

TUESDAY, MARCH 27, 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 5:04 p.m. by Mr. Wiggins, Mayor.

CLOSED SESSION

Present- - - - Council Members Golonski, Kramer, Laurell, Murphy and Wiggins.

Absent - - - - Council Members None.

Also Present - Ms. Alvord, Assistant City Manager; Mr. Barlow, City Attorney; Mr. Hess, Administrative Analyst; and, Mrs. Sarquiz, City Clerk.

Oral Communications Mayor Wiggins called for oral communications on Closed Session matters at this time.

Citizen Comment Appearing to comment was Marie Paino, on concern that Vice Mayor Kramer was not reappointed to serve as the host for the Animal Shelter Show, and asking whether the City would continue using electric vehicles even though there is an energy shortage.

5:10 P.M. Recess The Council recessed at this time to the City Attorney 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): 2
- c. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):
Pursuant to Govt. Code §54956.9(b)(1)
Number of potential case(s): 6

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.

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Invocation	The invocation was given by Susie Peterson, Elder, Little White Chapel.
Flag Salute	The pledge of allegiance to the flag was led by Ms. Alvord, Assistant City Manager.
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.
301-1 Providence High School Close-up Participants	Burbank students of Providence High School thanked the City Council for their financial support of the Close-Up Program. As a token of appreciation, the students presented a picture of all Close-Up participants to the Council.
301-1 Cesar Chavez Essay Awards	Mayor Wiggins, John Nicoll, Management Services Director, and John Brady, representing the Burbank Human Relations Council, presented awards to the following winners of the First Annual Cesar Chavez essay and poster contest: 4 th and 5 th grade winners - Pace Paulsen, 4 th grader at Stevenson (1 st place), Luis Rosas, 4 th grader at Edison (2 nd place), Julian Jaramillo, 4 th grader at Miller (3 rd place); middle school winners - Troy Fleiner, 6 th grader at Luther Burbank, (1 st place), Benji Baker, 7 th grader at Jordan, and John Batarse, 8 th grader at St Francis Xavier; and, high school winners - Kristen Stone, 10 th grader at Providence (1 st place), Alex Loera, 10 th grader at John Burroughs (2 nd place), and Lisa Zakour, 10 th grader at Burbank.
301-1 OTA Student Exchange Program Participants	Joseph Padila and Julia Vezina, chaperones for the Ota Student Exchange Program, and the 12 participating students introduced themselves to the City Council and noted their excitement about visiting Burbank's Sister City, Ota Japan, this summer.
Reporting on Closed Session	Mr. Barlow reported on the items considered by the City Council and Redevelopment Agency during the Closed Session meetings.

406
 Airport Authority
 Report of March
 22, 2001

Airport Authority Commissioner Phil Berlin reported on the items that were on the March 22, 2001 Airport Authority meeting agenda. He discussed the following matters: award of a contract for the completion of the demolition of the B-6 property. However, he noted concern that the property will not be completely cleared and cleaned for another year because the project is being done in two separate phases; update on the Runway Safety Program which he said will be presented to the City Council on April 17, 2001; and, the non-addition rule for Van Nuys.

The City Council received the report.

Oral
 Communications

Mr. Wiggins called for oral communications at this time.

Citizen
 Comment

Appearing to comment were Carole Nese, representing Community Clinic of Burbank, stating the Dental Clinic, located at the Burbank YMCA, is in its final stages of completion, thanking the State of California through Congressman Schiff, the Ray Sence Foundation, St. Joseph Medical Center, Warner Bros., and the City for their financial and other support of the Clinic, stating the Clinic was looking forward to working with the families in the community who need the dental services, and noting all staff at the Clinic donate their time; Don Elsmore, on the concept of inverted rates, and advising the public on the benefits of a green plug which helps a household appliance not consume as much energy; Len Kushner, on the education and history necessary to be an engineer, and referring to the City Charter amendment related to the City Engineer; Jim Abbott, on concern with the Council's action last week to not allow Vice Mayor Kramer to return as the host of the Animal Shelter Show – Adopt-A-Pet; Esther Espinoza, on the race of several Council Members, and on concern with several employees suing the City; Andrew Quadrini, on the Section 8 Program applications currently being accepted by the City Housing Authority, opposing Measure 1 noting it has caused more single-family homes to be rented, and on concern with the construction standards hurting developers; Irma Loose, playing a tape recording of statements made at a previous Council meeting related to the relationship between the Council and City Manager, noting concern that the City Manager is not held accountable for his actions, and on concern with the

treatment of the Council Members toward Vice Mayor Kramer; Molly Hyman, on concern with the proposed Charter Amendment noting her belief there should have been a citizen committee to review the Charter, stating her belief that a public hearing should be held for any proposed Charter amendments, and opposing the amendments related to public work contracts, elimination of requirement for Public Works Director to be a civil engineer, and City Manager appointment of replacement in his/her absence; Frank Kaden, on concern with the City's outside counsel on the Airport having an appearance of a conflict of interest related to his representation of Los Angeles Airport, opposing the extension of the West Olive Redevelopment Project, stating the Redevelopment Agency should be reevaluated, and on concern with the Runway Safety Area project proposed by the Airport Authority; Brett Loutensock, stating Larry Elliot, a volunteer at the Animal Shelter, sparked the idea to have an Animal Shelter Adopt-A-Pet Show not Vice Mayor Kramer, noting concern that the Council gave credit to Vice Mayor Kramer for creating the Show, and playing a tape recording of former Adopt-A-Pet Show footage; Ted McConkey, opposing the Council's action to take the Adopt-A-Pet Show host position away from Vice Mayor Kramer at the March 20, 2001 meeting and suggesting the Council make a motion to reconsider that action, on Mr. Kramer's experience with the Show and help in having many animals adopted, and opposing the proposed electric service agreement with NBC;

Mark Barton, on concern with negative criticism in the Council Chambers, and stating it was not important who hosts the Adopt-A-Pet Show so long as the animals are adopted; C. L. Stack, asking for an update on the AMC project, and opposing the Charter Amendment on the April 10, 2001 General Election; Bob Etter, supporting the electric service agreement with NBC, on concern with the City Council action to remove Vice Mayor Kramer as the host of the Adopt-A-Pet Show, supporting candidate Howard Rothenbach for City Council, and questioning incorporation documents related to the Youth Endowment Services Fund; Robert Olson, on concern with racial statements made by Esther Espinoza this evening, and supporting conservation efforts of the City; R. C. "Chappy" Czapiewski, on concern with the water on the Old Police Block area, on concern with the action of the Council Members toward Vice Mayor Kramer, referring to past actions of the Council related to ballot measures on the Airport Terminal Project, and supporting the candidacy of Marsha Ramos and Howard Rothenbach; Margaret Stephens, on

concern with the City's distribution of the Section 8 Housing Applications, on concern that no funding has been found for the proposed disabled housing project in South San Fernando, and on concern with rental increases in the community; Howard Rothenbach, opposing the proposed Charter Amendments noting his belief the changes should have been separated, opposing the proposed electric service agreement with NBC, asking the Council to have the Airport Commissioners report on what airlines have been fined for curfew violations, and playing a tape recording of statements made at a previous Council meeting which said the Restore Our Airport Rights (ROAR) was the driving force for having a measure placed on the ballot related to an Airport agreement; David Piroli, on concern that the Public Service Department's name has already been changed before the Charter has been approved, opposing the Charter Amendment, on concern with chromium in the water, asking how the commercial development in the Runway Safety Area was approved, on a flyer he received related to the purchase of a generator, and opposing the proposed electric service agreement with NBC; and Dr. David Gordon, opposing the proposed Charter Amendment related to the following matters: Public Works Department Director having the civil engineer requirement removed, the replacement of the City Manager in his/her absence, and changes to the Planning Board related to subpoena power.

Staff
Response

Members of the Council and staff responded to questions raised.

9:07 P.M.
Recess

The Council recessed at this time. The meeting reconvened at 9:25 p.m. with all members present.

9:25 P.M.
Recess

The Council recessed to permit the Redevelopment Agency to hold its meeting. The Council reconvened at 9:33 p.m. with all members present.

1504
Water Quality
Update

Mr. Lantz reported on the request from the City Council at the October 10, 2000 City Council meeting for staff to begin providing oral presentations updating the Council and public on Burbank's water quality. He said that the following activities have taken place since the last report to the City Council on March 13, 2001: water and system test for total chromium and chromium 6 at various public buildings was

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taken on March 14, 2001; and, well and aquifer testing of the Burbank Operable Unit began on January 12, 2001, mechanical testing of the Unit has been completed. He also noted that a progress meeting with the California Department of Health Services regarding the implementation of Senate Bill 2127 will be held on April 12, 2001.

The City Council received the report.

1503-1
Electric Service
Agmt. w/NBC
West, LLC

Mr. Simay, Assistant General Manager, Burbank Water and Power (BWP), reported on the request for City Council approval of a long-term Electric Service Agreement between the City and NBC West. He noted that this Agreement was in accordance with authorization given by the City Council at the December 15, 1998 meeting, for staff "to pursue developing mutually beneficial, long-term power supply contracts between itself and each of its large electric customers."

He stated that the initial term of the Agreement with NBC West is to begin January 1, 2001, and remain in effect through December 31, 2007. Thereafter he said it would be renewed one year at a time, with a one-year notice of cancellation. He noted that the term of the Agreement is not affected by any decision about direct access.

Mr. Simay explained that the fiscal impact of the Agreement is positive for both the City and NBC West. He said it encourages lower rates to NBC West, but in a gradual manner that encourages conservation, and does not require a rate increase for other customers. He discussed that the economic Force Majeure provisions enable BWP to recover NBC West's share of uncontrollable power supply costs, and in a manner that does not make NBC West's electric bill higher than it would be under the otherwise applicable rates. Moreover, he noted that the Agreement does not increase the City's public benefits spending obligation: it merely allows a portion of that obligation to be directed to the support of NBC West's eligible conservation projects.

Motion

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

1503-1
Electric Service
Agmt. w/NBC
West, LLC

RESOLUTION NO. 25,963:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE GENERAL MANAGER OF BURBANK WATER AND POWER TO EXECUTE THE ELECTRICAL SERVICES AGREEMENT (ESA) BETWEEN THE CITY OF BURBANK AND NBC WEST.

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.

1702
1705
Multi-Family
Development &
Construction
Standards

Ms. Tuncay, Associate Planner, reported that during a public hearing on February 3, 2001 on the Appeal of the Planning Board's decision to affirm the approval of Development Review No. 2000-13 (270-300 East Providencia Avenue), the City Council raised several questions regarding the City's standards on multi-family developments, specifically relating to accessibility of guest parking spaces, density calculations, the determination of lot coverage, and construction hours.

She briefly discussed the following Code requirements related to the areas of concern raised by the Council at that meeting: Guest Parking Spaces – Burbank Municipal Code (BMC) requires that one, on-site full size guest parking space be provided for every five units; Density Calculations – the General Plan and BMC identify the maximum density permitted for each residential zone, and such density is determined by the size of the property; Lot Coverage – the BMC identifies maximum lot coverage requirements for each residential zone and is calculated by taking the footprint of all buildings on the property; and, Construction Hours – there are no specific requirements in the BMC that the hours of construction be limited; however, construction activity is controlled through the City's Noise Ordinance, which sets a baseline decibel level for all zones within the City.

Following discussion, the City Council directed staff to include the density calculations and lot coverage matters in the proposed updates to the Land Use and Housing Elements.

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Item Removed From Consent Agenda The item regarding Approving a Merchant Card Service Agreement between the City of Burbank and Bank of America Merchant Services, Inc. was removed from the consent agenda for the purpose of discussion.

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 February 13, February 20, and February 27, 2001 were approved as submitted.

916
403
Funding Request Form from Dept. Of Conservation, Division of Recycling RESOLUTION NO. 25,964:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING SUBMITTAL OF THE FUNDING REQUEST FORM FOR FY 2000/2001 AND IDENTIFYING THE TITLE OF THE INDIVIDUAL AUTHORIZED BY THE CITY OF BURBANK TO RECEIVE AND EXPEND FUNDS RECEIVED FROM THE CALIFORNIA DEPARTMENT OF CONSERVATION, DIVISION OF RECYCLING.

1007-1
1009-1
Establish Title of Children's Librarian RESOLUTION NO. 25,965:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF CHILDREN'S LIBRARIAN (CTC NO. 0152) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.

1007-1
1009-1
Revise Spec. for Librarian RESOLUTION NO. 25,966:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SPECIFICATIONS OF LIBRARIAN (CTC NO. 0486).

1007-1
1009-1
Revise Spec. for Library Assistant RESOLUTION NO. 25,967:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SPECIFICATIONS OF LIBRARY ASSISTANT (CTC NO. 0488).

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Motion departments is \$25,115 and BWP's projected cost is \$22,440. It was moved by Mr. Kramer and seconded by Mr. Laurell that "the following resolution be passed and adopted:"

800 RESOLUTION NO. 25,969:
806 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Merchant Card APPROVING A MERCHANT CARD SERVICE AGREEMENT
Service Agmt. BETWEEN THE CITY OF BURBANK AND BANK OF AMERICA.
w/Bank of
America

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.

10:09 P.M. The Redevelopment Agency meeting was reconvened at this
Reconvene time.
Redev. Agency
Meeting

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

Citizen Appearing to comment were Ted McConkey, on the need for a
Comment cap on flights at the Airport to restrict future growth; Irma
Loose, playing a video tape recording of a former Ask the
Mayor Call-in-Show which had Council Member Golonski and
his son and stating her belief that as such, the family
members of Council Members is City business; Howard
Rothenbach, on concern with the City Council and staff using
taxpayer funds to answer public questions about the proposed
Charter Amendment; Bob Etter, stating he did not know
Council Member Golonski's son's name, on an incident he
encountered at the Animal Shelter, asking why there is a grass
lot on Alameda Avenue being used for construction site
parking, and stating his belief that Council family members are
a legal topic of discussion; Esther Espinoza, on concern with
elected officials and opposing the candidacy of Dave Golonski;
and David Piroli, on concern with staff providing for a change
in the department name of the Public Service Department to
Burbank Water and Power without an approved Charter
amendment.

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

301-2 Memorial Adjournment There being no further business to come before the Council, the meeting was adjourned at 10:30 p.m. in memory of William Henry Davis, and to Wednesday, March 28, 2001 for a Closed Session meeting at 6:00 p.m. in the Police/Fire Executive Conference Room located at 311 East Orange Grove, 2nd floor, on the following matters:

- 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

Judie Sarquiz, City Clerk

APPROVED MAY 15, 2001

Mayor of the Council
of the City of Burbank