

TUESDAY, JANUARY 30, 2001

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 5:00 p.m. by Mr. Wiggins, Mayor.

CLOSED SESSION

Present- - - - Council Members Kramer, Laurell, Murphy and Wiggins.
Absent - - - - Council Member Golonski.
Also Present - Mr. Ovrom, City Manager; Mr. Barlow, City Attorney; Ms. Alvord, Assistant City Manager; Mr. Hess, Administrative Analyst; and, Mrs. Sarquiz, 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 Park and Recreation 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: In the matter of the application of Burbank-Glendale-Pasadena Airport Authority – Administrative (Variance) Hearing conducted by Cal Trans.
Case No.: OAH No. L-9701269
Brief description and nature of case: Administrative review of Airport noise variance standards.
- 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): 1
- d. Conference with Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
Name of Case: City of Burbank vs. Ralph C. Froelich, Trustee, et al.
Case No.: BC 237022
Address: 101 West Burbank Boulevard
Brief description and nature of case: Condemnation related to the Five Points Realignment Project.

- e. Conference with Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
Name of Case: City of Burbank vs. Bernard M. Pearce, et al.
Case No.: BC 237020
Address: 107 West Burbank Boulevard
Brief description and nature of case: Condemnation related to the Five Points Realignment Project.
- f. Conference with Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
Name of Case: City of Burbank vs. Kenneth W. Cleghorn, et al.
Case No.: BC 237021
Address: 111 West Burbank Boulevard
Brief description and nature of case: Condemnation related to the Five Points Realignment Project.
- g. Conference with Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
Name of Case: Wargo v. City of Burbank
Case No.: EC028195
Brief description and nature of case: Trip and fall at Whitnall Park.
- h. Conference with Real Property Negotiator:
Pursuant to Govt. Code §54956.8
Agency Negotiator: Community Development Director/ Susan Georgino
Property: 115 East Cedar Avenue (between South San Fernando Boulevard and South First Street)
Parties with Whom City is Negotiating: Bozho and Josipa Deranja
Terms Under Negotiation: Acquisition of property.
- i. Public Employee Performance Evaluation:
Pursuant to Govt. Code §54957
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 6:39 p.m. by Mr. Wiggins, Mayor.

Invocation The invocation was given by Vice Mayor Kramer.

Flag Salute The pledge of allegiance to the flag was led by Council Member Laurell.

ROLL CALL

Present- - - - Council Members Golonski, Kramer, Laurell, Murphy and Wiggins.
 Absent - - - - Council Members None.
 Also Present - Mr. Ovrom, City Manager; Mr. Barlow, City Attorney; Ms. Alvord, Assistant City Manager; and, Mrs. Sarquiz, City Clerk.

Reporting on Closed Session Mr. Barlow reported on the items considered by the City Council during the Closed Session meetings. He noted that the Council voted 5-0 to settle the case Wargo vs. City of Burbank in the amount of \$35,000 .

Oral Communications Mr. Wiggins called for oral communications at this time.

Citizen Comment
 Appearing to comment were Howard Rothenbach, Chair of Restore Our Airport Rights (ROAR), stating he presented over 10,000 signatures for the ROAR petition this day and thanking the community for their support with the petition drive; Don Elsmore, thanking the people who helped with the ROAR petition drive and stating the petition sends a message to the City Council that the community wants a curfew and cap on flights, stating the community needs to communicate their concerns to the City Council, and on concern with the Airport runway; Rich Salemme, representing Alstom, the low bidder on the proposal for the design and construction of the Fourth Switching Station, on the qualifications of the company to perform the job and stating the Council will not do better by readvertising for bids and noting they will not bid on the job again as their proposal will not change; Amin Oria, Principal of Providencia Elementary School, thanking the Youth Endowment Services Fund for approving a request for a grant to enhance counseling services at Providencia, and thanking the Council for their consideration of the grant; Ralph Gee, thanking the volunteers who worked on the ROAR petition and stating the people want the City to consider and approve the petition, and on concern with the construction of a traffic signal on Hollywood Way; Ted McConkey, questioning a campaign contribution from Sempra Energy to Council Members Murphy and Golonski; Margie Gee, on concern that the ROAR petition will not be properly represented by the City and Airport Authority when placed on the ballot; Fred Haas, on a book he bought from the Friends of the Library called "The Chromium Program" which is related to a chromium diet, and on the value of a satellite dish; Mark Barton, stating the campaign contributions for Burbank should be increased, and

on concern with the talking that occurs in the Council Chambers during the meeting noting it is disruptive; Irma Loose, playing a tape recording of statements made by former Council Member McConkey and Council Members Murphy and Golonski related to the Airport; Margaret Lynch, stating her suggestion to allow people to apply for a permit to post signs to find a lost pet or child should be allowed noting it was the most effective way to locate a missing pet stating it helped her find her pet; David Piroli, on a booklet prepared by the State of California related to deregulation in 1998 which stated deregulation would maintain electric reliability and provide cost savings to customers, and on concern with the current economy noting the recent announcement of AMC to close 300 theaters; R. C. "Chappy" Czapiewski, congratulating the ROAR volunteers, supporting Donna Anderson for Treasurer, and on concern with actions taken by former Mayor George Battey to demolish Hangar 14; Charlie Lombardo, on concern with the legality of the ROAR petition; Dr. Theresa Karam, on the importance of the ROAR petition, and on concern with the actions of Council Members Golonski and Murphy related to the Airport;

Esther Espinoza, on concern with the lack of minorities in the City government; Andrew Quadrini, on concern with a lawn sign being removed from his lawn, and supporting the new Buena Vista Library but asking why a subterranean garage was not considered for the new Library; Ron Vanderford, refuting comments made by Charlie Lombardo related to the ROAR initiative this evening, and supporting the ROAR initiative and thanking the volunteers who helped collect signatures; Roy Wiegand, asking the City to consider better pedestrian traffic at Burbank Boulevard near Hollywood Way, and suggesting the City consider incentives to residents to use solar power; Mike Nolan, on the importance of the ROAR initiative, on concern with statements made by Charlie Lombardo this evening related to the ROAR initiative, stating the City should place a cap on the Utility Users Tax and not even consider a utility rate increase, and suggesting Council Members Golonski and Murphy return the campaign contribution from Sempra Energy; and LaVerne Thomas, on concern with the chromium in the City's water, and asking why Burbank residents were deprived of knowing about chromium 6 while the water master has been conducting a chromium study for many months and stating the City needs to educate the community on this matter.

Staff
Response

Members of the Council and staff responded to questions raised.

8:30 P.M.
Recess

The Council recessed at this time. The meeting reconvened at 8:48 p.m. with all members present.

8:48 P.M.
Jt. Mtg. w/
Redev. Agency
811
1102
804-3
412
Funding Rec.
from the YES
Fund Advisory
Committee

Mr. Flad, Park, Recreation and Community Services Director, reported on the recommendation from the Youth Endowment Services (YES) Fund Advisory Committee for the City Council and Redevelopment Agency to approve grant awards totaling \$30,000 in YES Funds. Additionally, he said the Advisory Committee recommended the approval of reopening the applications for the 2000-01 YES Fund Grant Awards Program for the remaining funds of \$88,000, as well as authorizing the Financial Services Director to designate \$360,000 in the YES Fund balance for the South San Fernando Park Project.

8:50 P.M.
Mr. Golonski
and
Mrs. Murphy left
the Meeting

Mr. Golonski and Mrs. Murphy excused themselves from the meeting at this time as they wanted to avoid any appearance of a conflict in voting on this matter due to fact that their children attend Roosevelt Elementary School.

Meeting
Continued

Next, Mr. Flad explained that the third annual YES Grant Awards Program cycle began on September 18, 2000. He said that the Awards Program application specified that there was \$115,000 available from the Redevelopment Tax Increment Fund (restricted funds) and \$3,000 available from the Discretionary Funds (unrestricted funds).

He then discussed that the following two proposals were received during the application cycle and have been recommended for approval by the YES Advisory Committee: a \$3,000 request in unrestricted funds from Providencia Elementary School to expand and enhance counseling opportunities for the students served by the Schools community; and, a \$27,000 request in restricted funds to purchase and install playground equipment for the intermediate grade level which would also be open to the public and would be handicapped accessible. He then noted that because all the unrestricted funds were not allocated during this application cycle, the Committee was requesting Council and Agency approval to allow additional applications to be submitted for the remaining \$88,000 in funds.

Youth
Endowment
Svc. Fund
Board Reso.

Youth Endowment Services Fund Board Resolution No. Y-21 Approving a Grant Award to Two Recipients and Amending Fiscal Year 2000-2001 Budget for the Purpose of Appropriating Funds for Grant Recipients of the YES Funds was adopted.

1/30/01

Adopted
Motion

It was moved by Mr. Laurell and seconded by Mr. Kramer that "the following resolution be passed and adopted:"

811
412
Authorizing YES
Expenditures

RESOLUTION NO. 25,921:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
AUTHORIZING CERTAIN YOUTH ENDOWMENT SERVICES
EXPENDITURES.

Adopted

The resolution was adopted by the following vote:

Ayes: Council Members Kramer, Laurell, and Wiggins.
Noes: Council Members None.
Absent: Council Members Golonski and Murphy.

Redev. Agency
Reso. Adopted

Redevelopment Agency Resolution No. R-1995 Authorizing
Certain Youth Endowment Services Expenditures was adopted.

8:54 P.M.
Mr. Golonski &
Mrs. Murphy
Returned to the
Meeting

Mr. Golonski and Mrs. Murphy returned to the meeting at this
time.

8:54 P.M.
Recess

The Council recessed to permit the Redevelopment Agency,
Housing Authority, Parking Authority and Youth Endowment
Services Fund Board to hold their meetings. The Council
reconvened at 8:56 p.m. with all members present.

1504
Water Quality
Update

Mr. Lantz, Assistant General Manager, Burbank Water and
Power (BWP), reported on the request from the City Council at
the October 10, 2000 City Council meeting for staff to begin
providing weekly oral presentations updating the Council and
public on Burbank's water quality. He began by discussing the
following activities that have taken place since the last
Council meeting: BWP performed chromium and chromium 6
system testing on January 16, 2001 noting the results show
very low levels of chromium; BWP staff prepared a special
newsletter on chromium for the Burbank Unified School
District which will be distributed in the next month; and, the
Groundwater Resources Association of California presented a
one day conference on "Hexavalent Chromium in Groundwater:
The San Fernando Valley Case Study" on January 25, 2001 at
which time he said no new information was presented by the
regulatory agencies.

He then briefly reviewed the following up-coming actions: BWP will present an amendment to the Fee Resolution to accommodate the implementation of "Providing Customers a Water Quality Sampling Service" within two weeks; on February 13, 2001 BWP staff will have a presentation on the chromium treatment cost findings by McGuire Environmental Consultants; and, well and aquifer testing of the Burbank Operable Unit began on January 12, 2001 and will continue for the next eight to ten weeks under the direction of the Environmental Protection Agency's consultant CH2Mhill. Lastly, he referred to a map which identified the various locations throughout the City with chromium concentrations in the groundwater.

The City Council received the report.

506
Posting of Signs
on Public
Property

Mr. Hirsch, License and Code Services Supervisor, reported on the request from the City Council at the December 5, 2000 meeting for staff to present a report on a suggestion made by a speaker during oral communications to allow people to apply for a permit to post signs on public property to notify people of a missing pet. He noted that the speaker was pre-warned by his office that her posting of more than 500 signs on public property was illegal.

He explained that the reason for prohibiting signs to be posted on the public right of way, and for the strong enforcement of the Codes which prohibit such signage, is because uncontrolled signage can create blight and litter. He noted that when tolerated, this tends to encourage similar signage, thereby proliferating blight and litter.

Mr. Hirsch discussed that the existing Codes have proven effective in controlling the blight and litter associated with illegal signage posted on or within the public rights of way. He said that it is staff's assessment that consideration of an amendment to the Burbank Municipal Code to allow for private signs to be posted on the public right of way is not warranted at this time. However, he said that if the Council wishes to pursue the matter further, staff suggests that the Council first direct staff to explore the possibility of expanding the options for free advertising for the owners of lost pets. For instance, he noted that staff could use the Channel 6 scrolling community bulletin board and incorporating free lost pet advertisements within the "Adopt A Pet" television program. Following City Council discussion, staff was directed to report back on a simple permit process that would last for a six-month trial period to allow residents to post signs for missing

pets on public property throughout the City.

201-2
FY 2000-01
Work Program
(Public Works/
Capital Projects)

A report was received from Mr. Hess, Administrative Analyst, which stated that at the January 16, 2001 meeting, the City Council initiated discussion on the mid-year review of the Fiscal Year (FY) 2000-01 Work Program. The report stated that staff was recommending that the City Council consider the objectives by department on subsequent agendas to allow the Council adequate opportunity to review each of the 369 objectives while continuing the remaining City business on the agenda. The report noted that the Public Works Department objectives would be discussed at this meeting.

Mr. Feng, Public Works Director, reported on the following Public Works Department items contained in the Work Program: Complete construction of Rancho Providencia Protection Plan, Phase II; Coordinate street construction with Zelman development schedule; Continue street, alley, sidewalk and pedestrian ramp infrastructure maintenance program; Complete contract construction documents for the new Buena Vista Library Branch project; Begin Phase V of the FEMA-funded sanitary sewer rehabilitation; Coordinate the demolition of the existing Municipal Services Building; Continue upgrading the traffic signal system by modernizing traffic signal timing equipment at approximately 10 intersections; Continue to partner with the City of Los Angeles on the National Pollutant Discharge Elimination System (NPDES) discharge permit appeal with the California Regional Water Quality Control Board for the Water Reclamation Plant; Commence renewal negotiations for the NPDES stormwater permit with 88 Los Angeles County cities, the California Regional Water Quality Control Board and the Environmental Protection Agency; Develop business plans to implement Air Quality Management District rulings for alternative fuel vehicles; Evaluate effectiveness of the new Glendale/La Canada Flintridge/Burbank Household Hazardous Waste Program; Implement Think Earth program in the elementary public and private schools; Implement 532 Vehicle Replacement Fund Study recommendations; Examine renegotiation and/or amendment to the BLT recycling and green waste contract; Continue to work toward the renewal of the City landfill's Conditional Use Permit; Investigate a Replace-A-Tree Program with Park, Recreation and Community Services, which will replace existing trees that cause sidewalk upheavals with deep rooted trees; Continue to install a total of 2,550 energy-saving red LED lamps and pedestrian signals at signalized intersections; and, Continue with the complete replacement of 1,900 sign posts Citywide.

The City Council reviewed the Work Program items pertaining to the Public Works Department.

Item Removed From Consent Agenda The item regarding the Rejection of All Proposals Received for the Design and Construction of the Fourth Switching Station, Request for Qualification and Proposal No. 1060 and Authorizing the City Manager to Solicit New Proposals for the Project was removed from the consent agenda for the purpose of discussion.

Motion It was moved by Mr. Laurell and seconded by Mrs. Murphy that "the following items on the consent agenda be approved as recommended."

Minutes Approved The minutes for the regular meeting of December 5, 2000 was approved as submitted.

802-1 Treasurer's Report The City Treasurer's report on investment and reinvestment of temporarily idle funds for the quarter ending December 31, 2000 was noted and ordered filed.

802-1 Approval of 2001 Investment Policy A report was received from Mr. Rogers, City Treasurer, which stated that the 2001 Investment Policy for the Investment Pool comprised of the City Redevelopment Agency, Parking Authority, Youth Endowment Services and separately for the Housing Authority is being presented for approval.

The report stated that the Treasurer's recommendation is for no change from the 2000 Investment Policy with the exception of allowable maturities that were changed by law as follows: bank acceptances maximum maturities are changed from 6 months to 180 days; and, prime quality commercial paper maximum maturities are changed from 180 days to 270 days.

The report concluded by noting that the recommended changes were reviewed and approved by the Fiscal and Treasurer's Group and the Treasurer's Oversight Review Committee.

The City Council approved the 2001 Investment Policy.

1502 RESOLUTION NO. 25,922:

1/30/01

804-3
410
1404
Letter of Agmt.
for Media Dist.
Intelligent Trans.
System

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING THE EXECUTION OF A LETTER OF AGREEMENT WITH THE METROPOLITAN TRANSPORTATION AUTHORITY TO RECEIVE GRANT FUNDS FOR THE MEDIA DISTRICT INTELLIGENT TRANSPORTATION SYSTEM (ITS) PHASE I AND II.

1502
1404
403
PSA w/Parsons
Trans. for San
Fernando
Connector
Project

RESOLUTION NO. 25,923:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND PARSONS TRANSPORTATION GROUP, INC.

Adopted The consent agenda was adopted by the following vote:

Ayes: Council Members Golonski, Kramer, Laurell, Murphy
 and Wiggins.

Noes: Council Members None.

Absent: Council Members None.

1301-3
Fourth
Switching
Station, RFQ
and
Proposal No.
1060

Mr. Simay, Assistant General Manager, Burbank Water and Power (BWP), reported on the request for City Council rejection of all bids and authorization for the City Manager to solicit new proposals for the work under Request for Qualification and Proposal No. 1060, the design/build of BWP's fourth Switching Station.

He explained that 209 copies of the proposal were taken out and six responses were received at the bid opening. He noted that one firm indicated that they had no bid and one firm did not provide the needed information on time and was dropped from further consideration. Thus, he said a Selection Committee evaluated the remaining four bids.

Mr. Simay discussed that because the Station equipment represented 75 percent of the project cost, staff had believed the evaluation by the Selection Committee should determine the "lowest responsible bidder." However, he said that during the evaluation process it became apparent that the caliber of the project engineering and management was an even more critical factor than the cost of the Station equipment. Therefore, he noted that the "lowest responsible bidder" approach hampered the Selection Committee's ability to

properly weight the quality of project engineering and management and as a result, the Committee recommended rejecting all bids and issuing a new Request for Proposal on a "best value" basis.

He concluded by stating that the City Attorney's Office, Special Counsel, and BWP concur with the Selection Committee's recommendation. He noted that the benefit of rejecting all bids and going out to bid again is to have a greater probability of the City getting a quality Station within cost and schedule.

Motion It was moved by Mr. Kramer and seconded by Mrs. Murphy that "the following resolution be passed and adopted:"

1301-3 RESOLUTION NO. 25,924:
 Fourth A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
 Switching REJECTING ALL PROPOSALS RECEIVED FOR THE DESIGN
 Station, RFQ AND CONSTRUCTION OF THE FOURTH SWITCHING STATION,
 and REQUEST FOR QUALIFICATION AND PROPOSAL NO. 1060
 Proposal No. AND AUTHORIZING THE CITY MANAGER TO SOLICIT NEW
 1060 PROPOSALS FOR THE PROJECT.

Adopted The resolution was adopted by the following vote:

Ayes: Council Members Golonski, Kramer, Laurell, Murphy and Wiggins.

Noes: Council Members None.

Absent: Council Members None.

10:18 P.M. The Redevelopment Agency, Housing Authority, Parking
 Reconvene Authority and Youth Endowment Services Fund Board
 Redev. Agency, meetings were reconvened at this time.

Housing
 Authority,
 Parking
 Authority, and
 Youth
 Endowment
 Services Fund
 Board Meetings
 Public Comment

Mr. Wiggins called for the second period of oral communications at this time.

Citizen Appearing to comment were Ted McConkey, on concern with
 Comment statements made by Charlie Lombardo this evening related to

1/30/01

the ROAR initiative, on concern with the Council previously removing Margie Gee from the Airport Authority, and suggesting the Council fire Charlie Lombardo from the Authority; Mark Barton, on concern with the aesthetics of signs people post for missing dogs and suggesting that all people keep an identification tag on their pets; Don Elsmore, on concern with statements made by Charlie Lombardo this evening related to the ROAR initiative; Irma Loose, on concern that the Council meeting replay distorted her speech and on concern with statements made by Council Member Murphy related to the Airport; LaVerne Thomas, stating the County Board of Supervisors was to take action this day on a recommendation from Supervisor Mike Antonovich to direct the Chief Advisor to create legislation to lower the legal limit of substances from the water including chromium 6; Mike Nolan, stating the staff should be instructed by the Council to return with a report on the feasibility of placing a cap on the Utility Users Tax; and Esther Espinoza, on the candidates in the upcoming Municipal Election.

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 10:40 p.m.

Judie Sarquiz, City Clerk

APPROVED FEBRUARY 27, 2001

Mayor of the Council
of the City of Burbank