authority. The City Council  
 Maint. Assess. is the body that decides whether or not to impose the

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District No. 1 assessment. The Parking Authority is one of the parcel owners, and as such, has the right to vote on the assessment under Proposition 218."

Notice Given The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that three ballots were received, one including a piece of correspondence from Islands Restaurant.

Staff Report Ms. Teel, Administrative Analyst, Public Works Department, reported the Downtown Public Facility Maintenance Assessment District No. 1 (District) was established in 1993 to pay for improvements to, and maintenance of, the five-level 505-space City-owned parking structure (commonly referred to as the AMC parking structure) located at 133 East Orange Grove Avenue. She stated pursuant to the 1972 Landscape and Lighting Act, each fiscal year that maintenance district assessments are levied, an Engineer's Report containing the following information must be prepared: 1) improvements, maintenance and services assessed; 2) district boundaries; 3) annual cost estimate; 4) method of apportioning costs in proportion to the estimated benefit received; 5) assessment amount for each parcel; and, 6) method of levying the assessment. She stated on June 17, 2003, the Council adopted Resolution No. 26,513 approving the Engineer's Report and declaring the intention to levy and collect assessments for the City of Burbank Downtown Public Facility Maintenance Assessment District No. 1 for Fiscal Year (FY) 2003-04. Subsequently, ballots and 45-day notices for the public hearing were sent certified mail to each parcel owner, who had until the close of the public hearing to submit their ballots or give public testimony prior to tabulating ballots. She concluded the existing flat rate assessment in effect since 1999 was sufficient to meet FY 2003-04 estimated costs.

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

Mr. Vander Borght inquired as to the effect of the new AMC parking structure and Ms. Teel responded any new structure to be incorporated would require a change in the district boundaries. Mr. Feng, Public Works Director, clarified the new parking structure would be separate from this agreement. Mrs. Georgino, Community Development Director, explained the parking structure would be owned by the City and would become part of the assessment district once it was completed. She further explained the funding methodology.

Mr. Vander Borght also inquired as to any agreements that would preclude the Parking Authority from charging for parking in the downtown area. Mrs. Georgino responded the agreement did not preclude the City from charging for parking, and noted the advantages to charging a minimal amount for parking, such as for security purposes, and added AMC was already paying a yearly fee in the amount of \$150,000 for maintenance of the parking structure.

Mr. Campbell clarified the Council would review all options, not the single option to charge for parking in the downtown.

Mrs. Ramos inquired whether the Council had any comments on the letter submitted by Islands Restaurant and Mr. Golonski noted the concerns would be addressed by the Public Works Department as they pertained to signage and maintenance, and requested staff to report to the Council upon resolution of the issues.

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

Parking Authority Reso. Adopted Parking Resolution No. P-60 Approving its Portion of the Proposed Assessment for the City of Burbank Downtown Public Facility Maintenance Assessment District No. 1 for Fiscal Year 2003-2003 was adopted.

Adopted The resolutions were adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Member Murphy.

Declaring the Results Mrs. Campos, City Clerk, declared the ballot results and stated there were two ballots in favor of the assessment and one blank ballot.

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

1202-5 RESOLUTION NO. 26,540:

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Downtown  
Public Facility  
Maint. Assess.  
District No. 1

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK CONFIRMING THE ENGINEER'S REPORT, CONFIRMING DIAGRAM AND ASSESSMENT, ORDERING IMPROVEMENTS AND LEVYING THE 2003-2004 FISCAL YEAR ASSESSMENT FOR THE CITY OF BURBANK DOWNTOWN PUBLIC FACILITY MAINTENANCE ASSESSMENT DISTRICT NO. 1.

Adopted

The resolutions were adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Member Murphy.

7:27 P.M.  
Jt. Hearing with  
Redev. Agency  
And Burbank  
Public Financing  
Authority  
804-4  
Revenue Bonds  
2003 Series C  
(City Centre)  
and  
Series D (Golden  
State)

Vice Mayor Ramos stated that "this is the time and place for the joint public hearing of the Burbank Public Financing Authority, the Redevelopment Agency and the Council of the City of Burbank regarding: (1) the issuance of up to \$24 million in Burbank Public Financing Authority Revenue Bonds 2003 Series C (City Centre Project Area), to purchase in-lieu of redemption City Center \$21,285 million of the 1993 Series A Bonds and (2) the issuance of up to \$11 million in Burbank Public Financing Authority Revenue Bonds 2003 Series D (Golden State Redevelopment Project Area), to purchase in-lieu of redemption Golden State Redevelopment \$8.53 million of the 1993 Series A Tax Allocation Bonds."

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. Hanway, Financial Services Director, stated the Tax Allocation Bonds for the Golden State Project Area were most recently issued in 2003 in the amount of \$87.265 million, in-part to purchase in lieu of redemption \$50.24 million of the 1993 Tax Allocation Bonds. He added for tax reasons, \$8.53 million remains outstanding and is eligible to be refunded no earlier than September 1, 2003.

Mr. Hanway explained that due to prevailing financial market conditions, it was in the best interests of the Agency to realize interest rate savings by refinancing a portion of the Golden State Bonds, and to refinance all of the City Centre Bonds. In connection therewith, he stated the proposal that the Authority purchase the applicable bonds in lieu of redemption and added in order for the Authority to raise funds necessary

to provide for such purchase, refinancing and financing, the Authority would have to authorize the issuance of its revenue bonds. He added the proceeds of the Authority bonds would be used to purchase the outstanding City Centre Agency Bonds in lieu of redemption, and a portion of the Golden State Agency Bonds in lieu of redemption.

Regarding the City Centre bond structure, Mr. Hanway stated current market conditions have been deteriorating; however, staff believed it was prudent to authorize the refinancing in the event the municipal bond market will yield a minimum net present value savings related to the refinancing of 3 percent. He further stated current market conditions generate a 3.1percent net present value savings which represents net present value savings of \$678,000 and equates to an average annual debt service savings of \$51,700. He added the first payment date would be December 1, 2003 with final maturity scheduled for December 1, 2023. He informed the Council Standard and Poor's and Moody's Investor Services had been requested to provide a bond rating and bond insurance was expected to be obtained from AMBAC Insurance or XL Capital.

With regard to the Golden State Bond Structure, Mr. Hanway reported current market conditions generate a 3.7 percent net present value savings which represents net present value savings of \$315,000 and equates to an average annual debt service savings of \$92,700. He added the first payment date would be December 1, 2003 with final maturity scheduled for December 1, 2008 and that Standard and Poor's and Moody's Investor Services had been requested to provide a bond rating, with bond insurance expected to be obtained from AMBAC Insurance. He concluded current market conditions would dictate the time in which the bonds would be priced as well as the ultimate savings related to the bonds. He added that should the market conditions not generate a minimum of 3 percent net present value savings, the bonds would not be issued.

Mr. Campbell inquired if the market condition at any point ever reflected the three percent the City was trying to achieve and Mr. Hanway responded in the affirmative.

Hearing  
Closed

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

Motion

It was moved by Mr. Vander Borcht and seconded by Mr. Campbell that "the following resolutions be passed and adopted:"



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Burbank Public Financing Auth. Reso. Adopted Burbank Public Financing Authority Resolution No. F-9 Authorizing Issuance of Revenue Bonds, Approving, and Authorizing and Directing Execution of Certain Financing Documents and Authorizing and Directing Execution of Certain Financing Documents and Authorizing and Directing Actions with Respect Thereto (City Centre Project Area) was adopted.

Redev. Agency Reso. Adopted Redevelopment Agency Resolution No. R-2080 Approving, and Authorizing and Directing Execution of Certain Bond Financing Documents Related to the Refinancing of Redevelopment Activities within its City Centre Redevelopment Project Area and Authorizing and Directing Actions with Respect Thereto (City Centre Project Area).

804-4 Issuance of Bonds for City Centre Project Area RESOLUTION NO. 26,541:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK MAKING FINDINGS WITH RESPECT TO AND APPROVING THE ISSUANCE OF BONDS BY THE BURBANK PUBLIC FINANCING AUTHORITY (CITY CENTRE PROJECT AREA).

Burbank Public Financing Auth. Reso. Adopted Burbank Public Financing Authority Resolution No. F-10 Authorizing Issuance of Revenue Bonds, Approving, and Authorizing and Directing Execution of Certain Financing Documents and Authorizing and Directing Actions with Respect Thereto (Golden State Project Area).

Redev. Agency Reso. Adopted Redevelopment Agency Resolution No. R-2081 Approving and Authorizing and Directing Execution of Certain Bond Financing Documents Related to the Refinancing of Redevelopment Activities within the Agency's Golden State Redevelopment Project Area and Authorizing and Directing Actions with Respect Thereto (Golden State Project Area).

804-4 Issuance of Bonds for Golden State Project Area RESOLUTION NO. 26,542:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK MAKING FINDINGS WITH RESPECT TO AND APPROVING THE ISSUANCE OF BONDS BY THE BURBANK PUBLIC FINANCING AUTHORITY, APPROVING THE ISSUANCE OF BONDS BY THE BURBANK PUBLIC FINANCING AUTHORITY (GOLDEN STATE PROJECT AREA).

Adopted The resolutions were adopted by the following vote:

Ayes: Council Members Campbell, Golonski, Ramos, and

Vander Borght.

Noes: Council Members None.

Absent: Council Member Murphy.

Initial Open Public Comment Period of Oral Communications Mrs. Ramos called for speakers for the initial open public comment period of oral communications at this time.

Citizen Comment Appearing to comment were Gary Garrison, inquiring as to the quality of Burbank water; Esther Espinoza, expressing displeasure with the Mayor on the Street Program; Bob Etter, noting a quorum of Council Members attended the neighborhood meeting pertaining to the reuse of the former Buena Vista Library, and stating the same quorum voted on the Council's decision, which he disagreed with; Howard Rothenbach, on the power outage on the east coast, asking whether Burbank could generate enough power independently should such an event occur on the west coast; David Piroli, in opposition to the potential "nominal" charge for parking at the AMC structure, stating he does not believe instituting a charge would preclude anyone from stealing a car from a lot; and Mark Barton, commenting on losing credibility at oral communications.

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

Agenda Item Oral Communications Mrs. Ramos called for speakers for the agenda item oral communications at this time.

Citizen Comment Appearing to comment were Mark Barton, on the signage at the AMC parking structure; Esther Espinoza, on the Library Managed Services, Hardware and Hardware Services Contract, in opposition to the VEBA Plan, and commenting on the filing of an alcohol license comment letter pertaining to 237 East Olive Avenue; and Bob Etter, commenting on Mr. Campbell's vote with regard to the Congestion Management Program.

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

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8:13 P.M.  
Recess                   The Council recessed to permit the Redevelopment Agency, Housing Authority, Parking Authority, Youth Endowment Services Fund Board and Burbank Public Financing Authority to hold their meetings. The Council reconvened at 8:29 p.m. with the same members present.

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

Minutes  
Approved                The minutes for the regular meeting of July 15, the adjourned meeting of July 16, the regular meeting of July 22, the adjourned meeting of July 23 and the regular meetings of July 29 and August 5, 2003 were approved as submitted.

1411-1  
Summary  
Vacation Warner  
Blvd. (V-358)           RESOLUTION NO. 26,543:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ORDERING THE SUMMARY VACATION OF A PORTION OF EXCESS RIGHT-OF-WAY AT WARNER BOULEVARD, BURBANK, CALIFORNIA (V-358).

401  
410  
Application for  
TDA Bicycle and  
Pedestrian  
Facility Funds         RESOLUTION NO. 26,544:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE COMMUNITY DEVELOPMENT DEPARTMENT TO APPLY TO DRAW DOWN TRANSPORTATION DEVELOPMENT ACT (TDA) BICYCLE AND PEDESTRIAN FACILITY FUNDS IN THE AMOUNT OF \$49,786 FOR FISCAL YEAR 2001-2002 AND \$53,700 FOR FISCAL YEAR 2002-2003.

1004  
Revised Plan for  
VEBA                    RESOLUTION NO. 26,545:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE AMENDED AND RESTATED PLAN DOCUMENT FOR THE CITY OF BURBANK VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION.

Adopted                The consent calendar was adopted by the following vote:  
  
Ayes:       Council Members Campbell, Golonski, Ramos, and Vander Borght.  
Noes:       Council Members None.  
Absent:     Council Member Murphy.

804-3                   Ms. Parker, Legislative Analyst, Burbank Water and Power

801-2  
902  
BWP  
Supplemental  
Grant Program

(BWP), informed the Council Perchloroethylene (PERC) solvent used by dry cleaners has been found to pose health risks. She stated PERC affects the air, soil, water and waste water quality and its use and disposal are regulated by various Federal, State and local regulatory agencies. She reported on a 1998 study by the South Coast Air Quality Management District (SCAQMD) which concluded that dry cleaners represented 59 percent of PERC contributions, and subsequently prompted the passage of SCAQMD Rule 1421 mandating that no new dry cleaners use PERC; dry cleaning facilities limit exposure to surrounding communities; all facilities have updated machines or switch to non-PERC equipment by 2007; and, stating PERC would be banned in 2020. She informed the Council Burbank has 19 PERC facilities and four non-PERC facilities, and discussed the proposal by BWP for a \$10,000 Supplemental Grant Program to expedite PERC phase-out. She explained the grant program would provide \$2000 supplemental grants to the first five dry cleaners in Burbank to successfully be awarded a SCAQMD grant. She stated the application deadline was January 31, 2004 and if fewer than five dry cleaners applied, the funds would be divided evenly; and, if no Burbank dry cleaners applied by December 1, 2003 the funds would go to the low emission vehicle program. She concluded the program would be funded from the March 2003 Communities for a Better Environment (CBE) settlement, and stated the City Attorney found the program to be in compliance.

Mr. Golonski requested incentives also be provided to the four non-PERC dry cleaning facilities that are already in compliance. He also inquired whether the early adopters could be recognized for their effort, and suggested the City certify the businesses as being environmentally friendly.

Mr. Davis responded the four dry cleaners that were early adopters may not have applied for the SCAQMD energy efficiency grants but staff would apprise them of the opportunity.

Motion

It was moved by Mr. Vander Borcht and seconded by Mr. Campbell that "the following resolution be passed and adopted:"

804-3  
801-2  
902  
BWP  
Supplemental  
Grant Program

RESOLUTION NO. 26,546:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A BWP SUPPLEMENTAL GRANT PROGRAM TO EXPEND \$10,000 BY JANUARY 31, 2004 TO IMPROVE THE AIR QUALITY WITHIN THE CITY OF BURBANK AND SPEED REDUCTIONS IN THE USE OF PERCHLOROETHYLENE BY DRY

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CLEANERS WITHIN BURBANK (AND AMENDING THE FY 2003-04 BUDGET).

Adopted

The resolution was adopted by the following vote:

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

601-1  
Alcohol License  
Comment Letter  
For 237 E. Olive

Mrs. Forbes, Principal Planner, Community Development Department, requested Council authorization for staff to file comment letters on behalf of the City to the California Department of Alcoholic Beverage Control (ABC) before issuance of any liquor license at 237 or 245 East Olive Avenue. She recalled in 1994, the Council approved a Conditional Use Permit (CUP) to operate a nightclub at 237 East Olive Avenue. She noted as this was the first CUP for a nightclub under the new alcohol ordinance at the time, the conditions imposed were the City's best attempt to prevent potential problems from such an establishment. She informed the Council in the seven years the location operated as a nightclub, under several operators and business names, the Police Department had numerous problems with the exception of the time period when the site was operated as a banquet facility. She stated during the summer of 2002, need for police services dramatically increased at the site and in the fall of 2002, the Police Department began conferring with Planning Division and City Attorney staff on the possibility of revoking the CUP. She added the Police Department, in an effort to gain more input on the business' operations and to restore order to this area of the City, began a focused enforcement effort in conjunction with investigators from ABC from November 15 to December 15, 2002. She stated during the one month period, the business was open for only six nights, but resulted in six felony arrests, over 20 misdemeanor arrests, over 200 misdemeanor citations and 100 hazardous driving citations, all by Sensation Village patrons and employees.

Mrs. Forbes stated staff was of the opinion this evidence was sufficient to support revoking the CUP, however, ABC considered the evidence strong enough to support denial of a permanent liquor license, and subsequently denied issuing a permanent liquor license following the business' temporary liquor license expiration on December 26, 2003. She noted based on the fact that the business is not in operation, it was nearly impossible to revoke the CUP since the findings to revoke a CUP mostly relate to the business operating as a

nuisance or contrary to the conditions of the CUP. She explained the ideal option available to the City would be to modify the CUP to include conditions necessary to establish the nightclub, especially given this location. However, in order to modify a CUP, she stated the City needed the consent of the operator and property owner and noted staff offered this option to the potential operator prior to filing for a business license, but the operator chose to apply for a license under the existing CUP. She informed the Council the only option available to the City was to request ABC to put conditions on the establishment's liquor license. She stated, under this process, the State may accept conditions only by the governing body or its designated officer and added staff requested the City Manager be the designated officer.

Mrs. Forbes added staff was suggesting imposing conditions in an effort to have the restaurant be the main focus of this site and have the dancing and billiards be incidental to the restaurant, thereby losing the large nightclub atmosphere. She stated some of the conditions include requiring a dining area with fixed seating which encompasses more floor area than the current site and requiring a full menu of food to be prepared on site at all hours of operation, in addition to other conditions that staff has compiled but are pending ABC staff input. She cautioned there was no guarantee that ABC would require all conditions of the applicant that the City requested, and added if ABC chose to place conditions and this particular operator withdrew the request for a license, staff also requested Council approval to send letters in the future requesting similar conditions of other operators at the same location. She concluded with staff's recommendation that the Council authorize the City Manager or her designee to send comment letters to ABC for any pending alcohol licenses at 237 and/or 245 East Olive Avenue.

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

601-1  
Alcohol License  
Comment Letter  
For 237 E. Olive

RESOLUTION NO. 26,547:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE CITY MANAGER OR DESIGNEE TO FILE AN ALCOHOL LICENSE COMMENT LETTER PERTAINING TO A PENDING APPLICATION AT 237 EAST OLIVE AVENUE AND FURTHER AUTHORIZING THE CITY MANAGER OR DESIGNEE TO FILE ADDITIONAL COMMENT OR PROTEST LETTERS ON FUTURE ALCOHOL LICENSE APPLICATIONS PERTAINING TO 237 AND/OR 245 EAST OLIVE AVENUE.

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Adopted

The resolution was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Member Murphy.

201-2  
FY 2003-04  
Work Program  
Public Works  
Department

Mr. Feng, Public Works Director, presented the Work Program Goals and Performance Indicators for the Public Works Department.

Mr. Campbell inquired as to the funding from the California Department of Transportation (Caltrans) for the Burbank Boulevard bridge widening project and Mr. Feng clarified the project design was approved but part of the funding was being debated, and added staff was scheduled to have a meeting with Caltrans after which a report would be submitted to the Council.

Mr. Vander Borght requested clarification on the upgrading schedules for buildings to meet current seismic standards. Mr. Feng responded that some old buildings were legally allowed to exist although they do not meet current seismic standards as long as they were built in compliance with the old code, and noted the department's goal was to bring those buildings up to current code.

Mr. Golonski complimented the department for their work which has a large impact on the quality of life in the City. He recognized the department was currently working on replacing the refuse truck fleet with a Compressed Natural Gas (CNG) fleet, but this goal was not listed on the work program goals or performance indicators. Mr. Feng indicated the item would be added to the department's performance indicators. Mr. Golonski expressed interest in the statistics showing what percentage of the fleet was low emission, diesel, CNG, etc.

Mr. Campbell suggested consideration be given to using a lower sulfur diesel to further reduce diesel particles emissions and affirmed the need to use non-diesel trash trucks, or install filters on current diesel trucks to limit pollution, pending conversion to CNG.

Community  
Development  
Department

Mrs. Georgino, Community Development Director, gave a brief overview and introduced the following staff members to present the Work Program Goals and Performance Indicators for the different divisions in the Community Development

Department: Mr. Bashmakian, Planning Division; Mr. Kriske, Transportation Division; Ms. Pease, License and Code Services Division; Mr. Sloan, Building Division; and, Ms. Davidson-Guerra, Redevelopment Division.

10:42 P.M.            The Redevelopment Agency, Housing Authority, Parking  
Reconvene            Authority, Youth Endowment Services Fund Board, and  
Redev. Agency,      Burbank Public Financing Authority meetings were reconvened  
Housing Auth.,      at this time.  
Parking Auth.,  
YES Fund Board,  
And Public  
Financing  
Meetings

Final Open            Mrs. Ramos called for speakers for the final open public  
Public Comment      comment period of oral communications at this time.  
Period of Oral  
Communications

Citizen                Appearing to comment were Eden Rosen, in support of the  
Comment              elimination of PERC from the environment, in opposition to  
                              charging for parking in the downtown, commenting on the red  
                              imported fire ant, and on crisis intervention teams; and, Mike  
                              Nolan, noting the contributions of Ike Robinson, John Nicoll  
                              and Ed Skvarna as city employees, and commenting on  
                              decorum during the meeting.

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

301-2                    There being no further business to come before the Council,  
Memorial                the meeting was adjourned at 10:48 p.m. in memory of  
Adjournment          William "Sonny" Schneider.

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Margarita Campos, City Clerk

APPROVED SEPTEMBER 16, 2003



8/19/03

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Mayor of the Council  
of the City of Burbank