

TUESDAY, APRIL 17, 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, and Wiggins.  
Absent - - - - Council Members Golonski and Murphy.  
Also Present - Mr. Ovrom, City Manager; Ms. Alvord, Assistant City Manager; Ms. Scott, Chief Assistant City Attorney; 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 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):** 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:** Pena v. City of Burbank  
**Case No.:** EC 029514 consolidated with case no. EC 029990  
**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:** Haguland v. City of Burbank  
**Case No.:** EC 028763  
**Brief description and nature of case:** Trip and fall.
  
- f. Conference with Real Property Negotiator:  
 Pursuant to Govt. Code §54956.8  
**Agency Negotiator:** Community Development Director/  
 Susan M. Georgino.  
**Property:** 115 East Cedar Avenue.  
**Parties With Whom City is Negotiating:** Bozho and Josipa  
 Deranja.  
**Terms Under Negotiation:** Acquisition of property.
  
- g. Conference with Real Property Negotiator:  
 Pursuant to Govt. Code §54956.8  
**Agency Negotiator:** Community Development Director/  
 Susan M. Georgino.  
**Property:** 122-126 East Olive Avenue and City owned  
 property at southeast corner of First Street and Olive  
 Avenue.  
**Parties With Whom City is Negotiating:** Lewis Akmakjian.  
**Terms Under Negotiation:** Land exchange for City  
 property.

Regular Meeting Reconvened in Council Chambers      The regular meeting of the Council of the City of Burbank was reconvened at 6:36 p.m. by Mr. Wiggins, Mayor.

Invocation      The invocation was given by Rabbi Paula Reimers, Burbank Temple Emanu El.

Flag Salute      The pledge of allegiance to the flag was led by John Brady, President of Burbank Human Relations Council.

ROLL CALL  
 Present- - - -      Council Members Kramer, Laurell, Murphy and Wiggins.  
 Absent - - - -      Council Member Golonski.  
 Also Present -      Mr. Ovrom, City Manager; Ms. Alvord, Assistant City Manager;  
                                  Ms. Scott, Chief Assistant City Attorney; and, Mrs. Sarquiz,  
                                  City Clerk.

301-1  
 Days of Remembrance      Mayor Wiggins presented a proclamation to Sylvia Sutton, Days of Remembrance Chair, in honor of the Days of Remembrance of the Holocaust, a National Commemoration established by the United States Congress.

4/17/01

Ms. Sutton, Burbank Human Relations Council and Liaison to the United States Holocaust Memorial Council, discussed that this event was being celebrated this week throughout the United States and thanked the City of Burbank for their participation in this special event. Mr. Brady, President of the Burbank Human Relations Council, said that this year's theme for the event is "Remembering the Past for the Sake of the Future."

Rabbi Mark Sobel, Temple Beth Emet, introduced the following Holocaust survivors, who shared their Holocaust stories with the Community, and lit a candle on the Memorial Candelabra in memory of their family and friends and all those who perished as a result of planned exterminations and ethnic cleansings: Ruth Marks, Walter Bloch, Edith Frankie, George Frankie, Irving Belfer, Betty Daniel and Hovhannes Atamian.

Cantor Teri Stansfield concluded the program with a musical presentation of Ani Ma'amin (I Believe).

7:09 P.M.  
Hearing  
1411-2  
Alley Vacation  
V-330 – Moss/  
Varney N. of  
Magnolia  
(OroAmerica)

Mayor Wiggins stated that "this is the time and place for the hearing on the proposed conditional vacation of a portion of the alley between Moss Street and Varney Street, north of Magnolia Boulevard (V-330). The Applicant has requested that this matter be taken off calendar at this time."

Motion

It was moved by Mrs. Murphy, seconded by Mr. Laurell and carried with Mr. Golonski absent that "the City Council cancel the public hearing."

Staff will work with the applicant to review and analyze the impacts of the proposed vacation before the item is brought before the City Council again.

7:10 P.M.  
Hearing  
406  
Acquisition of  
Airport Property  
in the Runway  
Safety Area

Mayor Wiggins stated that "this is the time and place for the hearing on the Burbank-Glendale-Pasadena Airport Authority's separate applications for approval of land acquisition for a Runway Safety Area, specifically 2700/2708 and 2650 Hollywood Way, Burbank, California. The hearing will fulfill the City of Burbank's obligation, imposed under Section 21661.6 of the California Public Utilities Code."

Notice Given            The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that Mr. Pruetz, Consultant, would specifically address actions taken. Mr. Pruetz, said that in accordance with the Procedures adopted by the City Council, staff published the notice of the hearing in two newspapers, and mailed written notices to the Airport Authority, the owners of the subject Hollywood Way properties, and all property owners within 1000 feet from the subject properties. Additionally, he said that all persons and agencies that received the Notice of Availability of the Preliminary Analysis also received notice of this hearing.

Motion Notice in Compliance            It was moved by Mrs. Murphy, seconded by Mr. Kramer and carried with Mr. Golonski absent that "the City Council finds that the public notice has been provided in compliance with the Procedures adopted for the conduct of this public hearing."

The City Clerk was instructed to make the text of the notice a part of the record.

File Complete            The City Clerk was asked whether the Council had the complete file, exhibits, correspondence and other documents. She replied in the affirmative and advised that a letter was received from the Committee to Restore Our Airport Rights (ROAR) Chairman, Howard Rothenbach, requesting the Council to postpone this hearing until such time that the Burbank voters have the opportunity to vote on the ROAR initiative.

Ms. Riley, Senior Assistant City Attorney, addressed the correspondence received from ROAR. She said the letter states that it is illegal for the City to act this evening on the proposed applications. However, she said that the law does not prohibit such action noting the ROAR initiative has only qualified for the ballot and is not currently law that applies to the City.

She further stated that the law allows the City Council to continue consideration of the applications, but noted that the Procedures state the Council may not continue the hearing beyond 90 days from the date that the application was considered complete, which was May 5, 2001. Thus, she noted that any continuation would not provide for the hearing to be held after the ROAR initiative election.

The Council decided to proceed with the hearing.

4/17/01

Staff  
Report

Mr. Pruetz, Consultant, reported on staff's recommendation that the City Council act under Section 21661.6 of the California Public Utilities Code to approve two applications from the Burbank-Glendale-Pasadena Airport Authority to acquire two properties in the runway safety area east of the Airport's east-west runway: .28 acres at 2700/2708 Hollywood Way and .48 acres at 2650 Hollywood Way. He noted that California Public Utilities Code Section 21661.6 requires that, before the Authority may acquire land in the City of Burbank for the purposes of expanding or enlarging the Burbank-Glendale-Pasadena Airport, the Authority must submit its plan to the City.

Next, he explained that review of the Hollywood Way Applications is being conducted pursuant to the procedures adopted by the Burbank City Council on April 23, 1996. He said the Procedures provide for the preparation of a Preliminary Analysis designed to analyze the Authority's plans for using the Hollywood Way Property and to facilitate public discussion regarding the Hollywood Way Applications. He said the Preliminary Analysis was completed on March 7, 2001 followed by a 15-day period for interested parties to review the Analysis and present comments. He noted that only comments on the Analysis were received from City departments.

Mr. Pruetz then discussed that under the first Criterion for approval established in the Procedures, a decision to approve the Hollywood Way Applications must be supported by a finding by the City Council that: "The advantages to the public of the proposed expansion outweigh the disadvantages to both the public and the environment. Environmental factors to be considered include noise, air pollution, and the burden on surrounding areas, including traffic."

He said that, in staff's opinion, the Authority's proposed use of the Hollywood Way Property would not impose any environmental impacts that would not be addressed through applicable law and procedures and would not increase Airport noise and operations. He said that should the Airport continue to refuse to make payments in lieu of taxes to compensate the City for the tax revenue lost by the relocation of the businesses on the Hollywood Way Property (a dry cleaner and gas station), the City may lose tax revenue. He noted that the loss may be offset to some extent if the businesses relocate within the City. On balance, he said staff concludes that the advantage of an improved margin of safety on Runway 8-26's runway safety zone outweighs those potential disadvantages.

Mr. Pruetz then discussed that under the second Criterion for approval, a decision to approve the Authority's plans must be supported by a finding by the City Council that: "Approval of the Expansion Plan is consistent with the objective of adopting land use measures that minimize the public's exposure to excessive noise and safety hazards within the areas around public airports to the extent that these areas are not already devoted to incompatible uses."

In staff's opinion, he said approval of the Authority's proposed use of the Hollywood Way Property is consistent with the City's objective of adopting land use measures that minimize the public's exposure to excessive noise and safety hazards. He noted that staff concludes that the Authority's proposed use of the Hollywood Way Property would increase the margin of safety in the area near the Airport and would not cause or contribute to an increase in noise or Airport operations.

Mr. Pruetz concluded by stating that staff believes that the Authority's plans for the Hollywood Way Property satisfy both the first and second Criterion established by the Procedures and therefore noted that staff was recommending approval of the two Applications.

Applicant

Mr. Dios Marrero, Airport Director, said these Applications are a direct outgrowth of the incident that occurred on Hollywood Way about one year ago when a Southwest Airline plane crashed onto Hollywood Way. He discussed that the Airport was in the process of taking measures to enhance on-Airport safety, and noted that these two Applications will enhance off-Airport safety. He said there was commonality between the City and the Airport with regard to the need for safety at the Airport. He then noted that the two Applications would not affect the Airport Terminal or the operations of the Airport. Instead, he said, these Applications will help in promoting safety of the community and noted that these acquisitions were in the best public interest of the City.

Citizen  
Comment

Appearing to comment were Don Elsmore, objecting to the Airport's lack of a Master Plan and requesting the Council to reject the Applications until there is a requirement that no Airport related uses be allowed on the properties; Stan Hyman, on concern with the Airport Authority buying pieces of property without a plan for the terminal replacement, stating no action will ensure total safety at the Airport, and requesting the Council to reject the Applications; Howard

Rothenbach, stating the Restore Our Airport Rights (ROAR) Committee believes the Council should postpone any action on this matter until the ROAR initiative is voted on by the community, and on concern with the loss of taxes; Ted McConkey, stating the Authority Applications should not be approved until there is a Master Plan for the Airport, stating the Council should not take action on the Applications until the ROAR initiative is voted on by the City, stating the in-lieu of taxes payment and clean-up of the two properties should be part of the agreement, and urging the Council to reject the Applications; Frank Kaden, on concern that the acquisition of the properties does not constitute safety for the motorists on Hollywood Way, and stating the Council should require the Airport to pay in-lieu taxes; David Piroli, stating the Airport should be required to pay in-lieu taxes, on concern that the acquisition of these properties will protect the safety of the community, and on concern with the lack of a Master Plan for the Airport; Mark Barton, stating the Council should approve the Applications; Dr. Theresa Karam, stating the Council should not act on these applications and referring to a letter from ROAR which requests the Council to postpone action until the people have the opportunity to vote on the ROAR initiative; R. C. "Chappy" Czapiewski, opposing the Applications noting this was not a real improvement in safety and on concern with the lack of a Master Plan for the Airport; Irma Loose, stating the Council should not take action on these Applications until the community votes on the ROAR initiative, and on concern with a lack of Master Plan for the Airport; David Pomes, stating the ROAR initiative has not been made law yet and noting his belief that the Council has the ability to take action on the two Applications; Charlie Lombardo, stating the ROAR initiative is not law and as such, the Council has the right to take action on the Applications, and stating these Applications make sense for safety reasons and are of benefit to the community; and C. L. Stack, stating these Applications should be considered as a complete project for the new Airport Terminal.

Applicant

Mr. Marrero presented two editorials from the Burbank Leader which support the Airport proposed runway safety program. He said the Airport was acquiring three quarters of an acre of property to remove a gas station off the end of the runway and was not looking to use this land for the Terminal. He noted the importance of the Airport and the City cooperating on the matters they can and said safety was one of those matters.

He explained that the Airport pays over \$1.4 million in parking to the City and other Airport tenants pay significant taxes in the

City. He said the taxes on both of these properties is about \$5,000 per year which amounts to \$1,000 to the City and noted that, if need be, the Airport will contribute this loss to the Sound Insulation Program or some other beneficial project in the City. He noted that this proposed runway safety program was not full-proof, but said it was at least a buffer to assist in an uncontrollable incident. He noted that tunneling of Hollywood Way was not feasible and said this project was the most minimal action that will serve to benefit the safety of the community.

Mr. Marrero did admit that these Applications were not part of an overall plan for the Airport because that is one area where the City and Authority have not been able to reach agreement, however, he said that where pure safety matters can be identified and acted upon by both agencies, they should proceed. He further noted his belief that the ROAR initiative is not currently law and should not bind the Council in taking action on these Applications.

Hearing  
Closed

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

Staff  
Response

Mr. Ovrom said this runway safety program was meritorious in its own right and should be approved regardless of what occurs with any future Terminal Project. He also said that the safety benefits gained from the acquisition of these properties far outweigh the loss of taxes from the two businesses. Lastly, he said that the ROAR initiative has not become law and as such does not in any way tie the hands of the City Council in taking action on these two Applications.

Mr. Pruetz said that these Applications are strictly for an open space runway safety area and any other Airport uses would be subject to a Public Utilities Code Section 21661.6 process. He also noted that the Preliminary Analysis 15-day comment period has been on file in all Libraries, in City Hall, and notices were advertised in three newspapers and sent to numerous outside agencies and City community organizations.

Mr. Kirsch, special legal Counsel, said that any use of the two properties other than that described in the Applications was not allowed and said the usage of these properties was regulated by federal law. He also said that the City has no authority to require the Authority to make payments in-lieu of taxes but noted the Authority had the discretion to decide whether or not



to make the payments.

In response to a question from Vice Mayor Kramer about the loss of taxes, Mr. Marrero said that the Airport would add funds to the Home Insulation Program out of the Airport General Fund in an amount equal to the loss of taxes from these two businesses.

In response to a question from Vice Mayor Kramer about whether or not the Burbank Commissioners were supportive of the Applications, Airport Commissioner Phil Berlin responded that there was unanimous approval of the Applications by the Commission due to the need to increase the margin of safety at the Airport.

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

406 RESOLUTION NO. 25,974:  
Acquisition of Airport Property in the Runway Safety Area A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY'S APPLICATIONS TO ACQUIRE LAND FOR A RUNWAY SAFETY AREA (2700/2708 HOLLYWOOD WAY AND 2650 HOLLYWOOD WAY).

Adopted The resolution was adopted by the following vote:

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

Reporting on Closed Session Ms. Scott reported on the items considered by the City Council and Redevelopment Agency during the Closed Session meetings.

406 Airport Authority Report Airport Commissioner Phil Berlin reported on the items that were on the Airport Authority special meeting agenda of April 9, 2001 and the regular meeting agenda of April 16, 2001. He began by stating that at the special meeting, the Commission received a report on the Review of the Record of Approval of the Burbank-Glendale-Pasadena Airport, FAR Part 150 – Noise Compatibility Program and Implementation Plan. Then, at the regular meeting, he said, the Commission approved the following matters: extension of the Residential Acoustical Treatment Program

Manager's Agreement; extension of a lease with the J.G. Boswell Company; Resolution No. 364 consenting to the change of control and waiver of right to terminate a non-exclusive license agreement between the Airport and Aircraft Services International, Inc.; and, a Draft Initial Study for the Runway Safety Improvement Project to relocate parking lots A and B.

Lastly, Mr. Berlin presented the Council with a staff report on the Draft Study for the Runway Safety Improvement Project to Relocate Parking Lots A and B and a marketing piece from Cushman and Wakefield for the sale of the B-6 property.

The City Council received the report.

9:00 P.M.  
Recess

The Council recessed at this time. The meeting reconvened at 9:18 p.m. with the same members present.

Oral  
Communications

Mr. Wiggins called for oral communications at this time.

Citizen  
Comment

Appearing to comment were Alex Fey, Boys and Girls Club Director, requesting Community Development Block Grant (CDBG) funds to improve and expand upon the Learning Center; Pat Smola, Burbank Temporary Aid Center (BTAC) Director, requesting CDBG funds for BTAC, noting the help BTAC provides to the needy such as temporary housing and utility bills and asking the Council to not decrease the funds for BTAC, and urging the community to attend the Kiwanis for Fun car show on Saturday; George Saikali, Burbank YMCA Director, requesting CDBG funds for the YMCA for childcare, resident camping and senior services, and asking the Council to only decrease the YMCA's funding by four percent just as was done for all other agencies; Don Elsmore, on concern with a news release placed on the public counter this evening which was previously prepared related to the Council's action on the Airport Applications, on concern that the Authority may find a way to place Airport development on the two properties acquired for the Runway Safety area, and opposing the Southern California Association of Governments; Rachel Galperin, Executive Director of the Burbank Center for the Retarded, requesting Council approval of the Center's request for CDBG funds for capital funds for replacement of the windows and public service funds for the program coordinator who runs the child and adult daycare programs; Doris Fitchett, representing the Family Service Agency of Burbank, discussing

the bereavement program, and requesting the Council to approve their CDBG funding request; Alzora Cormack, representing the Family Service Agency of Burbank, discussing the home sharing program and other senior and child services, and requesting the Council to approve their CDBG funding request; Delene Bond, representing the Family Service Agency of Burbank, coordinator of domestic violence program for women, and requesting the Council to approve their CDBG funding request; Andrew Quadrini, on the importance of free speech but noting speech should be used wisely by the speakers and opposing the use of profanity at the meeting, and stating the Council needs to take action to stop this type of speech; Esther Espinoza, stating the City should adopt Romala Palestine as a sister city, and on concern with the lack of minority representation in City management positions; Frank Kaden, announcing Organ Donor Awareness Month, stating the Council should consider a cap on the Utility Users Tax and cable bills, stating the Authority should be required to pay in lieu of taxes, and opposing the two guard gates at the Cayman Housing project; Irma Loose, playing a video-tape of statements made at a previous Council meeting at which Chappy said the Council would turn against Vice Mayor Kramer, and stating concern that the Council will not appoint Mr. Kramer as Mayor in May; Molly Hyman, stating a court has ruled that citizens have enormous rights to speak at Council meetings but noting the court has given the Council the power to stop speech that is inappropriate, irrelevant and repetitious and stating her belief that the Council should enforce the rules afforded by the Court on the inappropriate speech and not change the entire process to hamper all speakers' rights;

Ted McConkey, asking the Council to hold the special election on the Restore Our Airport Rights (ROAR) initiative in late August or early September and on concern with the City Attorney critique of the ROAR initiative, and encouraging the community to make up their own minds on the initiative; Mark Barton, on concern with public speakers making racist comments and being disruptive, on concern with the appropriateness of the Holocaust event this evening in the Council Chamber, and stating concern with the ROAR initiative; R. C. "Chappy" Czapiewski, supporting the Library Trivia Contest and thanking Public Information Office staff for their coverage of the Contest, on the freedom of speech and referring to a 1996 case which provides for such speech, on concern with the news release presented this evening on the Council's action on the Airport Applications, and asking why the Council was not concerned with safety on Hollywood Way; Charlie Lombardo, on concern with the ROAR initiative noting his belief it will circumvent local control and cause

lawsuits; David Pomes, on concern with racist and inappropriate statements made by public speakers particularly because the Council meeting is broadcast on television; Stan Hyman, asking a question about the legal analysis of the ROAR initiative, and stating the 1996 case referred to by Chappy was related to criticism of public employees and noting his belief that the Council can curtail inappropriate speech related to the case referred to by Molly Hyman; Howard Rothenbach, suggesting the ROAR special election be conducted in five months, around September 11, 2001, stating the Council should not have taken action to approve the Airport Applications prior to the ROAR initiative, and stating he should be given documents prepared by the City on the ROAR initiative; Ken Hoaglund, on concern with the Airport Terminal Project; Mike Nolan, on concern that a Closed Session item regarding property did not disclose all properties under consideration; and David Piroli, asking for the legal opinion on the ROAR initiative, supporting the ROAR special election to be held as soon as reasonable such as September, and stating the Council needs to be very careful in their dealings with the Airport.

Staff Response	Members of the Council and staff responded to questions raised.
Motion	It was moved by Mrs. Murphy and seconded by Mr. Laurell that "the following items on the consent agenda be approved as recommended."
1403-1 Encroachment Permit for Don Cuco's Restaurant (3911 Riverside)	<u>RESOLUTION NO. 25,975:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AN ENCROACHMENT PERMIT AGREEMENT FOR OUTDOOR DINING AND ALCOHOL BETWEEN THE CITY AND DON CUCO'S MEXICAN RESTAURANT (3911 RIVERSIDE DRIVE).
804-3 1108 Approve CDBG Amend. to the Final Statement for FY 1998-99 and 1999-00	<u>RESOLUTION NO. 25,976:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING THE FILING OF A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AMENDMENT TO THE FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF FUNDS FOR FISCAL YEAR 1998-99 AND 1999-00.

4/17/01

1507                      RESOLUTION NO. 25,977:  
Fiber Optic Cable      A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
Agmt. w/                      APPROVING A FIBER OPTIC CABLE SERVICE AGREEMENT  
Matchframe                BETWEEN THE CITY OF BURBANK AND MATCHFRAME  
Video                        VIDEO.

Adopted                      The consent agenda was adopted by the following vote:

Ayes:              Council Members Kramer (except for Resolution No.  
25,975), Laurell, Murphy and Wiggins.

Noes:              Council Members None.

Absent:            Council Member Golonski.

804-3                      Mr. Yoshinaga, Grants Coordinator, reported that Burbank was  
FY 2001-02                the recipient of federal entitlement funds under the Community  
Consolidated              Development Block Grant (CDBG) and Home Investment  
Plan Submission          Partnerships (HOME) programs. He said that activities eligible  
under CDBG must principally benefit persons of low and  
moderate income, aid in the prevention or elimination of slums  
and blight, or address community development needs having  
particular urgency. He further said that HOME funds must be  
used for affordable housing activities for very low and low-  
income households.

He explained that the application process for these federal funds  
was consolidated into one procedure pursuant to regulations  
dated January 5, 1995, covering 24 CFR Part 91, Consolidated  
Submissions for Community Planning and Development  
Programs. He noted that the Consolidated Plan includes an  
assessment of housing and community development needs, and  
analysis of the housing market, a strategic plan, an annual  
action plan, a monitoring plan, program certifications, and a  
description of the citizen participation and consultation process.

Mr. Yoshinaga then discussed that the Plan was required every  
five years and was last submitted to the United States  
Department of Housing and Urban Development (HUD) for fiscal  
years (FY) 2000-03. He said that this year's update of the Plan  
covers FY 2001-02 and includes federal fund applications for  
CDBG and HOME programs, and a Final Statement of  
Community Development Objectives and Projected Use of Funds  
as approved by the City Council. He said the Annual Plan  
update describes activities/projects that will be implemented to  
accomplish the goals and objectives stated in the Consolidated  
Plan. He noted that the Annual Plan, federal grant applications,

the Final Statement, and program certifications must be submitted to HUD no later than 45 days prior to the start of its fiscal year. He said the City intends to meet this requirement on or about May 15, 2001.

He stated that a Notice of Fund Availability and a Request for Proposals (RFP) for federal funds was published January 3 and 6, 2001. He noted that there was a total of \$1,523,799 in CDBG funds and \$746,000 in HOME funds to be programmed for FY 2001.

In response to the City's RFP, Mr. Yoshinaga said that 20 requests covering 36 projects/activities and totaling \$2.8 million were received. These included 19 capital projects for \$2.3 million and 17 public service projects equaling \$424,720. He then noted that separate CDBG fund recommendations were made by the Community Development Goals Committee and the City's Executive staff.

Motion It was moved by Mrs. Murphy, seconded by Mr. Laurell and carried with Mr. Golonski absent that "the Executive Staff recommendation on Capital projects be approved."

Motion It was moved by Mrs. Murphy, seconded by Mr. Kramer and carried with Mr. Golonski absent that "the Executive Staff and Goals Committee recommendations on Public Service Projects be approved except that a total amount of \$20,600 be given to the Family Service Agency and a total amount of \$19,200 be given to the YMCA to be used appropriately by those agencies with a scope of services provided to staff prior to usage."

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

804-3  
FY 2001-02  
Consolidated  
Plan Submission

RESOLUTION NO. 25,978:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND AUTHORIZING THE FILING OF THE FISCAL YEAR 2001-02 ANNUAL PLAN UNDER THE CONSOLIDATED PLAN SUBMISSION (FISCAL YEAR 2000-03) FOR COMMUNITY PLANNING AND DEVELOPMENT PROGRAMS AND AUTHORIZING THE EXECUTION OF RELATED AGREEMENTS.

4/17/01

Adopted

The resolution was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Member Golonski.

910-2  
804-3  
1503  
Grant for a  
Microturbine  
System at the  
Burbank Landfill

Mr. Mahsoul, Principal Engineer, reported on the request for City Council approval of a resolution authorizing the Burbank Water and Power (BWP) General Manager to execute an Innovative Efficiency and Renewables Program Grant Application with the California Energy Commission in the amount of \$250,000 to commission a microturbine system at the Burbank Landfill. He said that this project, a collaborative effort between BWP and the Public Works Department, was part of an expedited power plant siting bill (Assembly Bill 970, signed by Governor Davis in September 2000) intended to address California's energy crisis.

He noted that the City received an award of \$250,000 from the Energy Commission and would use an additional \$250,000 from BWP's Public Benefit Fund to pay for the total project cost of approximately \$500,000. He noted that the Commission has required that the project be operational by June 1, 2001.

He explained that the proposed microturbine system would use landfill gas to generate an alternative source of electricity, often referred to as "Green Power." He said that up to 390 kilowatts of power are anticipated to be generated, which could be supplied to the City's electric grid. He noted that in addition to the energy benefits, microturbine technology offers the following advantages when used with landfill gas: higher combustion efficiency, extremely low emissions, capability to burn low-BTU gas, and grid connected operation.

Mr. Mahsoul said that the proposed microturbine system is consistent with the landfill's Conditional Use Permit, but would require minor modifications to the landfill's Solid Waste Facility Permit and its South Coast Air Quality Management District Permit to Operate. He noted that request for these modifications have been made by the Public Works Department to the regulatory agencies, and are expected to be granted in the near future.

Motion

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

910-2  
804-3  
1503  
Grant for a  
Microturbine  
System at the  
Burbank Landfill

RESOLUTION NO. 25,979:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
AUTHORIZING THE APPLICATION FOR A \$250,000 GRANT  
FROM THE CALIFORNIA ENERGY COMMISSION FOR A  
MICROTURBINE SYSTEM AT THE BURBANK LANDFILL.

Adopted

The resolution was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Member Golonski.

204-4  
406  
ROAR Initiative  
Report

Mr. Forbes, Associate Planner, stated that staff has prepared a report in accordance with California Elections Code Section 9212 pursuant to a request by the Burbank City Council at its March 20, 2001 meeting. He noted that the purpose of this report is to identify the potential fiscal and other effects on the City of Burbank from the initiative submitted by the Committee to Restore Our Airport Rights (ROAR).

He explained that the ROAR initiative requires the City to: 1) hold an election prior to final approval of the financing or construction of an Airport terminal and grant final approval only if the measure receives a 2/3 affirmative vote; 2) refrain from consenting to the acquisition or rezoning of any land for Airport use or the financing or construction of any new, rebuilt, relocated, or expanded Airport facility unless and until the Airport has satisfied 12 preconditions; and, 3) vigorously enforce the provisions of the ROAR initiative and the Joint Powers Agreement and provide independent noise monitoring of aircraft activity in the City.

Mr. Forbes discussed that staff evaluated four principal effects of the ROAR initiative: 1) the costs and other effects associated with City review of requests for acquisition, rezoning, financing, or construction; 2) the costs and other effects of City enforcement of the ROAR initiative; 3) the potential effects of the restrictions that must be implemented prior to City consent; and, 4) the relationship between the ROAR initiative and existing City ordinances.

The following are staff's summarized findings with regard to each of the four principal effects of the ROAR initiative:



Costs and Effects Prior to Granting Consent - The initiative would require the City to hold one or more elections that, if not consolidated with other measures, would require considerable expense and effort by the City. More significantly, the City's responsibility under the ROAR initiative to verify the Airport's satisfaction of the 12 conditions may require the commitment of existing staff resources, the hiring of additional staff, and the retention of outside consultants. Staff and its consultants would be obligated to, for example, verify the implementation of the curfews, caps, and ban on non-Stage 3 aircraft; review and perhaps approve the sound insulation program, environmental impact reports, and master plans; and, prepare studies on the Airport share of infrastructure improvement costs and payments in lieu of taxes (PILOTs). Depending upon the interpretation of various aspects of the initiative, the costs associated with verifying the conditions may amount to several hundred thousand dollars per year. Aside from the costs, an extensive amount of time is anticipated for all conditions to be satisfied.

Costs and Effects After Granting Consent - The ROAR initiative may be interpreted to require ongoing monitoring by the City of certain Airport activities. This may include investigation of complaints, noise monitoring and investigation of non-Stage 3 aircraft operations, investigation of curfew violations, monitoring of the sound insulation program, and monitoring of PILOTs and infrastructure payments. Again, such monitoring may require the hiring of additional City staff to manage a monitoring program, and various consultant costs for outside professionals and special counsel with appropriate expertise. In particular, the installation of a comprehensive noise monitoring system is predicted to cost over \$1,000,000 and management of the system may cost \$50,000 annually. In addition, staff and outside consultants would have to spend considerable time and money determining whether the curfew, caps, and other restrictions identified in the ROAR initiative had been violated.

Effects of Restrictions Required to be Imposed by the Airport - Staff believes that the principal effect on the City of the restrictions imposed by the ROAR initiative will be lost tax revenue. The City currently receives the following taxes from the Airport and Airport users: personal property taxes paid principally on aircraft based at the Airport; parking taxes equal to ten percent of the gross receipts for Airport and other parking lots; sales taxes from car rentals, jet fuel sales, and sales by concessioners; and, possessory interest taxes from leasehold interests on Airport properties by Airport users.

In addition to these fiscal impacts, staff believes that the conditions would have a substantial effect on the community

such as reducing the noise burden imposed by the Airport and aircraft and forcing changes in operations and perhaps relocation by Airport users. Staff has not, however, attempted to evaluate or quantify comprehensively such potential costs and effects.

Effects on City Ordinances and Plans - Although the ROAR initiative does not identify or attach sections of the Burbank Municipal Code that would be amended, staff believes that the initiative may be interpreted to amend several sections of the General Plan and the Code, including the Zoning Code, Building Code, and Elections Code.

Following City Council discussion, the report was noted and ordered filed.

204-4  
406  
Calling ROAR  
Special Election

Mrs. Sarquiz reported that since the City Council has received the 30-day report prepared pursuant to State Election Code Section 9212, they have two options. The Council may either 1) direct staff to prepare an ordinance, to be returned within 10 days, that would provide for the adoption of the Restore Our Airport Rights (ROAR) initiative without alteration, or 2) adopt the proposed ordinance which calls for a special election to be held for the initiative. She noted that if the Council does not direct staff to prepare an ordinance adopting the initiative, then a special election must be conducted because the circulators of the ROAR initiative petition obtained signatures from at least 15 percent of the registered voters in Burbank.

She explained that State Election Code Section 1405 states that the election shall be held not less than 88 nor more than 103 days after the date of the order of the election. However, she said that the same Code Section states that "To avoid holding more than one special election within any 180-day period, the date for holding the special election on an initiative measure that has qualified pursuant to Section 9116, 9214, or 9310, may be fixed later than 103 days but as early a date as practicable after the expiration of 180 days from the last special election." She noted that since the City held two special elections in conjunction with the General Municipal Election on April 10, 2001, the Council has the discretion to set the special election for the ROAR initiative anytime between 88 and 103 days or as early a date as practicable after the expiration of 180 days from April 10, 2001.

Mrs. Sarquiz said that should the Council choose to hold the election as soon as possible, the earliest date that the Council could select would be 88 days from April 17, 2001, which

would be July 17, 2001. Conversely, she said that should the Council choose to pick a date that falls within the 88 to 103 days, the last date would be July 24, 2001. However, she also said the Council could wait until shortly after the expiration of 180 days from the City's last special election, which would be October 9, 2001. She did note that if the Council chooses to wait until after 180 days from April 10, 2001, the most reasonable date to select would be November 6, 2001, since the first Tuesday in November is a traditional election day and there will be other elections in other cities being conducted on that same day.

Taking all factors into consideration, she said that it was her professional recommendation that the best alternative for holding the election is November 6, 2001 for the following reasons: the first Tuesday in November is a traditional voting day; elections in other cities on that day will also be conducted throughout the Los Angeles area; it provides more time to recruit pollworkers and polling locations; it provides more time to advertise the election to the voters; it surpasses the summer vacations, and, it lessens the burden on both the pollworkers and the voters by providing more time between elections.

Mrs. Sarquiz then said that if the Council instead prefers to hold the election in July, it was her professional recommendation that it be conducted as an all-mail ballot election for the following reasons: it eliminates the need to recruit pollworkers (who have already worked four elections in seven months) and polling locations; it conveniently provides the voters with all the necessary voting material at their home and gives them approximately four weeks in which to vote; it is easier to administer and provides for more controls; it provides for increased integrity of the process in that all signatures of voters are verified; it will reduce costs; it may serve to increase voter turnout based on other jurisdictions' experiences; and, it will increase the quality of voter records in that all undeliverable mail will be returned to the City Clerk's Office which would then be given to the Los Angeles County Registrar who will purge them from the voter records.

Motion                    It was moved by Mr. Laurell, seconded by Mr. Kramer and carried with Mr. Golonski absent that "the special election be conducted on Tuesday, October 9, 2001."

Motion                    It was moved by Mr. Golonski and seconded by Mrs. Murphy that "the following ordinance be introduced, passed and adopted, and that the ordinance include that the election be

204-4  
406  
Calling Special  
Election for  
ROAR Initiative

conducted as an all-mail ballot:"  
ORDINANCE NO. 3573:  
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK ORDERING A SPECIAL ELECTION FOR THE PURPOSE OF THE SUBMISSION OF A MEASURE TO THE ELECTORATE OF THE CITY RELATED TO RESTRICTING THE ABILITY OF THE CITY TO GRANT CERTAIN APPROVALS TO THE AIRPORT.

Adopted

The ordinance was adopted by the following vote:

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

Ordinance  
Submitted

It was moved by Mrs. Murphy and seconded by Mr. Kramer that "Ordinance No. 3574 be read for the second time by title only and be passed and adopted." The title to the following ordinance was read:

1702  
701  
PD No. 2001-1  
Buena Vista  
Library

ORDINANCE NO. 3574:  
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING PLANNED DEVELOPMENT NO. 2001-1 AND A DEVELOPMENT AGREEMENT RELATED THERETO (320 NORTH BUENA VISTA STREET).

Adopted

The ordinance was adopted by the following vote:

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

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 Council should have disruptive speakers removed from the Chambers; Irma Loose, playing a videotape of statements made at a previous Council meeting regarding support of Council Member Laurel by other Council Members, and on concern with vulgar language used by Council Members; Howard Rothenbach, opposing the Council approving the ROAR initiative special election to be conducted by an all mail ballot,

4/17/01

and asking the Council to make a motion to reconsider holding the all-mail ballot election on July 24 and not on October 9; and Mike Nolan, asking the Council whether they concur that what he brought up related to property not being disclosed on the Closed Session agenda was a minor error and discussing specifics of the matter to exchange property at 122-126 East Olive Avenue with City owned property at the southeast corner of First Street and Olive Avenue.

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 12:09 a.m. in memory of Manuel Ybarra.

Judie Sarquiz, City Clerk

APPROVED JUNE 5, 2001

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Mayor of the Council  
of the City of Burbank