

TUESDAY, AUGUST 17, 2004

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 5:14 p.m. by Mrs. Ramos, Mayor.

CLOSED SESSION

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

Absent - - - - Council Member Murphy.

Also Present - Mr. Flad, Assistant City Manager; Mr. Barlow, City Attorney; and, Mrs. Wilson, Deputy City Clerk.

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

5:14 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 Labor Negotiator:
Pursuant to Govt. Code §54957.6
Name of the Agency Negotiator: Management Services Director/Judie Sarquiz.
Name of Organization Representing Employee:
Represented: Burbank City Employees Association, Burbank Management 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.
- b. Conference with Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
Name of Case: Sandra Ross v. City of Burbank.
Case No.: EC033862
Brief description and nature of case: Trip and fall on sidewalk upheaval.
- c. Conference with Legal Counsel – Anticipated Litigation (City as possible plaintiff):
Pursuant to Govt. Code §54956.9(c)
Number of potential case(s): 1
- d. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):
Pursuant to Govt. Code §54956.9(b)(1)
Number of potential case(s): 2

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Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 7:03 p.m. by Mrs. Ramos, Mayor.

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

Flag Salute The pledge of allegiance to the flag was led by Stella Arbelaez.

ROLL CALL

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

Absent - - - - Council Members None.

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

301-1
Meritorious Act
By Mike
Cisneros Mr. Hansen, Deputy Director, Park, Recreation and Community Services/Senior and Human Services, introduced Mike Cisneros, Burbank Transportation Services Driver for 13 years, who assisted a downed Police Officer by blocking oncoming traffic with his transportation van on July 9, 2004. Lieutenant Madrid presented a commendation to Mr. Cisneros from Chief Hoefel and expressed appreciation. Mayor Ramos presented a Certificate of Recognition to Mr. Cisneros for his meritorious service.

301-1
Community
Service Award
To Stella
Arbelaez Mrs. Stein, Deputy Director, Park, Recreation and Community Services/Recreation Services, introduced Stella Arbelaez. Mayor Ramos presented a Certificate of Recognition to Mrs. Arbelaez for her outstanding volunteerism, community vision and advocacy which resulted in the renovation of the Mountain View Park Room to beautify the park and serve the residents of Burbank.

7:18 P.M.
Hearing
1704-3
602
Appeal of CUP
No. 2003-28
Beer and Wine
Sales at 3701
Riverside Dr.
Notice
Given Mayor Ramos stated that "this is the time and place for the hearing on the review of the Planning Board's decision approving Conditional Use Permit 2003-28, a request by Bob Kashani to authorize the issuance of a Department of Alcoholic Beverage Control (ABC Type 20 license) for the businesses at the property located at 3701 Riverside Drive. The subject property is zoned MDC-3 Media District General Business. The Conditional Use Permit was denied by the Planning Board on June 14, 2004."
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	<p>Mr. Ochsenbein, Senior Planner, Community Development Department, requested the Council consider an appeal of the Planning Board's decision to deny an application for a Conditional Use Permit for the sale of alcohol for off-site consumption at 3701 Riverside Drive, a Chevron Station located within the MDC-2 Zone. He noted that alcohol sales are generally regulated in the State by the Department of Alcohol Beverage Control (ABC). He explained that ABC establishes thresholds for the number of licenses for the sale of alcohol for off-site consumption in each census tract and that the approval of any licenses beyond the threshold requires the City to make findings of public convenience or necessity.</p> <p>Mr. Ochsenbein stated that the subject property is located within Census Tract 3116 which has a threshold of five licenses, noting that there are currently seven licenses in the tract. Thus, in order to approve this application, he stated that the Council would have to make a finding of public convenience or necessity. He explained that in denying the application, the Planning Board was unable to make the finding based on the proximity of other uses that sell alcohol in conjunction with other retail items in the vicinity. Additionally, he stated that the Planning Board was unable to make the finding that the use will be compatible with other uses on the same lot. He concluded with staff's recommendation that the Council affirm the Planning Board's decision denying the application based on the inability to make the finding for public convenience or necessity.</p>
Applicant	<p>Sherry Olsen (and Bob Kashani, owner of Chevron Food Mart, at the podium), requested that the Council approve the Conditional Use Permit to allow the sale of beer and wine at 3701 Riverside Drive. She stated that the license meets the public convenience finding and requested similar privilege as other locations have been granted. She informed the Council that 250 signatures have been received in support of the license and noted the need to provide a one stop shopping location in an effort to remain competitive.</p>
Hearing Closed	<p>There being no response to the Mayor's invitation for oral comment, the hearing was declared closed.</p>
Motion	<p>Following Council deliberation, it was moved by Ms. Murphy and seconded by Mr. Campbell that "the following resolution be passed and adopted:"</p>

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1704-3
602
Appeal of CUP
No. 2003-28
Beer and Wine
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Riverside Dr.

RESOLUTION NO. 26,771:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
AFFIRMING THE PLANNING BOARD'S DECISION AND
DENYING CONDITIONAL USE PERMIT NO. 2003-28 WITH
DEVELOPMENT REVIEW NO. 2002-32 (3701 Riverside Drive,
Bob Kashani, Property Owner).

Adopted

The resolution was adopted by the following vote:

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

7:30 P.M.
Hearing
410
404
Congestion
Management
Program

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 2004 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, Transportation Analyst, Community Development Department, requested that the Council approve the proposed resolution certifying that the City is in compliance with the Los Angeles County Metropolitan Transportation Authority's (MTA) Congestion Management Program (CMP) and adopt the Local Development Report (LDR) for the 2003-04 reporting period as required by the CMP. He noted that unlike prior CMP years, the traditional credit and debit method of tracking development versus transportation improvements has been suspended this year while the MTA conducts a nexus study on the feasibility of implementing a County-wide congestion mitigation fee in lieu of the debit-credit system. He noted that the City is now only required to report new development, demolition of existing development and any exempted development, and does not have to compute debit points from these developments and compare the debits to the credits earned through improvements. Thus, the 103,590 point

surplus accrued by the City under the Program from prior years is maintained pending the result of the study. He added that all cities, such as Burbank, that currently have credit surpluses will continue to be in compliance with this portion of the CMP and will maintain eligibility for Proposition 111 State Gas Tax revenues.

Citizen Comment Appearing to comment was Mike Nolan on Department of Housing and Urban Development grant funding and on the implications of not conforming with the Congestion Management Plan.

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

Motion Following Council deliberation, it was moved by Ms. Murphy and seconded by Mr. Campbell that "the following resolution be passed and adopted:"

410 RESOLUTION NO. 26,772:
404 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Congestion Management Program FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM AND ADOPTING THE LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH GOVERNMENT CODE SECTION 65089.

Adopted The resolution was adopted by the following vote:

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

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.

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.

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Citizen Comment Appearing to comment were Donna Stebbeds, Mark Stebbeds, Phil Berlin, Carolyn Berlin, Michael Bergfeld, Ron Vanderford, David Piroli, and, Howard Rothenbach, on Airport matters; Mark Barton, on the downtown wayfinding signage program; James Schad, expressing appreciation to the staff and volunteers at the Animal Shelter and requesting that the Council enforce the sale of the B-6 property; Eden Rosen, on the City's distribution of information on the West Nile Virus and on parking matters; Rose Prouser, expressing disappointment that the National Aeronautics and Space Administration Channel has been removed from the Cable Television programming, expressing appreciation for the new street lights installed in her neighborhood, inquiring as to the status of Phase 2 of the AMC Theaters parking structure and commenting on the passage of Measures B and A; and, Esther Espinoza, on a tree trimming request by the City and on the barricades in front of her home.

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 Gordana Lewis, Theresa Gunnell and Bob Estrella, playing a videotape depicting the activities of the Killer Boot Camp; Ross Gunnell, stating that he produced the videotape and was in turn served with a restraining order, and requesting that the Killer Boot Camp not be allowed to operate prior to 7:00 a.m.; Zorica Tanaskovic, on permit criteria for operation of private businesses on public property; Esther Espinoza, expressing appreciation to the Burbank Housing Corporation for remodeling a facility her family is moving into and expressing concern with possible rent raises in the future; Mike Nolan, on retaining legal counsel and requesting a copy of the letter submitted to Los Angeles Police Chief Bratton with regard to the claim filed against the City; and, Eden Rosen, in support of banning commercial activities in City parks.

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

Jt. Mtg. with Redev. Agency, Ms. Anderson, City Treasurer, presented a report on investment and reinvestment of temporarily idle funds for the

- Housing Authority, Parking Authority and YES Fund Board 802-1 Treasurer's Report
quarter ending June 30, 2004.
The Council noted and filed the report.
- Motion
It was moved by Ms. Murphy and seconded by Mr. Vander Borgh that "the following items on the consent calendar be approved as recommended."
- 1007-1
1009-1
Establish Spec. And Salary for Sanitation Leadworker
RESOLUTION NO. 26,773:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF SANITATION LEADWORKER (CTC No. 0736) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.
- 213
Authorization to Retain Outside Counsel
RESOLUTION NO. 26,774:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE CITY ATTORNEY TO RETAIN OUTSIDE COUNSEL.
- Adopted
The consent calendar was adopted by the following vote:
Ayes: Council Members Campbell, Golonski, Murphy, Vander Borgh and Ramos.
Noes: Council Members None.
Absent: Council Members None.
- 604
Banning Commercial Activity on City-Owned Property Without Proper Permits
Mr. Hansen, Deputy Director, Park, Recreation and Community Services/Health and Human Services, provided a report updating the Council on the adopted ordinance banning private commercial or revenue-producing activity on City-owned property without proper permits. He also requested Council approval to amend Article IX of Resolution No. 26,737, of the Burbank Fee Schedule relating to parks and recreation fees. He recounted that on May 18, 2004, the Council approved adding Section 5-801.1 to the Burbank Municipal Code banning commercial activity on City-owned property without proper permits and directed staff to take this issue back to the Park, Recreation and Community Services Advisory Board (Park Board) to establish a general statement of

policy and criteria to best serve the recreation needs of every person who desires to lawfully utilize public, recreation or park facilities.

Mr. Hansen reported that at the June 10, 2004 Park Board meeting, staff was directed to work with a subcommittee of two Park Board members on recommending guidelines for issuance of park permits for commercial uses on City-owned property. He discussed the subcommittee's recommended guidelines which included: impact on neighborhoods; impact on the surrounding area; whether the proposed commercial activity was in the public's interest; adverse impacts of the activity upon the general public and upon park facilities; and, whether the type of commercial activity is consistent with a recreational use or a use typically permitted in park facilities. He then discussed the Park Board's recommended guidelines.

Mr. Hansen informed the Council that the Fee Resolution relating to parks and recreation fees has been altered and expounded to: correct the resident/non-resident standard application fee; add a non-resident fee for groups larger than 500; add commercial groups use fees; add a non-refundable application fee of \$185; and, add any direct staffing costs as determined by the Director or his designee. In addition, he stated that there are some minor changes related to descriptive terms such as changing fees for group picnics to group activities.

Staff was directed to re-examine the fee structure to provide more economical fees for small commercial uses that have less impact on park facilities, such as pitching coaches with single clients. In addition, the Council indicated that fees for permit renewals should cost less if a significant amount of work is not required of staff due to changing circumstances. Also, staff was directed to create an appeals process for commercial use permits that will provide for any impacted parties, such as adversely impacted neighbors, to file appeals. The Council also expressed a desire for an appeal process specifically for recreational and commercial park facilities use permits. Lastly, the Council directed that the Director's guidelines include a term limit on the duration of any approved permit.

10:22 P.M.
Ms. Murphy
Left the Meeting

Ms. Murphy left the meeting at this time.

409
Voting Rep. for
League of Calif.

Ms. Dolan, Administrative Analyst, City Manager's Office, requested that the Council select a representative and alternate to vote on behalf of the City at the annual business

- Cities in Long Beach meeting held during the League of California Cities 2004 Annual Conference scheduled for Friday, September 17 through Sunday, September 19, 2004 in Long Beach. She explained that at the annual business meeting, the membership takes action on conference resolutions which guide cities and the League in efforts to improve the quality, responsiveness and vitality of local government in California. She noted that the annual business meeting will take place on Sunday, September 19, 2004, at 10:15 a.m. at the Long Beach Convention Center.
- Motion It was moved by Mr. Vander Borcht, seconded by Mr. Campbell and carried with Ms. Murphy absent that "Mrs. Ramos be appointed as the delegate with Mr. Vander Borcht as the alternate."
- 201-2 Work Program For City Treasurer, Management Svcs. Dept. and Park, Recreation And Community Services Dept. Ms. Anderson, City Treasurer, presented the work program goals and performance indicators for the City Treasurer's Office.
Mrs. Sarquiz, Management Services Director, presented the work program goals and performance indicators for the Management Services Department.
Mr. Hansen, Deputy Director, Park, Recreation and Community Services/Health and Human Services, presented the work program goals and performance indicators for the Park, Recreation and Community Services Department.
- 11:11 P.M. Reconvene Redev. Agency, Housing Authority, Parking Authority and YES Fund Board Meetings Final Open Public Comment Period of Oral Communications The Redevelopment Agency, Housing Authority, Parking Authority and Youth Endowment Services Fund Board meetings were reconvened at this time.
Mrs. Ramos called for speakers for the final open public comment period of oral communications at this time.
- Citizen Comment Appearing to comment were Bob Estrella, expressing disagreement with the dusk to dawn provision for conducting private businesses on public property and requesting that the

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permit state a specific time; Ross Gunnell, on the operation of the Killer Boot Camp and requesting that the business not be issued a permit to operate on public property; Zorica Tanaskovic, on the application of zoning ordinances to specific businesses and on the revocation process for commercial activity permits; and, Mike Nolan, on attempts to record a Notice of Failure to Execute a Development Agreement.

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 11:26 p.m.

Margarita Campos, City Clerk