

TUESDAY, MAY 17, 2005

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 6:47 p.m. by Mr. Vander Borght, Mayor.

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

Flag Salute The pledge of allegiance to the flag was led by Hannah Kolus.

ROLL CALL

Present- - - - Council Members Campbell, Murphy and Vander Borght.

Absent - - - - Council Members Golonski and Ramos.

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

301-1
Youth Art Expo Mr. Hansen, Park, Recreation and Community Services Director, briefly described the Youth Art Expo and introduced Kim Freed, Recreation Supervisor, who presented the recipients to be honored. Mayor Vander Borght awarded Certificates of Recognition to the following winners: Kindergarten Category - Joseph Lee, Jefferson Elementary, Natalie Marsoubian, Emerson Elementary and Melissa Lopez McKinley Elementary; First Grade Category - David Zanazanian, Disney Elementary, Carlin Kinlow, Roosevelt Elementary and Melissa Udall, Emerson Elementary; Second Grade Category - Olivia Wood, Providencia Elementary, Marja Ziemer, Providencia Elementary and Ervin Reyhanian, Miller Elementary; Third Grade Category - Royce Correa, St. Finbar Elementary; Chole Haskins, Jefferson Elementary and Kelly Lobos, Providencia Elementary; Fourth Grade Category - Henry Miskaryan, Emerson Elementary, Millie Boonkokua, Washington Elementary and Millie Boonkokua, Washington Elementary; Fifth Grade Category - Stephanie Friedman, McKinley Elementary, Allyson Nash, Edison Elementary and Atheynee Arnold, McKinley Elementary.

Certificates were also presented to winners of the: Three Dimensional Category - Morgan Tebbe, Emerson Elementary, Kevin Bauer, Jordan Middle School and Alana Segura, Bellarmine-Jefferson High School; Award Winning Category - Enzo Hildago, St. Finbar Elementary, Isabelle Marbella, Jordan Middle School, Stephanie Weitekamp, St. Finbar Elementary, Mel Olivares, John Burroughs High School and Gohar Koshkarian Providence High School; and, The Best of Show Category - Liza Torosyan, Providence High School and Quan Vu, John Burroughs High School.

301-1
Hannah Kolus – Mayor Vander Borght introduced Hannah Kolus, a sixth grade student at John Muir Middle School, who recently won the

5/17/05

2005 California State Award of Excellence

2005 California State Award of Excellence for her literature entry in the Parent Teachers Association Reflections contest. He noted that this was the first time a Burbank entry has advanced that far in the competition and presented Hannah with a Certificate of Recognition. He then requested that she read her essay.

301-1 Public Works Week

Mayor Vander Borght presented a proclamation in honor of Public Works Week to Ken Johnson, Assistant Public Works Director/Traffic Engineer.

301-1 Reflex Sympathetic Dystrophy Awareness Month

Mayor Vander Borght presented a proclamation in honor of Reflex Sympathetic Dystrophy (RSD) Awareness Month to Dana Gambill and Dana Wilson, members of the local RSD support group.

Reporting on Council Liaison Committees

Mr. Campbell reported on the Arroyo Verdugo Subregion Committee meeting he attended.

Mayor Vander Borght reported on the Mayor's Youth Task Force meeting he attended. He also acknowledged a local effort benefiting the National Law Enforcement Officers Memorial Fund with a goal of raising \$100,000. He requested that the Council consider the possibility of making a donation on behalf of the City.

406 Airport Authority Meeting Report

Commissioner Wiggins reported on the Airport Authority meeting of May 16, 2005. He stated that the Authority approved a \$74-million budget, noting the increase from \$57 million from the prior year primarily due to an \$8-million allocation for the Star Parking Lot improvements and a \$7-million-allocation for resurfacing the runways. He also noted a column in the Toluca Times newspaper with regard to Bob Hope Airport capacity expansion and disagreed with the contents of the article.

The Council received the report.

7:34 P.M. Hearing 1704-3 602

Mayor Vander Borght stated that "this is the time and place for the hearing on the appeal of the Planning Board's decision affirming the approval of a Conditional Use Permit for Project No. 2004-151. The Applicant, Sal Ferraro, applied for a

CUP 2004-151 Dimples	Conditional Use Permit to operate a karaoke nightclub and drinking establishment with a restaurant at the property located at 3000 West Olive Avenue. The approval of the Planning Board's decision was appealed to the Council by Linda Matsumoto."
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 pieces of correspondence had been received.
Staff Report	<p>Ms. Shavit, Assistant Planner, Community Development Department, requested the Council consider a request by Ms. Linda Matsumoto to appeal the Planning Board's decision to approve a Conditional Use Permit (CUP) for Project No. 2004-151. She noted that on March 28, 2005, the Planning Board approved the project for a karaoke nightclub and bar in the MDC-3 Media District General Business Zone. She added that the appellant stated that four of the six findings for approving the CUP cannot be made and that overall, the project is not compatible with the surrounding neighborhood.</p> <p>Ms. Shavit informed the Council that the proposed use is permitted in the MDC-3 Zone under a CUP and that the site location and Conditions of Approval mitigate any anticipated impacts. She noted that the site is more than 200 feet away from a residential zone, is buffered on all sides by Alameda Avenue, Olive Avenue and Niagara Street and is not residentially adjacent. She also responded to the issues presented to the Council by the appellant's representatives regarding: the six findings required for approving the CUP; pedestrian safety for the adjacent intersection; compatibility with the surrounding neighborhood; whether the proposed use is permitted in the MDC-3 Zone; parking availability and uses; patron waiting lines; presence of legal residences within 200 feet of the site; prevalence of adult-oriented material at the current business; and, the alcohol license requirements.</p> <p>Ms. Shavit noted receipt of telephone calls from residents expressing concern with the project and noted that the project will not have a significant impact on the surrounding neighborhood and will not be detrimental to nearby businesses or residences. She added that it was staff's assessment that the six findings for approving the CUP could be made and recommended that the Council uphold the Planning Board's decision.</p>
Appellant	Phillip Berlin, representing the appellant, noted that with 10 to 15 percent food sales, the proposed use was not a restaurant but a nightclub and stated that there are residences within 200 feet of the proposed site, in addition to single-family

residences only 217 feet away. He noted that the proposed use is in close proximity to families and children, and is incompatible with the neighborhood. With a visual aid, he showed pictures depicting activities that take place in the proposed use and stated that the business falls under the adult business category. He also noted that the business promotes and distributes adult-oriented material and should be subject to the City's adult business ordinance. He then commented on the number of service calls to the Police Department associated with the business.

Carolyn Berlin addressed the land use issues per the Media District Specific Plan; parking issues; liquor license requirements; bathroom facility requirements; pedestrian crossing issues; and, safety concerns.

Mr. Berlin reported that the applicant has had three alcohol license suspensions, a criminal complaint filed by the City and a civil court case which the business owner settled for inflicting personal injury on a customer. He urged the Council to uphold the appeal.

Applicant

Robert R. Bowne, representing the applicant, noted that the applicant has been operating his business in Burbank for 41 years, including 23 years at the same site. He stated that the business will be displaced by the Platt Project approval. He noted that staff has conditioned the CUP to address several concerns including parking, traffic, noise and nuisance issues. He also disagreed with the stated number of service calls to the Police Department associated with the business.

Sal Ferraro, business owner, responded to the pictures depicting activities that take place at his establishment.

Citizen
Comment

Appearing to comment in support of the appeal were: Bill Jackson; Chris Jackson; Sandra Wise; Krista Zabrecky, reading a letter from Keith Jackson; Linda Matsumoto; Julia Dickason; Cheryl Bomar; Bob Matsumoto; Dennis Bomar; Don Elsmore; Elke Coutler; John Joyce; Joe Davenport; Charles Zembillas; Esther Espinoza; Eden Rosen; David Piroli; and, Dr. David Gordon.

Commenting in opposition to the appeal were: Timothy Carjan; Warren Butler; Richard J. Unland; Richard Rodriguez; Noreen Juliano; Josh Pelzer; Bill Hincklay; Dan Gertz; Dale E. Kanter; Stuart Schoenburg; Dick Kline; Christopher McDonald; Miles Neff; Bruce Danner; Terrence Klein; Brad Howard; and, Michael Ramirez.

Also, Wayne Crochet, addressed parking issues; Mark Barton, noted that the waitress' testimony did not help Dimples' cause; and, Mike Nolan, inquired as to whether a task force was created to relocate Dimples, requested clarification on the required alcohol license, parking issues, the claim of people living in adjacent office buildings and expressed opposition to staff advocating positions at public hearings.

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

10:11 P.M.
Recess The Council recessed at this time. The meeting reconvened at 10:24 p.m. with the same members present.

Appellant
Rebuttal Mr. Berlin made rebuttal comments with regard to: relocating the applicant; the number of service calls to the Police Department; stated that the issues to be considered in this matter are similar to the inappropriate use requested by the Castaldi Boot Camp; added that the location may be perfect for the applicant but not for the residents; noted that staff and the Planning Board found it necessary to place 50 Conditions of Approval on the CUP; requested that if the matter is continued the Council should inquire about Dimples' reputation with staff; referenced the City's establishment of a task force in response to citizens' complaints; and, inquired as to whether the task force was involved in relocating the business.

Applicant
Rebuttal Mr. Ferraro made comments with regard to incorporating his business into the Platt Project; his relationship with an adjacent business; noted several accomplishments achieved by his business; and, elaborated on his proposed business plan for the new location.

Mr. Bowne noted that the conditions placed on the CUP would mitigate the neighbors' concerns; elaborated on the parking issues and the possibility of providing valet parking; noted the Police Department has indicated that the number of incidents are no greater than those at any other similar facility; stated that staff and the Planning Board support the project; and, urged the Council to make a decision on the matter.

Staff
Rebuttal Ms. Shavit made rebuttal comments and stated that: there was no task force effort to relocate Dimples; the photographs

which were presented by the appellant's representative appear to violate the adult business ordinance and that License and Code Services staff would follow up on the matter; the use is permitted in the MDC-3 Zone; elaborated on the shared parking use, Condition of Approval No. 32; noted that the restaurant use has not been abandoned and there have been continued attempts to maintain the restaurant use; stated that the type of alcohol license necessary for the business is determined by the Department of Alcoholic Beverage Control; noted that Condition of Approval No. 18 required that the kitchen remain open at all times; and, invited Captain Lowers to address the police calls report.

Captain Lowers made clarification with regard to the number of police calls associated with Dimples. She also addressed parking restrictions surrounding the proposed location.

Ms. Murphy noted her challenge in making the Condition of Approval for parking. She noted the need to prevent patrons from parking in the neighborhoods and stated that the parking lot is not sufficient for the anticipated number of patrons.

Mr. Campbell commented on the significance of the Residentially-Adjacent Commercial Industrial Ordinance; requested that the roof sign be brought into compliance with the Media District Sign Ordinance; requested that the operational review be modified from an 18-month period to a 12-month period for three years; suggested that the establishment be required to attain 40 percent food sales in three years; suggested turning lights off rather than dimming them; supported limiting the waiting line to 10 people; required that security guards be made available from 9:00 p.m. until 2:30 a.m.; expressed concern with parking conditions and suggested stronger measures other than permit parking for the neighborhood residents; and, commented on the Americans with Disability's Act compliance.

Mr. Vander Borcht noted that Dimples is a karaoke/nightclub bar which is now being expanded to provide food service as a restaurant and stated that it is a reasonable expectation that such a business could replace a former jazz club/bar. He added that the proposed location is surrounded by two major arterials and noted the need to address parking issues through measures such as the proposed valet parking service. He acknowledged that the number police calls are not unusual for a bar use and suggested that the establishment be required to attain 35 percent food sales in three years.

Ms. Murphy expressed concern with valet parking, noting that patrons would park in the residential neighborhood to avoid

paying for valet service. She suggested that valet parking service be provided at no cost to the patrons, parking must be off-site and that the exit be towards Alameda Avenue so that traffic can be directed to a main arterial as opposed to going through the residential area. She also requested that the parking lot adjacent to the business be made available to patrons who do not want to use the valet service and that all employees and valeted cars park off-site. She was in agreement with a 12-month review period for three years.

Mr. Vander Borght noted the availability of over 30 on-street parking spaces along Olive Avenue and requested that those spaces not be used for valet parking. He agreed with off-site valet parking at no cost.

The Council was not supportive of modifying the sign requirements but supported the 10-person waiting line limit and providing security guards from 9:00 p.m.

Mr. Vander Borght inquired as to whether the applicant was willing to agree to: free valet parking off-site and off-street; limiting the waiting line to 10 people; requiring 35 percent food sales within three years; a 12-month review for three years before the Planning Board with appeal to the Council; and, that security personnel be available from 9:00 p.m. Mr. Ferraro agreed to the modified conditions.

Motion It was moved by Ms. Murphy and seconded by Mr. Campbell that "the following resolution be passed and adopted as modified by the Council:"

1704-3
602
Approve CUP
2004-151
Dimples

RESOLUTION NO. 26,969:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DENYING THE APPEAL AND AFFIRMING THE PLANNING BOARD'S DECISION TO APPROVE PROJECT NO. 2004-151 CONDITIONAL USE PERMIT (Applicant: Sal Ferraro, 3000 West Olive Avenue).

Adopted The resolution was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Members Golonski and Ramos.

Initial Open Public Comment Period of Oral Mr. Vander Borght called for speakers for the initial open public comment period of oral communications at this time.

5/17/05

Communications

Citizen Comment Appearing to comment were: Mark Barton, in support of the Cusumano Group; Eden Rosen, on blighted conditions, homelessness and traffic issues; Mike Nolan, on the City's complaint policy; Linda Matsumoto, on Dimples' valet parking service; and, David Piroli and Phil Berlin, on Dimples' modified conditions.

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

Agenda Item Oral Communications Mr. Vander Borgh called for speakers for the agenda item oral communications at this time.

Citizen Comment Appearing to comment were: Mark Barton, on the Airport Authority meeting; Mike Nolan, on comments made by Commissioner Wiggins regarding the Toluca Times publication, in support of reviewing the NBC Master Plan and requesting clarification as to the survey cities used in salary comparisons; and, Carolyn Berlin, on the Dimples project.

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

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

1007-1 RESOLUTION NO. 26,970:
Revise Spec. for A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Assistant City REVISING THE SPECIFICATION FOR THE CLASSIFICATION OF
Treasurer ASSISTANT CITY TREASURER (CTC No. 0054).

1007-1 RESOLUTION NO. 26,971:
1009-1 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Establish Title of ESTABLISHING THE TITLE AND CLASSIFICATION OF YOUTH
Youth EMPLOYMENT COORDINATOR (CTC NO. 0981) AND
Employment PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND

Coordinator	SPECIFICATION THEREOF.
1007-1 1009-1 Establish Title of Youth Employment Team Leader	<u>RESOLUTION NO. 26,972:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF YOUTH EMPLOYMENT TEAM LEADER (CTC NO. 0983) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.
1007-1 1009-1 Establish Title of Youth Employment Junior Team Leader	<u>RESOLUTION NO. 26,973:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF YOUTH EMPLOYMENT JUNIOR TEAM LEADER (CTC NO. 0982) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.
1007-1 1009-1 Establish Title of Youth Employment Assistant	<u>RESOLUTION NO. 26,974:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF YOUTH EMPLOYMENT ASSISTANT (CTC NO. 0980) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.
1204-1 Approval of Final Tract Map No. 60768 (1015 Spazier Ave.)	<u>RESOLUTION NO. 26,975:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE FINAL MAP OF TRACT NO. 60768 (1015 SPAZIER AVENUE).
1010 Increase in Financial Svcs. Director's Salary	<u>RESOLUTION NO. 26,976:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING RESOLUTION NO. 21,732 RELATING TO THE EXECUTIVE COMPENSATION PLAN FOR DEPARTMENT MANAGERS AND APPOINTED OFFICERS REVISING THE SALARY RANGE FOR THE FINANCIAL SERVICES DIRECTOR.
Adopted	The consent calendar was adopted by the following vote: Ayes: Council Members Campbell, Murphy, and Vander

5/17/05

Borght.

Noes: Council Members None.

Absent: Council Members Golonski and Ramos.

1703
NBC Master
Plan

Mrs. Forbes, Deputy City Planner, Community Development Department, reported that on April 19, 2005, the Council requested that staff bring back a discussion of the NBC Master Plan and potential sale of the Catalina Street property as a one-step two-step process. She noted that staff has provided a summary of the NBC Master Plan which was approved in March 1997 and is valid for 20 years. She requested that the Council determine whether the matter be placed on a future agenda and direct staff on what information is desired for that report.

The Council directed that the matter be placed on a future Agenda.

801-2
Budget Study
Session (City
Council, City
Manager, Fire,
Police, Mgmt.
Svcs, Finance
and BWP)

Ms. Dolan, Administrative Analyst, City Manager's Office, presented the proposed Fiscal Year 2005-06 budget for the City Council Office and the City Manager's Office, Operations Division.

Mr. McManus, Public Information Officer, City Manager's Office, presented the proposed Fiscal Year 2005-06 budget for the Public Information Office.

Chief Hoefel presented the proposed Fiscal Year 2005-06 budget for the Police Department.

Ms. Sarquiz, Management Services Director, presented the proposed Fiscal Year 2005-06 budget for the Management Services Department.

Mr. Hanway, Financial Services Director, presented the proposed Fiscal Year 2005-06 budget for the Financial Services Department.

Final Open
Public Comment
Period of Oral
Communications

There was no response to the Mayor's invitation for speakers for the final open public comment period of oral communications at this time.

5/17/05

Adjournment There being no further business to come before the Council,
the meeting was adjourned at 1:04 a.m.

Margarita Campos, CMC
City Clerk

APPROVED AUGUST 30, 2005

Mayor of the Council
of the City of Burbank