

TUESDAY, FEBRUARY 20, 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 5:30 p.m. by Mr. Wiggins, Mayor.

CLOSED SESSION

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.

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

5:31 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: Sergio Pena v. City of Burbank
Case No.: EC029990
Brief description and nature of case: Injury at DeBell Golf Course.
- e. Conference with Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
Name of Case: Charter wire Maintenance Fee Appeal
Brief description and nature of case: Charter's appeal of City's rate order to the Federal Communications Commission.

- f. 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.

- g. 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.

- h. 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.

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:33 p.m. by Mr. Wiggins, Mayor.

Invocation The invocation was given by Reverend Ron Degges, Little White Chapel.

Flag Salute The pledge of allegiance to the flag was led by Randall Degges.

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; and, Mrs. Sarquiz, City Clerk.

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301-1
Engineers Week

Mayor Wiggins presented a proclamation in honor of Engineers Week to Bonnie Teaford, City Engineer, Public Works Department; John Cheng, Assistant Community Development Director/Building Official, Community Development Department; and Xavier Baldwin, Principal Electrical Engineer, Burbank Water and Power Department.

6:46 P.M.
Joint Hearing
w/ the Redev.
Agency
1702
1102
Housing and
Childcare Center
Demo. Project

Mayor Wiggins stated that "this is the time and place that the joint public hearing of the Redevelopment Agency and the Council of the City of Burbank regarding the Housing and Childcare Demonstration Project proposed by M. David Paul & Associates is scheduled. However, at its regular meeting of February 12, 2001, the Planning Board continued its consideration of the proposed project until March 12, 2001. Thus, staff has requested that the Council and Agency open the joint public hearing, but withhold hearing any comments from staff, the applicant, or the public at this time and continue the hearing to the regular meeting of April 3, 2001."

Motion

It was moved by Mr. Kramer, seconded by Mrs. Murphy and carried that "the City Council and Redevelopment Agency continue the hearing on Planned Development No. 2000-3, a Disposition and Development Agreement and related documents to the April 3, 2001 meeting."

Reporting on
Closed Session

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

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Airport Authority
Meeting of
February 20,
2001

Airport Commissioner Charlie Lombardo reported on the items that were on both the February 14 and February 20, 2001 Airport Authority meetings. He began by discussing the February 14th meeting and noted that the following items were approved by the Authority: award of two contracts in the amount of \$622,750 and \$629,050 to complete module 4.3 and 4.4 of the Residential Acoustical Treatment Program; an agreement with Mobile Star Network to provide for wireless internet service at the Airport; Resolution No. 360 adopting restated noise abatement rules which will increase the existing fines; and, Resolution No. 360 supporting addition of a Stage 4 Aircraft Noise Certification Standard. He then said that a search committee was put in place to find a replacement for the Airport Executive Director.

Next, he discussed the items that were on the February 20th meeting agenda. He said the Authority approved the following matters: an agreement with Environmental Sciences Associates to perform a study to determine whether or not an environmental impact report (EIR) or negative declaration is needed for the construction of the parking lots; a work order with Environmental Sciences Associates to perform an EIR for a proposed terminal at the southwest quadrant of the Airport; award of a contract for the repainting of the exterior of the terminal for \$79,748; and, a purchase of a system to automate the parking process and provide for better accounting of the revenues received from the parking lots

The City Council received the report.

Oral
Communications

Mr. Wiggins called for oral communications at this time.

Citizen
Comment

Appearing to comment were Don Elsmore, asking when the City will deny the Airport applications and when the Airport will file an injunction against the City for using the B-6 property noting a failure to execute an agreement was recorded, and therefore no businesses should be allowed to use the property; Barbara Langford, asking the Council for help in her neighborhood on East Elmwood because there have been numerous thefts, and suggesting that a block party be held to meet with the residents to talk about things that can be done to improve the problems in the area; Mark Tiger, announcing that Our Children's Place will be holding a fundraiser on Friday at Jordan Middle School noting Jim Treelese will be the guest speaker, and suggesting that, due to the litigation losses of the Airport Authority, the Council should impose certain development fees on them to benefit the City's infrastructure; Dez Tenke, on concern with an article in the Burbank Leader related to his granddaughter Charity Wynn who is running for City Treasurer and speaking on her qualifications for the position; Lee Paysinger, on concern with recent remarks made at this podium by a public speaker related to American Indians particularly regarding a current Council candidate; Irma Loose, playing a tape recording of comments made by Council Members at previous Council meetings regarding the Airport and expressing her belief that the Council Members have not kept their promises related to the Airport; Esther Espinoza, on concern with discrimination in the City, encouraging the public to vote on February 27, 2001, and questioning the qualifications of

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Council candidate Marsha Ramos and supporting candidates Marco Gonzalez, John Dominguez and Robert Brody; Mark Barton, stating the Council should work with the Cusumanos for development of the old Police Block site; Larry Stamper, supporting Scott Scozzola to replace his father Phil as the Golf Pro at De Bell Golf Course, thanking Mayor Wiggins for his service over the years to Burbank, and noting concern with negative statements made by the public during oral communications about staff members and the Council and suggesting the Council take action to resolve the matter; Richard Duggan, asking the following questions: how much reserve power capacity does the City have, who are the ten largest electric users, when will the City need to import electricity due to development in the City, and is Measure B binding on all agreements related to the Airport; and, supporting the Restore Our Airport Rights (ROAR) initiative as well as the Council candidacy of Howard Rothenbach; Molly Hyman, on the number of absentee ballots issued and asking what provisions are in place to prevent voters from voting twice, and encouraging the citizens to vote on February 27, 2001;

Bob Etter, on concern with dirt being moved from several development sites in Burbank, on the ethnicity of Council candidate Marsha Ramos, and opposing the license fee for unaltered dogs; Ted McConkey, on concern with statements made by Larry Stamper related to speech at the podium, on concern with past promises made by the City Council related to the Airport, and asking for a status report on the current status of the Airport; C. L. Stack, supporting the ROAR initiative and the Council candidacy of Howard Rothenbach; Dr. David Gordon, on a department reorganization implemented by the former Community Development Director which dismissed former Zoning Administrator Gary Yamada and on concern with an offer made to Mr. Yamada this day to return to employment with the City; R. C. "Chappy" Czapiewski, presenting a copy of the Final Order of Condemnation in one of the Airport cases to the Council, on the importance of free speech, opposing Council candidates Dave Golonski and Stacey Murphy, supporting City Treasurer candidate Donna Anderson, and presenting a toy to Mayor Wiggins for not helping to maintain Airport history; Ron Vanderford, on concern with statements made by Larry Stamper about speech at the podium, encouraging the public to vote on February 27, 2001 and supporting Council candidates Stacey Murphy, Marsha Ramos, and Howard Rothenbach and referring to an endorsement by the Burbank Leader for Robert Brody; Howard Rothenbach, stating the Authority could have asked for caps on flights to be studied in the Part 16I Study, on concern with the size of the proposed

Airport Terminal as well as new flights added to the schedule that violate the curfew, and supporting the ROAR initiative; LaVerne Thomas, on concern with a study, funded by Lockheed Martin Corp., underway whereby humans are testing a water pollutant via pills, and on concern with dirt removal from development sites; Mike Nolan, on the history of Burbank City Treasurers, noting a number of them were former Council Members and particularly noting the actions of Walter Hinton and Jack Whitney, both former Council Members and Treasurers, and supporting the candidacy of Bob Kramer for Treasurer; Stan Hyman, playing a tape recording of statements made by former Mayor Bill Rudell at a previous Airport Authority meeting and noting concern with those statements, and discussing flights at LaGuardia Airport; Dr. Theresa Karam, opposing the Council candidacy of Dave Golonski and Gary Olson, supporting the candidacy of Howard Rothenbach, Robert Brody and Marco Gonzalez, and on concern with the character of several current Council Members; Greg Zimmerman, on concern with statements previously made by Charlie Lombardo regarding the ROAR initiative and refuting some of those statements, and supporting Council candidates Howard Rothenbach, Robert Brody and Stacey Murphy; and David Piroli, on increasing utility rates in surrounding cities, suggesting the Utility Users Tax be decreased, on concern with statements made by Larry Stamper related to speech at the podium, and asking questions about the legal implications of the 21661 case.

Staff Response	Members of the Council and staff responded to questions raised.
9:16 P.M. Recess	The Council recessed at this time. The meeting reconvened at 9:33 p.m. with all members present.
9:33 P.M. Hearing 1206 Wire Maintenance Plan Fee Resolution	Mayor Wiggins stated that "this is the time and place for the hearing on Charter Communications Wire Maintenance Plan Fee."
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.

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Staff Report	<p>Ms. Ungar, Assistant City Attorney, reported that on November 14, 2000, the City Council adopted a Rate Order that contained the following components: within 60 days, Charter was required to a) come into compliance with the prescribed rate of \$0.04 per month and b) provide refunds with interest in accordance with Federal Communications Commission (FCC) regulations to subscribers for any amounts collected subsequent to September 15, 1998 in excess of the prescribed rate.</p> <p>She explained that under the FCC rules, Charter had 30 days from the City's decision to appeal the Rate Order to the FCC and noted that they did subsequently appeal the matter. Then on February 1, 2001, she said the Cable Services Bureau of the FCC released its ruling on the Charter appeal. She noted that the FCC's finding, for the most part, upheld the City's Rate Order.</p> <p>However, Ms. Ungar discussed that the FCC also found that the City's Rate Order required Charter to provide refunds for a period of time greater than permitted by the FCC regulations. Because of this, she said the FCC remanded the Rate Order for the City to amend the refund period. She then noted that the resolution before the Council for consideration follows the direction of the existing FCC ruling limiting the refund to 12 months from the date of the most recent rate filing (March 1, 2001).</p>
Charter Communication Representative	<p>Mr. Bill Blye, of Cole, Raywid, and Braverman, attorney representing Charter, said he was here to observe and would answer any questions the Council may have on this matter.</p>
Hearing Closed	<p>There being no response to the Mayor's invitation for oral comment, the hearing was declared closed.</p>
Staff Response	<p>At the request of the City Council, Mr. Marticorena, Rutan and Tucker, special counsel to the City, said the City has petitioned the FCC for reconsideration of that portion of its ruling that limited the refund to 12 months noting the City believes the refund should go back 15 months. He noted that the matter is now pending before the FCC.</p>
Motion	<p>It was moved by Mr. Golonski and seconded by Mrs. Murphy that "the following resolution be passed and adopted:"</p>

1206
Charter Cable
Rate

RESOLUTION NO. 25,934:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING RESOLUTION NO. 25,864 FINDING A REGULATED CABLE RATE OF CHARTER COMMUNICATIONS TO BE UNREASONABLE, PRESCRIBING A REASONABLE RATE AND ORDERING REFUNDS TO SUBSCRIBERS.

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.

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 Council meeting for staff to begin providing weekly oral presentations updating the Council and public on Burbank's water quality. He said that at the request of the Council from their February 13, 2001 meeting, he would be presenting the findings on the water blending expense analysis performed by BWP for not exceeding five parts per billion in the water system. He briefly stated that based on the findings of the study, which reviewed a variety of options and the related costs, staff was supportive of continuing to collaborate with other cities and agencies to pursue collective efforts to obtain State and Federal funding for pilot and bench testing for chromium treatment and toxicological testing. He also said that staff was supportive of the Department of Health Services in the establishment of an MCL or Action Level for chromium 6 and the Los Angeles Regional Water Quality Control Board in enforcement orders. He concluded by stating that BWP staff was recommending that the City maintain the following: non-operation of Well No. 110 in the Burbank Operable Unit, continued operation of the Lake Street GAC Treatment Plant, and, blending of Metropolitan Water District water to optimize for total system demand.

The City Council received the report.

201-2
FY 2000-01
Work Program
For Burbank
Water and

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 2000-01 Work Program. The report noted that at that meeting, staff recommended that the objectives be

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considered by department on future agendas to allow the City Council adequate opportunity to review each of the 369 objectives. The report then noted that the department to be discussed at this meeting is Burbank Water and Power (BWP).

Mr. Davis, General Manager, BWP, discussed the following BWP Work Program items: Develop an Undergrounding Master Plan that gradually eliminates overhead lines from residential areas; Continue to improve roadway lighting, reduce visual clutter and advance community development goals by eliminating two series circuits in the Ben Mar Hills area; Continue the operation of the Valley Water Plant and the Lake Street Granulated Activated Carbon Treatment Plant to achieve the water quality standards of the State and Federal regulatory agencies; Plan for the expansion of the Reclaimed Water System to provide service to the B-1/199 redevelopment site and the Chandler Boulevard Bikeway; Replace 25 single opening fire hydrants with regular fire hydrants; Determine the risks and rewards of a new local power plant to determine if such a project would be cost effective, energy efficient, low polluting and provide enhanced security for the City; Replace the existing Supervisory Control and Data Acquisition System; Install the first 360 MVA Transformer bank at RSE; Install a Digital Control System on the Olive Generating Units; Implement electronic funds transfer program to allow customers to pay their municipal services bill through automatic deduction from their bank account; Offer optional, long-term electric service agreements to BWP's largest customers; Implement an aggressive Public Benefits program of customer outreach and customer incentives; Develop new telecommunications services that will enhance the capabilities of businesses, civic institutions, and the public while developing improved competitive telecommunications markets; Improve the wholesale marketing of electricity through improved integration of forward trading with real time trading; and, Pursue competitive alternatives for cable services for the City.

The City Council reviewed the Work Program items pertaining to the Burbank Water and Power Department.

Motion

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

- Minutes Approved The minutes for the regular meetings of January 9, January 16, and January 23, 2001 were approved as submitted.
- 913 Costco Storm Drain Work Permits RESOLUTION NO. 25,935:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE PUBLIC WORKS DIRECTOR TO ISSUE PERMITS TO COSTCO WHOLESALE WAREHOUSES, INC. FOR CERTAIN STORM DRAIN WORK.
- 1411-1 412 404 Vacation of Myers St. Cul-de-Sac at (Washington Elementary School – V-334) RESOLUTION NO. 25,936:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ORDERING THE SUMMARY VACATION OF THE REMNANT MYERS STREET CUL-DE-SAC ADJACENT TO WASHINGTON ELEMENTARY SCHOOL AT 2322 NORTH LINCOLN STREET (V-334).
- 1702 Landscape Plan for Belmont Village (PD No. 99-2) RESOLUTION NO. 25,937:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE LANDSCAPING PLAN PERTAINING TO PLANNED DEVELOPMENT NO. 99-2.
- 1602-10 1602-11 412 Angle/Pref. Parking Harvard and Third RESOLUTION NO. 25,938:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING ANGLE PARKING AND PREFERENTIAL PARKING AT BURBANK HIGH SCHOOL.
- 1301-3 1207 Council Chambers Rehab. (B.S. 1082) RESOLUTION NO. 25,939:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND ADOPTING CONTRACT DOCUMENTS, PLANS AND SPECIFICATIONS, AND DETERMINING THE LOWEST RESPONSIBLE BIDDER, ACCEPTING THE BID, AND AUTHORIZING EXECUTION OF A CONTRACT FOR RENOVATION OF THE BURBANK CITY COUNCIL CHAMBERS, BID SCHEDULE NO. 1082.

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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.

10:29 P.M.
Reconvene
Redev. Agency
Meeting The Redevelopment Agency meeting was reconvened at this time.

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

Citizen
Comment Appearing to comment were Mark Barton, stating the City should work with the Cusumanos for the development of the Old Police site and on concern with statements made by Howard Rothenbach related to the site; Irma Loose, playing a tape recording of comments made at a previous Airport Authority meeting, and opposing the Council candidacy of Dave Golonski and Stacey Murphy; Esther Espinoza, making personal remarks about Council Members and Council candidates; and Mike Nolan, on concern that the report on the Old Police block development will not be presented until late March, asking for a status report on the AMC development, and on the subject matter jurisdiction of the City.

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 10:45 p.m.

Judie Sarquiz, City Clerk

APPROVED MARCH 27, 2001

Mayor of the Council
of the City of Burbank

