

TUESDAY, MAY 22, 2001

A regular meeting of the Council of the City of Burbank was held at the Fire Training Center, 1845 North Ontario Street, on the above date. The meeting was called to order at 5:06 p.m. by Mr. Kramer, Mayor.

CLOSED SESSION

Present- - - - Council Members Laurell, Ramos and Kramer.  
Absent - - - - Council Member Golonski and Murphy.  
Also Present - Mr. Ovrom, City Manager; Mr. Barlow, City Attorney; Ms. Alvord, Assistant City Manager; and, Mrs. Cabil, Municipal Records Clerk.

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

5:07 P.M. Recess The Council recessed at this time to the Fire Training Center 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:** Charter Communication's Wire Maintenance Fee Appeal  
**Brief description and nature of case:** Charter's appeal of City's rate order to the Federal Communications Commission.

Regular Meeting Reconvened in Fire Training Center The regular meeting of the Council of the City of Burbank was reconvened at 6:31 p.m. by Mr. Kramer, Mayor.

Invocation The invocation was given by Father Dave Whorton, St. Robert Bellarmine Catholic Church.

Flag Salute The pledge of allegiance to the flag was led by Vice Mayor Laurell.

ROLL CALL

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

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 Public Works Week Mayor Kramer presented a proclamation to Bruce Feng, Public Works Director, recognizing Public Works Week celebrated May 21 - 25, 2001.

6:39 P.M. Hearing 1701 1411-1 1204-2 PD 2001-2, Tent. Parcel Map No. 26258, DR 2001-4, V-336, (Bob Hope Center) Mayor Kramer stated that "this is the time and place for the hearing on Planned Development No. 2001-02, related Development Agreement, Design Review No. 2001-4, Tentative Parcel Map No. 26258, Conditional Vacation of a portion of California Street and an alley located off of Lima Street (V-336), and a Mitigated Negative Declaration for the Bob Hope Center Project. The Project consists of an office building, a 300 seat theater, and a museum to be located at the properties bounded by Olive Avenue, Alameda Avenue and Lima Street in the City of Burbank."

Notice Given The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that no written communications had been received.

Staff Report Mr. Ochsenbein, Associate Planner, reported on the request from the developer, Maple Dell + McClelland Architects, LLP, on behalf of the Bob Hope family, to obtain City Council approval to construct Bob Hope Center, consisting of a 103,500 square foot office building and a 20,000 square foot, 300 seat live performing arts theater/museum, on two vacant properties located at the intersection of Olive Avenue and

Alameda Avenue in the Media District. He said the developer is requesting that California Street, which bisects the properties, be vacated between Olive Avenue and Alameda Avenue. He further said the developer is also requesting approval of Tentative Parcel Map No. 26258 to combine the properties and the vacated right-of-way of California Street into one parcel.

Mr. Gaudio, Project and Real Estate Manager, discussed that the Project includes a request for the City Council to consider vacating California Street between West Alameda and West Olive Avenues and a small remnant portion of an alley east of Lima Street. He said that all appropriate City departments and outside utilities have reviewed and commented on the proposed vacation which has resulted in the maintenance of a 10 foot public utility easement on the eastern portion of the existing right-of-way for existing electrical facilities and the abandonment of a 10-inch water line that was previously intended to be removed. He then noted the following three conditions of approval of the vacation: the vacation will not be recorded until Burbank Water and Power (BWP) facilities including a 10-inch water line and pole lines on the West side of California Street have been abandoned and relocated as necessary at the applicant's expense in a manner acceptable to BWP; the vacation will not be recorded until the storm-drain catch-basin in California Street has been relocated in a manner acceptable to the Public Works Department and the Los Angeles Flood Control District; and, a public service easement will be reserved in the westerly 10 feet of the easterly 11.5 feet of California Street for BWP electrical facilities and Charter Communications facilities.

Next, Mr. Ochsenbein explained that the Project, if approved, will be developed in two phases: Phase 1 consists of the 103,500 square foot office building which includes approximately 6,000 square feet of restaurant/retail uses with the balance being office uses; Phase 11 consists of the 20,000 square foot, three story building that is proposed to include a 300 seat live performing arts theater and a performing, liberal arts, and/or instructional museum.

He then discussed that the project includes the following exceptions to Code required standards due to physical constraints and overall design concept: a setback of six feet instead of the required eight feet along Alameda Avenue to construct the surface parking lot; use of tandem spaces for required parking; two loading spaces instead of the required

three spaces; and, a setback of five feet rather than the required seven feet from the property line due to the irregular shape of the property and the dedication at the intersection of Olive Avenue and Alameda Avenue.

Mr. Ochsenbein explained that the Media District Specific Plan (MDSP) allows for the use of Development Opportunity Reserve (DOR) to permit density to exceed the stated 1.1 FAR limitations. He said that owners of properties of four acres or less in size may apply for a part of the 800,000 square foot DOR through the conditional use permit process. He then said that the developer of this Project is requesting approval to utilize 42,038 square feet of the approximately 784,070 square feet of DOR currently available for use. He noted that even with this utilization of DOR, there will be over 700,000 square feet of DOR available for future developments in addition to the 1.1 Office Equivalent FAR permitted within the MDSP.

He then discussed that staff believes the development is consistent with the goals and intent of both the Land Use Element of the General Plan and the MDSP. He said the Project will enhance the Media District's identity by providing additional opportunities to enjoy, honor and receive education about the arts. He then said that the proposed video display sign feature on the building would be required to be approved by both the Chief of Police and the Public Works Director. He noted that the Project would serve as a monument to the City's historical, current and future, connection with the entertainment industry and the Media District's standing focus of the entertainment industry in the City.

Mr. Ochsenbein concluded by stating that the Planning Board, at its regular meeting of April 23, 2001, recommended approval of the Project to the City Council.

Applicant

Richard Dell, Principal of Maple Dell + McClelland Architects, LLP, introduced Linda Hope, Bob Hope's daughter, who read a letter from her family thanking the Council, Planning Board and City staff for their guidance and support concerning the entitlement application before the City. She briefly referred to the career of her father Bob Hope, and noted that this property has special meaning to the family and is one they are looking forward to developing.

Mr. Dell thanked the City staff for their assistance in this project noting appreciation for their professionalism and guidance. He then said that the project was being funded by the Bob Hope Family Trust and Foundation, and noted that the Foundation offices will be located in the project in addition to the theater and museum. He then discussed the materials to be used on the buildings and the architectural element of an icon (a globe) on the top of the building. He said the theater is intended to be used for live performing arts and has been offered to the Burbank Unified School District for their use in performances and educational events. He noted that the project stays within the Media District Specific Plan and General Plan and is the type of project envisioned in the Media District. He then said that the traffic issues were addressed by Crain and Associates and noted that they were available to answer any questions the Council may have. He further noted that they have asked for deferred approval of their landscaping plan, Phase II of the theater, and the signage (icon) package.

Citizen  
Comment

Appearing to comment were Don Elsmore, on concern that the project is not compatible with the area, on his desire to obtain more information on the impact of traffic from the project noting his belief this is an already dangerous intersection, on concern with the proposed globe as it will be distracting to motorists, and on concern that the theater design has not already been planned and should be required to receive approval once designed; Floran Frank, on concern that this building will negatively impact the quality of life in the neighborhood, and noting concern with the proposed globe; Howard Rothenbach, on concern with the proposed globe noting his belief it will be a distraction to motorists and asking for clarification of Code requirements regarding signs; Lisa Covey, stating her family owns property near the project, and stating their support for the project as it will be a great asset to the neighborhood; Ted McConkey, on the career of Bob Hope and his personal sentiments for him, and stating the project is a good proposal but noting concern with the project's impact on the City's infrastructure and electricity supply; Mark Barton, stating his support for the project; Larry Applebaum, stating his support for the project and noting the North Hollywood area tried to get the Hopes to construct this project in their city; Mike Nolan, on concern with the City allowing the developer to use the Planned Development process to get around some Code requirements including the usage of tandem parking spaces, setbacks, relocation of the bus stops, and signage; Ken Hoaglund, stating his general support for the project but noting concern with the proposed

globe noting it will be distracting to motorists, on concern that the project is not adequately parked, and on concern with the impacts on the area due to all the proposed development to be completed in the near future; and Dr. Theresa Karam, stating the project is lovely, but noting concern with the proposed parking and the impacts of the traffic on the neighborhood and adjacent areas.

Applicant

Mr. Dell said there were only 24 tandem parking spaces proposed out of a total of 300 spaces and noted their experience and success with tandem parking in other office buildings. He noted that the area will be guarded, secured parking. He said the only setback deviation for the project is to accommodate parking along West Alameda. He noted that the site is triangular and, in order to construct the theater, the setbacks are necessary. He said the theater only needs 60 stalls and will have more than adequate parking as the theater start-up time is 7:30 p.m. and most of the office building will be vacant at that time. He also said the density in the area is of concern, but said this project is a small building that should not negatively impact the overall area. He then noted that the bus stops will be relocated off the corner and was recommended by the Metropolitan Transportation Authority and City staff to avoid impacting the corner traffic. He said there is thermal pane glass and is helpful in energy consumption, and said the entire building has state-of-the-art systems that will maximize energy consumption. Lastly, he said the globe is proposed due to the significance of the Media District and noted that this was a statement that was in keeping with the spirit of the District. He noted that they were flexible to talk with staff about the actual animation, if any, to be placed on the globe.

Sam Ross, President of Crain and Associates, said his firm prepared a traffic study for the project. He said they reviewed the impacts of the project at 15 intersections and noted that a project of this scope and size would normally only look at the impacts on 5 to 7 intersections. He said the study shows that the project will generate about 150 peak morning trips and 190 peak afternoon trips. He noted that the project is not a detriment to the traffic in the area and adequately mitigates any impacts. He further noted that the proposed shared parking is appropriate due to the use of the theater after 7:30 p.m. and said that the tandem parking will work due to the type of tenants proposed to use the office building.

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

Motion                                It was moved by Mr. Laurell and seconded by Mrs. Murphy that "the following resolutions be passed and adopted and that the ordinance be introduced and read for the first time by title only and be passed to the second reading:"

1701                                    RESOLUTION NO. 26,010:  
1204-2                                A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
Adopt Mitigated                    ADOPTING A MITIGATED NEGATIVE DECLARATION (BOB  
Neg. Dec.                             HOPE CENTER).  
(Bob Hope  
Center)

1701                                    RESOLUTION NO. 26,011:  
1204-2                                A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
Approve Tent.                      APPROVING TENTATIVE PARCEL MAP NO. 26258 (BOB HOPE  
Parcel Map No.                      CENTER).  
26258 (Bob  
Hope Center)

1701                                    RESOLUTION NO. 26,012:  
1411-1                                A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
1204-2                                ORDERING THE CONDITIONAL VACATION OF CALIFORNIA  
Vacation of                            STREET BETWEEN ALAMEDA AVENUE AND OLIVE AVENUE,  
California St.                        AND THE ALLEY ON THE BLOCK BOUNDED BY LIMA STREET,  
bet. Alameda                        OLIVE AVENUE, CALIFORNIA STREET AND ALAMEDA  
and Olive                             AVENUE (V-336).

1701                                    AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK  
1204-2                                APPROVING PLANNED DEVELOPMENT NO. 2001-2 AND A  
Approving PD                        DEVELOPMENT AGREEMENT RELATED THERETO (BOB HOPE  
2001-2 and a                        CENTER PROJECT).  
Dev. Agmt.  
(Bob Hope  
Center)

Adopted and                         The resolutions were adopted and the ordinance was introduced  
Introduced                            by the following vote:

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

8:39 P.M. Recess The Council recessed at this time. The meeting reconvened at 8:58 p.m. with all members present.

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 Meeting of May 21, 2001 Airport Commissioner Charlie Lombardo reported on the items that were on the May 21, 2001 Airport Authority meeting agenda. He began by stating that the Airport will be hosting a barbecue on June 9, 2001 for residents in the 70 CNEL area noting they are trying to get more of the homes in the noise impact area to participate in the Sound Insulation Program. Next, he said that following a Closed Session meeting it was reported that the Authority approved a Memorandum of Understanding with the Peace Officers Research Association of California to implement a new five-year contract with peace officers. He then said the Commission approved the minutes for the May 7, 2001 meeting and received report on the Part 150 Implementation Update.

The Council received the report.

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

Citizen Comment Appearing to comment were Harvey Paskow, Burbank's representative to the Los Angeles County Vector Control District, inviting the Council and community to attend the Mosquito and Vector Control Awareness Week Open House 9:00 a.m. to 4:00 p.m., May 21-25; Emily Gabel-Luddy, stating her desire to serve on the Planning Board and referring to her experience and background to serve on the Board; Don Elsmore, on information from the Airport Part 150 Study, and discussing the future process for the Airport Part 161 Study; Marie Paino, urging the Council to maintain the current appointees to Boards, Commissions and Committees, and on



concern with the rates proposed by Charter Communication noting it will be difficult for the senior population; Esther Espinoza, on concern with discrimination in the City government; Ted Milner, stating he has applied for a position on the Civil Service Board, and referring to his qualifications and professional experience to serve on the Board; Ted McConkey, on concern with the City's use/funding of a private lobbyist, stating there was an error in the agenda in that it did not state that the Airport Authority receives compensation, and suggesting the City Council consider placing term limits on Board, Commission and Committee appointees; Mark Barton, stating Bill Wiggins should be appointed to the Airport Authority, discussing the alternatives for animation of the proposed globe (sign) proposed for the Bob Hope Center, and stating the City should prepare a traffic flow masterplan; Howard Rothenbach, supporting the installation of the hydroturbine generators at the Valley Pumping Plant, on concern with comments made at the May 21 Airport Authority meeting agenda regarding flights at Ontario Airport and referring to the number of gates and increase in passengers at the Airport, and referring to a report that compares the airports in Burbank and Ontario related to number of passenger flights and number of residents in the area; Garen Yegparian, stating he applied for the Park, Recreation and Community Services Board and referring to the reasons he would like to serve on the Board as he is very interested in outdoor activities and greenbelts; Claudia LaFrance, suggesting the Council reappoint Charlie Lombardo to the Airport Authority and Ellie Meyer, Valene Rolon and Louise Paziak to the Civic Pride Committee; Fred Haas, stating he donated five videos to the Library related to the Vietnam War;

Nat Rubinfeld, stating he applied to the Police Commission and Landlord Tenant Commission due to his care of and concern for the City, stating his professional background, and noting he would like to give back to the community; Stan Hyman, stating the City of Pasadena reappointed all three Pasadena Commissioners to the Airport Authority, noting a proposal was made by Glendale Council Member Yousefian to appoint two of their three Commissioners, and noting his belief that due to the other cities' actions the Council should not appoint former Mayor Bill Wiggins and former Police Chief Newsham to the Authority but rather appoint them as a negotiating team and maintain the current Commissioners from Burbank; Barbara Langford, opposing the rate increase by Charter and noting concern with their service; Dr. Theresa Karam, referring to a map that shows the Los Angeles 4<sup>th</sup> Council District that surrounds the City of Burbank stating she plans to run for this seat and noting her belief that the City of Burbank impacts

this District, particularly related to the Airport, and on concern that appointing former Mayor Bill Wiggins would be a conflict of interest due to his business having contracts with airlines; Ken Hoaglund, stating the Bob Hope Center will be successful but noting he still has concerns with the impact it might have on traffic; David Piroli, on concern with people parking on Third Street and running across the street to Burbank High School and suggesting signs be placed on the street noting this action is illegal, on concern with the barbecue being hosted by the Airport Authority, and supporting the reappointment of Airport Commissioners Phil Berlin and Ingolf Klengler and the appointment of former Police Chief Dave Newsham to the Airport Authority; and Mike Nolan, on concern with the AMC project and asking the Council to review the project materials presented by staff, referring to a lawsuit regarding disabled accessibility at AMC theaters, opposing the approval of tandem parking at the Bob Hope Center noting it has caused problems at other facilities in Burbank, on concern with pedestrians crossing Olive Avenue not using the crosswalks and noting the Police are ticketing these people and a Commissioner at the Court is not honoring the tickets and suggesting a sign be placed on the street to ensure the ticket is honored, and suggesting the old site of the Police Department on Olive Avenue be paved over to provide public parking on a interim basis.

Staff Response	Members of the Council and staff responded to questions raised.
10:08 P.M. Recess	The Council recessed to permit the Redevelopment Agency to hold its meeting. The Council reconvened at 10:08 p.m. with all members present.
Motion	It was moved by Mr. Golonski and seconded by Mrs. Murphy that "the following items on the consent calendar be approved as recommended."
Minutes Approved	The minutes for the regular meetings of April 10, 2001 were approved as submitted.
1301-3 2001 Slurry Seal Program (B.S. No. 1081)	<u>RESOLUTION NO. 26,013:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND ADOPTING CONTRACT DOCUMENTS, PLANS AND SPECIFICATIONS, AND DETERMINING THE LOWEST RESPONSIBLE BIDDER, ACCEPTING THE BID, AND AUTHORIZING EXECUTION OF A CONTRACT FOR THE 2001

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1202-6  
BID No. 1  
Annual  
Assessment and  
Intent to Levy

SLURRY SEAL PROGRAM, BID SCHEDULE NO. 1081.  
RESOLUTION NO. 26,014:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK OF THE INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE FISCAL YEAR 2001-02, PRELIMINARILY APPROVING ASSESSMENT REPORT, PROVIDING FOR NOTICE OF HEARING, AND CALLING FOR THE APPOINTMENT OF AN ADVISORY BOARD FOR DOWNTOWN BURBANK BUSINESS IMPROVEMENT DISTRICT NO. 1 ANNUAL ASSESSMENT.

Adopted

The consent calendar was adopted by the following vote:

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

202  
203  
City Boards,  
Commissions &  
Committees

Mrs. Sarquiz reported that on March 6, 2001, the City Clerk's Office began advertising and accepting applications for vacancies, created by June 1, 2001 term expirations, on various City Boards, Commissions and Committees. She noted that the deadline to submit applications was April 27, 2001.

She explained that the City Clerk's Office conducted a random drawing to select the order that the Boards, Commissions and Committees would be placed on the agenda for Council voting. In addition, she said a random drawing was conducted to select the order the applicants will appear on the voting sheets. She then noted that the Council votes based on the number of vacancies on the Board, Commission or Committee but said no Council Member is obligated to vote the allowed number of times.

As a result of the random drawing, she said the following was the order presented to the City Council for voting: Park, Recreation, and Community Services Board (two vacancies) - Lucy Burghdorf, Dany Carol, Wendy James, Doris Vick, Miguel Porras, Janet Diel, Garen Yegparian, Terre Hirsch, Todd Layfer, Susan Bowers, Gus Corona, and William Stevens; Board of Building and Fire Code Appeals (three vacancies) - Charles Johnson, Nicholas Trotta, Kenneth San Miguel, Robert Mills, and Jesse Fox; Burbank-Glendale-Pasadena Airport Authority Commission (three vacancies) - Ingolf Klengler, Charles Johnson, Phil Berlin, Bill Wiggins, Dave Newsham, and Charles Lombardo; Traffic and Transportation Committee (two

vacancies) - William Stevens, John Ostley, and Michael Kubasak; Police Commission (three vacancies) – John Deeter, Larry Applebaum, Robert Cohen, Philip Jue. John Reardon, William Stevens, Nat Rubinfeld, Linda Silvas, Philip Sartuche, Michael Kubasak, Marco Gonzalez, Jesse Fox, Brooks Gardner, Claudia Bonis, Dana Brooks, Joseph Gunn, Hagop Hergelian, and Todd Layfer; Planning Board (three vacancies) - Emily Gabel-Luddy, Charles Johnson, Carolyn Berlin, Susan O'Carroll (withdrew) Dany Carol, John Deeter, David Gordon, Kenneth San Miguel, Karen Hamza, Larry Applebaum, Gregory Jackson, Marco Gonzalez, Craig Bullock, and John Dominguez; Board of Library Trustees (three vacancies) - Mary Doris Beaumont, Larry Johnson, Cele Burke, and Renate Hayum; Civic Pride Committee (five vacancies) - Ellie Myer, Linda Silvas, Dany Carol, Janet Diel, Louise Paziak, Valene Rolon, Susan MacFarlane; Youth Endowment Services Fund Advisory Committee (three vacancies) - Hoori Chalian, George Mahshigian, Michael Gutierrez, and Linda Walmsley; Burbank Water and Power Board (three vacancies) – William Barlak, Wendy James, Robert Olson, William Gohlke, Kenneth Bretton, Marco Gonzalez, Daniel Bocek, and Thomas Jamentz; Transportation Commission (four vacancies) – Reverend Tania Yvette Theresa Kleiman, Janet Diel, Lucy Burghdorf, and Frank Barneburg; Civil Service Board (three vacancies) - Matthew Doyle, Nathan Schlossman, Theodore Milner, Linda Barnes, Michael Kubasak, and Malcolm Kelman; and, Landlord-Tenant Commission (three vacancies) - Nathan Schlossman, Janice Della Bunch, Nat Rubinfeld, Rory Zipp, Eden Rosen, and Victor Wolfe.

#### Procedure

As previously stated, the City Clerk's Office conducted a random drawing to select the order that the Boards, Commissions, and Committees as well as the respective applicants would be placed on the agenda for Council voting. The Council voted on each Board, Commission and Committee separately, and at the conclusion of the open voting, the following individuals were appointed to serve on the respective Board, Commission or Committee, for terms expiring June 1 of the year indicated, unless otherwise specified.

#### 202-5 Park, Recreation and Community Services Board

For the Park, Recreation and Community Services Board, the Council made the following selections: Terre Hirsch (2005), and Todd Layfer (2005).

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202-1 Board of Building and Fire Code Appeals Board For the Board of Building and Fire Code Appeals, the Council made the following selections: Charles Johnson (2005), Kenneth San Miguel (2005), and Robert Mills (2005).

406 Burbank-Glendale-Pasadena Airport Authority Commission For the Burbank-Glendale-Pasadena Airport Authority Commission, the Council made the following selections: Bill Wiggins (2005), Dave Newsham (2005), and Charles Lombardo (2005).

203-2 Traffic and Transportation Committee For the Traffic and Transportation Committee, the Council made the following selections: William Stevens (2003) and Michael Kubasak (2003).

202-7 Police Commission For the Police Commission, the Council made the following selections: Brooks Gardner (2005), Claudia Bonis (2005), and Joseph Gunn (2005).

202-6 Planning Board For the Planning Board, the Council made the following selections: Emily Gabel-Luddy (2005), Carolyn Berlin (2005), and Gregory Jackson (2005).

202-4 Board of Library Trustees For the Board of Library Trustees, the Council made the following selections: Mary Doris Beaumont (2005), Larry Johnson (2005), and Cele Burke (2005).

203-3 Civic Pride Committee For the Civic Pride Committee, the Council made the following selections: Ellie Myer (2003), Janet Diel (2003), Lousie Paziak (2003), Valene Rolon (2003), and Susan MacFarlane (2003).

203-5 Youth Endowment Services Fund Advisory Committee For the Youth Endowment Services Fund Advisory Committee, the Council made the following selections: George Mahshigian (2005), Michael Gutierrez (2005), and Linda Walmsley (2005).

- 202-8  
Burbank Water  
and Power  
Board
- For the Burbank Water and Power Board, the Council made the following selections: William Barlak (2005), Robert Olson (2005), and Thomas Jamentz (2005).
- Motion
- It was moved by Mr. Golonski seconded by Mrs. Ramos and carried that "the City Council rescind the previous appointment of Janet Diel to the Civic Pride Committee so she may instead be considered for appointment to the Transportation Commission."
- 202-12  
Motion For  
Transportation  
Commission
- It was moved by Mrs. Murphy, seconded by Mr. Laurell and carried with Mr. Golonski abstaining that "the following four applicants for the Transportation Commission be appointed: Reverend Tania Yvette Theresa Kleiman (2005), Janet Diel (2005), Lucy Burghdorf (2005), and Frank Barneburg (2005)."
- 203-3  
Civic Pride  
Committee
- Due to the City Council rescinding the previous appointment of Janet Diel to the Civic Pride Committee, the Council voted again for one vacancy and made the following selection: Linda Silvas (2003).
- 202-2  
Civil Service  
Board
- For the Civil Service Board, the Council made the following selections: Matthew Doyle (2005), Linda Barnes (2005), and Malcolm Kelman (2005).
- 202-11  
Landlord-Tenant  
Commission
- For the Landlord-Tenant Commission, the Council made the following selections: Janice Della Bunch (2005), Nat Rubinfeld (2005), and Victor Wolfe (2005).
- 1206  
Charter Comm.  
Plan to Raise  
Basic Tier  
Cable Rates
- Mr. McManus, Public Information Officer, reported that the Cable Television Consumer Protection and Competition Act of 1992, the 1996 Telecommunications Act, and Federal Communications Commission (FCC) regulations permit the City of Burbank, as a certified franchising authority, to regulate cable television subscriber rates charged by Charter for Basic Service Tier (BST) and associated equipment.
- He explained that the FCC regulations establish the conditions under which the City may regulate such rates. He said those regulations require that Charter demonstrate its proposed rates are "reasonable" and comply with the FCC's standards. He

noted that if Charter does not demonstrate that its rates comply, their proposed rates can be declared "unreasonable" and be subject to the FCC's comprehensive rate standards.

Mr. McManus discussed that on March 1, 2001, Charter submitted FCC Forms 1240 and 1205 proposing increases in programming rates and changes in equipment and installation rates to go into effect on June 1, 2001. He said that FCC Form 1240, which is utilized for modifying annual programming rates, proposes an increase in BST rates from \$12.21 to \$12.84 (an increase of \$.63 or 5.2 percent). He then said that Form 1205 proposes changes in equipment and installation rates for all equipment in a subscriber's home used to receive BST services.

He then said that the cities of Burbank and Glendale jointly retained Telecommunications Management Corporation (TMC) to review the Forms and determine whether said Forms are in accordance with FCC regulations. He noted that upon review, TMC determined that Form 1240 was "calculated in a manner consistent with FCC regulations" and Form 1205 was "calculated in a manner consistent with the Form's instructions.

In response to a question from the Council regarding the increase in the second tier, Michael Friedman, TMC, said that as of March 31, 1999, the Federal Government deregulated the rates for that tier so there is no regulatory authority either by the City or the FCC as there had been in the past for that tier of service. He stated that the cable operator is therefore free to charge what it wishes, which in this case is \$2.88. He further stated that there is very limited authority given by Congress that covers the basic service tier which everyone takes as an entry into the cable system, and includes Channels 2 through 32 and the equipment and installation charges associated with that tier of service.

In response to a question from the Council, Tom Belcher, representing Charter Communications, said Charter was proposing the BST rate increase of \$12.21 to \$12.84 primarily due to significant increases in programming costs and the addition of new channels. He further said that the calculations indicate that the maximum permissible rate for this service is actually \$13.14. He then noted that, based on a study performed by Charter, they provide more channels at a lower cost than the service providers in surrounding cities.

The City Council received the report.

1504  
Hydroturbine  
Generators

Mr. Lantz, Burbank Water and Power Assistant General Manger, reported that on May 10, 2001, the Burbank Water and Power (BWP) Board approved a \$147,630 Agreement with Tekdraulics for the installation of two hydroturbine-generators at the Valley Pumping Plant. He noted that Tekdraulics was the only vendor the Water Division was able to identify that had hydroturbines sized for the department's application.

He explained that the Valley Pumping Plant receives water from the Metropolitan Water District at 250 psi. He said this pressure is reduced to about 120 psi before it is blended with groundwater treated at the Burbank Operable Unit. He noted that this project will replace one of the pressure-reducing valves with two hydroturbine generators.

Mr. Lantz then said that these turbine/generators can be run separately or combined to produce 150kW, 250 kW, or 400 kW. He noted that it is expected to produce about 1,000,000 kWh through the summer and 2,000,000 kWh annually, but noted the actual generation will depend on the amount of water imported by BWP.

He concluded by stating that the total project funding is estimated to be \$204,440.40. He noted that funding would be provided by the BWP Power Division from authorized funds for Power Resource Development. He further noted that some engineering, project management, mechanical and electrical work would be performed by BWP staff.

The Council noted and ordered the report filed.

Ordinance  
Submitted

It was moved by Mrs. Murphy and seconded by Mr. Laurell that "Ordinance No. 3578 be read for the second time by title only and be passed and adopted." The title to the following ordinance was read:

907  
Unclaimed  
Property

ORDINANCE NO. 3578:  
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTION 9-405 OF THE BURBANK MUNICIPAL CODE RELATING TO DISPOSITION OF UNCLAIMED



5/22/01

- PROPERTY.  
Adopted The ordinance was adopted by the following vote:
- Ayes: Council Members Golonski, Laurell, Murphy, Ramos and Kramer.  
Noes: Council Members None.  
Absent: Council Members None.
- 11:03 P.M. Reconvene Redev. Agency Meeting The Redevelopment Agency meeting was reconvened at this time.
- Public Comment Mr. Kramer called for the second period of oral communications at this time.
- Citizen Comment Appearing to comment were Mark Barton, stating the chairs in the Fire Training Center are very uncomfortable; Esther Espinoza, on concern with the appointments made by the Council to the various Boards, Commissions and Committees; and Mike Nolan, on similar work done by former Mayor Earle Blais many years ago to look into hydroturbine generators and supporting the agreement for the generators, and on concern with the statements made in the staff report on the AMC project related to disabled seating in the theaters.
- Staff Response Members of the Council and staff responded to questions raised.
- Adjournment There being no further business to come before the Council, the meeting was adjourned at 11:13 p.m. to Thursday, May 24, 2001, at 6:00 p.m. at the Fire Training Center, 1845 North Ontario Street, to conduct a Budget Study Session including discussion of the Budget for the Burbank Water and Power Department, and the updated Utility Users Tax Report.

Judie Sarquiz, City Clerk

APPROVED JULY 17, 2001

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Mayor of the Council

of the City of Burbank