

TUESDAY, APRIL 24, 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 5:01 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; 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):** 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):** 2

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:37 p.m. by Mr. Wiggins, Mayor.

Invocation The invocation was given by Pastor Ron White, American Lutheran Church.

Flag Salute The pledge of allegiance to the flag was led by the Burbank Police Department Honor Guard.

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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 Mayor Wiggins and Assistant Police Chief Heins introduced the Police Dept. members of the Police Department Honor Guard who will represent the State of California at the National Police Memorial Service in Washington DC in May 2001. Members include Honor Guard at National Police Memorial Service at Washington DC Lieutenant Kevin Kraft, Sergeant Bob Quesada, Detective Sean Kelley, Officer Adam Adler, and Officer Jess Goenner. Assistant Police Chief Heins stated that Police Chief Tom Hoefel, Police Officer Joe Dean and Council Member Laurell will also accompany the honor guard to Washington DC.

301-1 Mayor Wiggins introduced Bruce Feng, Public Works Director, Recycling Heroes who, in turn introduced Al Zorn, Recycling Coordinator, who presented Recycling Hero certificates to the following Burbank school and businesses for their successful recycling programs: John Spence, Tobi Datillo, and Juanita Serda from Miller Elementary School; David Kamiya from IKEA Burbank; and, Jason Peterson representing Lakeside Apartment.

301-1 Mayor Wiggins introduced Coach Adams of the L. A. Hot Shots Basketball Team, which represented the City of Burbank in basketball tournaments held by the San Gabriel Valley Municipal Athletic Association. The team won the Southern California Municipal Athletic Federation tournament and were presented with certificates. Team members included Colin Adams, Emin Abnoui, Trey Williams, Wayne Robinson, Shan Widener, Mark Mirtahami, Joshua Ziegler, Matt Akin, and Isbset Cortes.

301-1 Mayor Wiggins presented a Proclamation to Armenian Genocide survivor Kourken Khanjian and Burbank High School Senior Armenian Genocide Meghedi Aboolian declaring April 24, 2001 as the 86<sup>th</sup> Anniversary of the Armenian Genocide and Armenian Remembrance Day.

301-1 Mayor Wiggins presented a Proclamation to Pete McGrath, Older Americans Chair of the Senior Citizen Board, declaring the month of May as Older Americans Month, noting that the theme for 2001 is "The Many Faces of Aging."

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

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

Citizen  
Comment              Appearing to comment were Ann Gardner, on concern with the oral communication process, stating the need for there to be standards of decorum and respect in the Chambers, and stating reasonable speech is more respected and responded to; Linda Walmsley, on the importance of watching meetings to stay informed but noting concern with the conduct by speakers during oral communications, stating the Council should consider not televising oral communications, and on the importance of The Peacebuilders Program in the schools stating it should be recited and followed by the people who speak at oral communications; Larry Stamper, thanking the Mayor for his service, on concern with verbal violence, on the need for the Council to restore decorum in the Chambers and stating there is a group of people here this evening to ask the Council to take such action; Connie Wilson, thanking the Mayor for his service, congratulating the City Clerk's Office for their education campaign in the recent Elections, and on concern with the oral communication process in the Chambers stating the need for the Council to change the process to improve the decorum; Tom Bruehl, stating the Council needs to change the oral communication process from five minutes to three minutes due to problems with the speakers and lack of decorum in the Chambers and noting his belief the time reduction will provide for a more representative government as more people will participate;

Lee Paysinger, on concern with the oral communication process noting a change needs to be made and suggesting the first period of oral communications only provide for discussion on agenda items only for three minutes and allow for any business to be discussed at second oral communications; Jerry Jones, on the citizen survey which indicated a 95 percent satisfaction rate, stating the people who speak negatively at oral communications do not represent the citizens of Burbank, and stating his support for the Council; Esther Espinoza, on the City's census numbers and noting her belief the City does not hire enough minority employees; Brett Loutensock, thanking the Mayor for his service, and

suggesting the Council make a change in the oral communication process due to the few who abuse it each week and noting the community is supportive of a change; Mark Barton, suggesting a change in the oral communication process and stating the people who are disruptive in the Chambers be removed; Claudia Bonis, on concern with the oral communication process, and stating her support for the Council and staff noting a change to the process should be made by the Council; R. C. "Chappy" Czapiewski, on the importance of the Constitution, and playing a video of statements made at last weeks Council meeting on the Airport Runway Safety application; Irma Loose, playing a video tape recording of statements made at a previous Council meeting where Council Member Golonski used profanity; Robert Juarez, on the case of People vs. Ortiz that discusses Constitutional rights noting his belief that people have the right to speak, and on concern that the Council does not respond to the citizens; Marie Paino, stating people in the community are concerned with the oral communication process but stating the oral communication process should not be changed as it is beneficial to some community members to talk about anything at the beginning of the meeting;

Carolyn Berlin, on the oral communication process noting the importance of citizens being able to speak to the Council, on concern with discriminatory language used at the Chambers, and stating the Council can make positive changes that won't infringe upon peoples rights; Phil Berlin, stating speakers would be more effective if they were calm and reasonable in their presentation, and on the importance of the oral communication process but noting maybe the Council should make the first period of oral communications on agenda items only; Carlos Rico, a John Burroughs High School student, on concern with angry statements made by speakers noting this is not a good example for children in this community, and stating people should be respectful of their rights; Howard Rothenbach, Chairman of Restore Our Airport Rights (ROAR), stating the Utility Users Tax (UUT) should be capped by the Council, stating 34 percent of the people who were participants in the City citizen survey were concerned with the Airport, and asking the Council to reconsider their action to make the ROAR special election an all-mail ballot; David Piroli, thanking the Mayor for his service, supporting a cap of the UUT, stating if people don't like what is said at the Council meeting they don't have to listen and noting the importance of free speech, and supporting the Burbank Police Department; C. L. Stack, on the importance of freedom of speech, and on

concern with the process of other cities to stifle the public speakers; Dr. Theresa Karam, on concern with distortion of speakers this evening regarding the oral communication process, and stating her belief many of the regular speakers do not attack the Council; Kevin McCarney, on the importance of freedom of speech but noting the Council needs to deal with the decorum issues, asking the Council to thoroughly review all matters pertaining to the oral communication process, and thanking the Mayor for his service and presenting him with an award "The Golden Ear Award" appreciating him for his time over the years listening to the citizens; Dink O'Neal, on concern with oral and verbal abuse in the Chambers by public speakers, apologizing for the community not coming to speak out against the people who abuse the Council and their right to speak, and encouraging the public to speak out against the lack of decorum in the Chambers; and Ken Hoaglund, thanking the Mayor for his service, stating he is a strong advocate of the first amendment noting he chooses not to listen to inappropriate language, and encouraging the public to express their opinion on matters to the Council.

Staff Response	Members of the Council and staff responded to questions raised.
9:26 P.M. Recess	The Council recessed at this time. The meeting reconvened at 9:43 p.m. with all members present.
9:43 P.M. Recess	The Council recessed to permit the Redevelopment Agency to hold its meeting. The Council reconvened at 9:44 p.m. with all members present.
Motion	It was moved by Mrs. Murphy and seconded by Mr. Kramer that "the following items on the consent calendar be approved as recommended."
Minutes Approved	The minutes for the regular meeting of March 6, 2001 were 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 March 31, 2001 was noted and ordered filed.

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1207  
804-4  
Reso. of Intent  
For Capital  
Expenditures  
from Proceeds of  
an Obligation

RESOLUTION NO. 25,980:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK EXPRESSING OFFICIAL INTENT REGARDING CERTAIN CAPITAL EXPENDITURES TO BE REIMBURSED FROM PROCEEDS OF AN OBLIGATION.

204-3  
204-4  
Results of  
April 10, 2001  
General  
Municipal and  
Special Election

RESOLUTION NO. 25,981:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DECLARING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD ON APRIL 10, 2001.

1411-1  
Vacation of  
California St.  
between  
Alameda and  
Olive  
(V-336)

RESOLUTION NO. 25,982:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DECLARING ITS INTENTION TO CONSIDER THE CONDITIONAL VACATION OF CALIFORNIA STREET BETWEEN ALAMEDA AVENUE AND OLIVE STREET AND THE ALLEY ON THE BLOCK BOUNDED BY LIMA STREET, OLIVE AVENUE, CALIFORNIA STREET AND ALAMEDA AVENUE (V-336).

201-1  
Council Meeting  
Location Change

RESOLUTION NO. 25,983:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A TEMPORARY CHANGE OF LOCATION FOR REGULAR MEETINGS OF THE CITY COUNCIL.

1007-1  
1009-1  
Revise Spec of  
Asst. CDD-  
Building Official

RESOLUTION NO. 25,984:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SPECIFICATION AND SALARY SCHEDULE OF ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR - BUILDING OFFICIAL (CTC #0057) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.

1007-1  
1009-1  
Chief Asst.  
CDD-  
City Planner to  
Asst. CDD-City

RESOLUTION NO. 25,985:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING AND RETITLING THE SPECIFICATION OF CHIEF ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR - CITY PLANNER (CTC#0149) TO ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR - CITY PLANNER (CTC#0056).



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Check Engineer      PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY  
AND SPECIFICATION THEREOF.

Adopted              The consent calendar 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 Manger, Burbank Water and Power, reported on the request from the City Council at the October 10, 2001 City Council meeting for staff to begin providing weekly oral presentations updating the Council and public on Burbank's water quality. Subsequently, he said that at the March 13, 2001 meeting, the Council directed staff to instead provide bi-weekly oral presentations.

He discussed the following activities that have taken place since the last report: water system tests for total chromium and chromium 6 were taken at various public buildings on April 11, 2001; and, aquifer testing of the Burbank Operable Unit will continue through May 2001. He then noted the following up-coming activities: a progress meeting with the California Department of Health Services regarding implementation of Senate Bill 2127 will be held on April 25, 2001 in Glendale; and, a meeting of the Southern California Chromium 6 Work Group will be held on April 30, 2001 at Central/West Basin District Offices.

The City Council received the report.

306  
201-1  
Citizen Survey  
(FY 2000-01)

Mr. Hess, Administrative Analyst, reported that the Burbank City Council, as part of its Fiscal Year 2000-01 Work Program, adopted the specific objective of completing a comprehensive citizen survey focusing on the quality of the services provided by the City. As a result of this goal, he noted the Council appropriated \$25,000 to assist with the completion of a survey.

He explained that a Citizen Survey Council Sub-committee consisting of Mayor Wiggins and Vice Mayor Kramer was formed in October 2000 and included the participation of staff from the Public Information and City Managers Offices. He said that through a competitive request for proposal process, the City selected the firm of Godbe Research & Analysis



(GRA) to assist with the completion of this survey project.

Mr. Hess stated that the survey found that Burbank residents, overall, appeared to be satisfied with the City efforts to provide programs and services in every aspect that the survey covered. He said that all of the survey results will allow for an assessment and refinement of previously established goals as the City completes its new 10-year Strategic Plan. He further said that the data will serve as benchmarks of performance to be maintained or exceeded in the future. He then noted that future tracking surveys can allow the City to track its performance as well as update and revise its goals accordingly. Moreover, he said the survey will no doubt serve as a valuable tool in assessing the City's weaknesses and improving upon them.

Dr. McLarney, Ph.D, Research Director, Godbe Research & Analysis, discussed the following objectives of the survey: determine residents' satisfaction with the City's efforts to provide municipal services; ascertain both the level of importance and the degree of satisfaction adult residents assign to various services; examine aspects of the City's communication with citizens; assess residents' perceptions of water and electricity service; and, gather additional demographic, attitudinal and behavioral information to profile City residents.

Next, he explained the methodology of the survey as follows: Data collection - telephone interviewing; Universe - registered voters; Interview dates - March 23 through March 27, 2001; Interview length - 22 minutes; Sample size - 400; and, Margin of error - +/- 4.88 percent.

Mr. Sarles, Senior Research Analyst, Godbe Research & Analysis, then discussed the results of the survey noting the overall satisfaction of Burbank residents is 95 percent, which includes very satisfied and somewhat satisfied responses. He then discussed the following top responses to two of the questions asked of the survey participants: What do you like most about Burbank? - City services (17 percent); and, What is the most important issue facing Burbank? - Airport expansion (34 percent). He then briefly reviewed the satisfaction with many of the City departmental services including public safety, community planning and development, public works, utility, recreation, and library. He then noted the following responses to several general questions about the City: Burbank's efforts to communicate - very satisfied - 47

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percent and somewhat satisfied – 34 percent; and, Household internet access – Yes – 77.5 percent; Satisfaction with the resources at Burbank’s Website – very satisfied – 28.1 percent, somewhat satisfied – 23.8 percent, and never visited – 38.1 percent.

The City Council ordered the report noted and filed.

1301-1  
701  
Buena Vista  
Library and Park  
(B.S. 1090)

Mr. Clifford, Capital Projects Manager, reported on the request for City Council authorization to allow the City Manager to seek bids for the construction of the new Buena Vista Branch Library and Lincoln Park based on completed construction documents.

He explained that in 1998, the City acquired the former Lincoln Elementary School site from the Burbank Unified School District for the purpose of constructing a new branch library and neighborhood park. He said a programming study was completed the following year to determine an appropriate facility size and collection capacity. He briefly noted that the new branch library as presently designed includes the following elements: a single story 1930s Art Deco Spanish style motif consisting of approximately 28,200 square feet; 200 seat auditorium with cable television broadcasting capability; a children’s library with storytelling room; a young adult library and adult library containing reference, audio visual, fiction and non-fiction collections; study rooms; complete staff facilities; a “Friends of the Library” bookstore; state of the art data wiring for 38 computer internet connections for public use; on-grade parking facilities for 153 vehicles located south of the library with night lighting, considerable tree planting, landscaping and decorative hardscape; and, a 2.5 acre passive neighborhood park located between Verdugo Avenue on the north and the library building on the south with rolling topography and extensive tree planting to discourage active sports play, a small tot lot, a small amphitheater, meandering sidewalks, benches, and public art.

Mr. Clifford concluded by stating that the Library and park construction is scheduled to commence September 2001 with the scheduled opening planned for December 2002.

Motion

It was moved by Mrs. Murphy and seconded by Mr. Laurell that

"the following resolution be passed and adopted:"

1301-3  
701  
Buena Vista  
Library and Park  
(B.S. 1090)

RESOLUTION NO. 25,992:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS FOR CONSTRUCTION OF THE BUENA VISTA STREET BRANCH LIBRARY AND PARK BASED ON APPROVED CONSTRUCTION DOCUMENTS FOR BID SCHEDULE NO. 1090.

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.

804-5  
Utility Users Tax  
Revenue  
Increases

Mr. Hanway, Financial Services Director, reported that following a report from the Financial Services Department on March 6, 2001 that the City expects to collect an additional \$300,000 from the Utility Users TAX (UUT) as a result of the increased natural gas prices, the Council directed staff to return with options for dealing with the additional revenue. In response to that direction, he said that staff has identified the following options for Council consideration: 1) retaining the incremental revenue; 2) providing City residents with a rebate; 3) placing a cap on the tax to limit the revenue it generates; 4) reducing the tax rate temporarily; or, 5) extending a tax exemption to low-income individuals.

He explained that after careful review of the alternatives, staff has determined there are serious pitfalls to all but the first option. He said that attempting to provide a rebate to consumers would be difficult and costly. He further said that rebating or lowering the UUT could cause the City to run afoul of Proposition 218, the 1996 State ballot measure that gives voters final say over the local government tax increases.

Mr. Hanway then discussed that staff believes that any decision related to the increased revenues should be considered in light of the City's financial position and the overall needs of the community. At the March 6, 2001 Council meeting, he said that staff reported that the General Fund balance was estimated to be \$359,137 at June 30, 2001. He noted that this amount was subsequently reduced to \$349,887 as a result of the appropriation of \$9,250 related to the Kids Spirit Fun Run. Therefore, he said a \$300,000

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reduction would impact items requested for the Fiscal Year 2001-02 proposed budget.

He concluded by stating that staff was recommending retaining the UUT for the following reasons: the \$300,000 reduction to the General Fund would impact requested items in the 2001-02 budget; Proposition 218 has complicated the City's ability to increase the taxes; and, there would be no additional administrative costs.

Following discussion, staff was directed to return with a report on the following options when the entire budget is reviewed by the Council: contributing the additional UUT revenue to the Lifeline Program to assist residential customers with their utility bills; or, relieve the cost for residents of the weekly street sweeping charge until the total additional revenue from the UUT is rebated and then begin collecting that charge again.

1005  
1011-3  
PERS  
Amendments

Mr. Hanway, Financial Services Director, reported that the City and Burbank Police Officers Association have implemented a new Memorandum of Understanding (MOU) that went into effect July 1, 2000. He said that a provision of the MOU involved the implementation of the 3 percent at 50 agreement and providing 4<sup>th</sup> level for the 1959 Survivor Benefit. He noted that Council approval of the proposed resolution and ordinance will amend the contract with the Public Employees Retirement System which will allow the new benefits to be effective June 16, 2001.

Motion

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

1005  
1011-3  
Amend PERS  
Contract

RESOLUTION NO. 25,993:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK PROVIDING NOTICE OF INTENT TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE PUBIC EMPLOYEES RETIREMENT SYSTEM AND THE CITY OF BURBANK.

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.

Ordinance Introduced	It was moved by Mrs. Murphy, seconded by Mr. Kramer and carried that "the following ordinance be introduced and read for the first time by title only and be passed to the second reading." The ordinance was introduced and the title read:
1005 1011-3 Amend Contract with PERS	AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY OF BURBANK.
201-1 Attendance of Council Members-Elect at Closed Sessions	Mr. Barlow reported on the request for City Council approval of an amendment to the Burbank Municipal Code that will allow for the attendance of Council Members-elect at Closed Session meetings noting this has been a long standing practice of the City Council. He also said that the Code amendment will allow for the briefing of the City Manager and City Attorney by the Mayor if they were not in attendance at a particular Closed Session meeting. Finally, he said the Code amendment will change the name of executive sessions to closed sessions to conform to the designation used in the Ralph M. Brown Act.
Ordinance Submitted	It was moved by Mr. Golonski, seconded by Mrs. Murphy and carried that "the following ordinance be introduced and read for the first time by title only and be passed to the second reading." The ordinance was introduced and the title read:
201-1 Attendance of Council Members-Elect at Closed Sessions	AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTION 2-204 OF THE BURBANK MUNICIPAL CODE RELATING TO ALLOWING COUNCIL MEMBERS-ELECT TO ATTEND CLOSED SESSIONS OF THE CITY COUNCIL.
11:32 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.

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Citizen  
Comment

Appearing to comment were Esther Espinoza, on concern that there is not enough minority representation in the City government; Mark Barton, stating disruptive behavior was against the Burbank Municipal Code and noting the type of speech by public speakers should be curtailed not necessarily the time limit; Irma Loose, on the importance of free speech, and playing a video tape recording of statements made at a previous Council meeting on the oral communication process; Howard Rothenbach, stating concern with statements made by the Council regarding the oral communication process, and asking for a status report on the Airport litigation; Ken Hoaglund, stating his opinion that the oral communication time limit should not be reduced, and on the citizen survey; and Mike Nolan, opposing the staff report on the UUT and stating a cap on the UUT has been asked for by the residents since 1978.

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 11:51 p.m. in memory of former City Attorney Samuel Gorlick.

Judie Sarquiz, City Clerk

APPROVED JUNE 19, 2001

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Mayor of the Council  
of the City of Burbank