

TUESDAY, JUNE 26, 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 5:00 p.m. by Mr. Kramer, Mayor.

CLOSED SESSION

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

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

Citizen Comment Appearing to comment was Margie Gee, inquiring about Closed Session procedures and noting concern that disclosure during the Reporting of Closed Session was not adequate, and asking about the Airport Variance procedure.

5:05 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): 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
- d. Conference with Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
Name of Case: City of Burbank v. Kenneth W. Cleghorn, et al.
Case No.: BC 237021
Address: 111 West Burbank Boulevard
Brief description and nature of case: Eminent domain (tenant's claim).

- e. Conference with Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
Name of Case: City of Burbank v. Chevron USA, Inc.
Case No.: BC 232472
Address: 923 West Burbank Boulevard
Brief description and nature of case: Eminent domain (tenant's claim).

Regular Meeting Reconvened in Council Chambers	The regular meeting of the Council of the City of Burbank was reconvened at 6:41 p.m. by Mr. Kramer, 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 Jess Talamantes, Vice Chair, Park, Recreation and Community Services Board.
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 Civic Pride's Plant-A-Tree Donation	Civic Pride Committee Members Susan MacFarlane and Valene Rolon presented Mayor Kramer with a check in the amount of \$4,298 which was the money collected by the Committee for the Plant-A-Tree event to offset the purchase of ornamental trees to be planted in Lundigan Park.
301-1 July is Park, Recreation, & Community Services Month	Mayor Kramer presented a proclamation to Jess Talamantes, Vice Chair of the Park, Recreation and Community Services Board, in celebration of July as Park, Recreation and Community Services Month.
6:52 P.M. Hearing 1101-4 1101-1 GPA 2000-2, Amendment of	Mayor Kramer stated that "this is the time and place for the hearing on General Plan Amendment No. 2000-2 relating to the updated Housing Element of the General Plan. The items for Council consideration are resolutions approving a Negative Declaration and General Plan Amendment No. 2000-2."

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the Housing
Element of the
General Plan

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

Ms. Lazar, Senior Planner, reported on the request for City Council approval of General Plan Amendment No. 2000-2, which she said is an update and revision of the City's Housing Element. She noted that the Housing Element is one of seven state-mandated General Plan Elements.

She discussed that the lack of appropriate housing opportunities is considered by some to be the most serious impediment to continued economic growth in California. She noted that the California Department of Housing and Community Development considers the Housing Element to be one of the most important tools for addressing housing needs in California.

Ms. Lazar explained that Burbank's Housing Element should be viewed not as a goal, or end product in and of itself, but rather, as an important tool for addressing the community's housing needs. She said the Housing Element identifies needs and priorities, and establishes policies and programs to further the creation of much needed housing in the community.

She then said that Burbank's housing needs have changed over the past decade, as have urban housing trends. In addition to the continuing need for affordable workforce housing, she said Burbank needs additional housing for executives and high-income residents. In response to these evolving trends in employment and lifestyles in the community, she said the Housing Element update is an opportune time to look at new and unique housing types such as live/work lofts for career professional artists and small home businesses, mid-week apartments for local executives who live far from their jobs in Burbank, mixed-use residential/commercial developments and downtown in-fill housing. She further said that the update gives special attention to the preservation and creation of affordable housing opportunities.

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BID Resolution
to Levy
Assessments

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 protests were filed in the Clerk's Office on this matter.

Staff
Report

Mr. Emmett, Redevelopment Project Analyst, reported that on July 22, 1994, the City Council adopted Ordinance No. 3375 ordering the formation of the Downtown Burbank Village Business Improvement District (BID). He said that the purpose of the BID is to assess business owners within the District, bounded by Magnolia Boulevard, Angeleno Avenue, Third Street and First Street, to raise funds to promote Downtown Burbank.

He discussed that the Resolution of Intention (ROI) to levy assessments for Fiscal Year (FY) 2001-02 was adopted by the City Council on May 22, 2001. He said that the ROI set the time and place for the BID public hearing for June 26, 2001 and preliminarily approved an Assessment Report that established the budget, activities, formulas, boundaries and zones for FY 2001-02. He noted that no changes to the Assessment Report are proposed for FY 2001-02.

Mr. Emmett explained that at the public hearing, business owners within the District who are assessed have the opportunity to protest the BID assessment. He said that if the businesses that protest represent 50 percent or more of the total amount assessed for that year, no levy of assessments can occur that year. However, he said that if the 50 percent protest threshold is not reached, the City Council must adopt a Resolution to Levy Assessments before a levy of assessments can occur.

He further said that at the public hearing, the Council will be asked to appoint the BID Advisory Board for FY 2001-02. He said that applications were received from the following people: Ana Caillet-Bois – Comfort by Design; Frank Gangi – property owner; Mary Ann Sutliff – Claudine's Hair Salon; William Tucker – property owner; and, Charles Zidell – property owner. He noted that staff was recommending that the Council appoint all five applicants.

Hearing Closed - No Protests Filed	There being no response to the Mayor's invitation for oral comment, the hearing was declared closed. Further, since there were no written protests filed with the City Clerk and therefore the Council received less than a 50 percent protest, the City Council has the option to proceed with approval of the proposed resolution to levy assessments for FY 2001-02.
Motion	It was moved by Mr. Golonski and seconded by Mrs. Murphy that "the following resolution be passed and adopted and that the City Council appoint all five applicants to the BID Advisory Board:"
1202-6 Approve Assess. Report and 2 nd Amend. with Downtown Stakeholders	<u>RESOLUTION NO. 26,041:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE ASSESSMENT REPORT, LEVYING ANNUAL ASSESSMENT FOR FISCAL YEAR 2001-2002 (BURBANK VILLAGE BUSINESS IMPROVEMENT DISTRICT NO. 1) AND APPROVING A SECOND AMENDMENT TO THE AGREEMENT WITH THE DOWNTOWN STAKEHOLDERS CONCERNING THE ADMINISTRATION OF THE DISTRICT.
Adopted	The resolution and appointments to the Board were adopted by the following vote: Ayes: Council Members Golonski, Laurell, Murphy, Ramos and Kramer. Noes: Council Members None. Absent: Council Members None.
Reporting on Closed Session	Mr. Barlow reported on the items considered by the City Council and Redevelopment Agency during the Closed Session meetings.
First Period of Oral Communications	Mr. Kramer called for speakers for the first period of oral communications at this time.
Citizen Comment	Appearing to comment were Eden Rosen, on concern with rental rates increasing in Burbank and presenting information to the Council on this matter, and on concern that many of the landlords do not properly maintain their properties; Margie Gee, on her belief that governmental bodies are required to adopt parliamentary rules/code of order; and Esther Espinoza, stating her belief the City is discriminatory in its hiring practices.

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

Second Period of Oral Communications Mr. Kramer called for speakers for the second period of oral communications at this time.

Citizen Comment Appearing to comment were Jay Gudzin, on behalf of the Burbank Unified School District, stating his appreciation for the Youth Endowment Services (YES) Fund Advisory Committee's recommendation to award YES Fund grant monies to replace the John Burroughs High School score board; Gary Milliman, representing the League of California Cities Grassroots Network, stating he was available to answer any questions regarding the Program, and stating his support for the Program; Maureen Ehrhardt, stating she spoke at the public hearing on June 5, 2001 to oppose the proposed Temple Emanu El Conditional Use Permit (CUP) due to concern the project may cause to her property value, on concern with misrepresentation of facts by the Temple related to the design of the proposed childcare facility, and asking the Council to not approve the CUP; Jean Friedman, stating the Temple pre-school is an asset to the community, on the need for more space to accommodate the pre-school and other religious education, and asking the Council to approve the CUP;

Larry Stamper, supporting the Temple CUP, stating change is difficult for a neighborhood but noting his belief the Temple will continue to be a good neighbor, and stating that the Temple Rabbi and Rabbi Emeritus will be responsive to the neighborhoods concerns regarding the proposed childcare facility; Gilbert Grodsky, on difficulty he has experienced due to racism, on the need for additional space at the Temple for religious schools and other religious events at the Temple, and asking the Council to support the CUP; Marie Paino, on the importance of the Chandler Bikeway Program and asking the Council to support the project; Carol Miller, preschool director at Burbank Temple Emanu El, on the difficulty working families have finding affordable quality childcare, on the need for more space to build a new childcare facility and allow for the current preschool program to expand by 20 students, on the importance of children receiving a good moral background to be upstanding citizens, and stating the preschool will be good neighbors; Steve Miller, stating he lives across the street from the proposed site, stating concern with the tear-down of a residential home and construction of a large facility, stating many of the residents in the neighborhood were not supportive of the proposed Temple facility, and stating the

Temple should find another way to expand the childcare program; Karen DeJong, opposing the proposed Temple CUP, stating the neighborhood supports the Temple and childcare but opposes the detriment the proposed facility will cause to the residential neighborhood; Glen Biehler, on concern with the impact the proposed Temple facility will have on the property values, on concern that the proposed building is too large for the childcare facility and noting the remaining square footage may be used for rental uses for weddings etc, and asking the Council to oppose the CUP; Patrick Murphy, on the benefit the proposed Temple facility will have for the community, stating the Temple will be good neighbors and are not asking for anything more than two other nearby religious facilities already have, and asking the Council to approve the CUP;

Robert Bowne, representing the Temple, stating the Temple has worked hard to meet the needs of the neighborhood, referring to the passage of the Religious Land Use Act of 2000 that was unanimously approved by both houses and referring to a letter from a Washington D.C. law firm regarding the applicability of the Act to this project, referring to a letter from the Burbank Ministerial Association President Ron Degges supporting the Temple CUP, and urging the Council to deny the appeal and approve the CUP; Ira Lippman, stating he has been the Temple representative on the proposed facility, on the need for the Temple to provide a facility for their preschool and religious education programs, on the applicability of the Religious Land Use Act noting his belief it requires the Council to approve the CUP, and explaining the reason for the two sides of the kitchen noting it is necessary to address their religious beliefs, and stating the Temple is and will continue to be a good neighbor; Rabbi Paula Reimers, stating the Planning Board carefully considered the Temple CUP and noted that their requested changes were incorporated, on the problem the lack of space at the Temple has caused for both the religious study programs and preschool, stating the preschool is a service to the neighborhood and noting a great number of the students are not Jewish children, stating the Temple has no plans to house weddings and do not intend to impact the neighborhood in that way, and asking the Council to support the CUP; Jonathan Rubinfeld, stating he attended the Temple preschool 12 years ago, stating the residents opposing the Temple are concerned with the impact the facility will have on their homes noting his belief that the reverse will happen and referring to prices of homes in Sherman Oaks near educational facilities, and asking the Council to approve the Temple CUP; Paul Katz, on the importance of the City complying with the federal Religious Land Use Act noting it was approved due to

the difficulty religious institutions encounter in building religious facilities, on the difficulty the Temple would have constructing a new preschool on the current site, and asking the Council to approve the CUP noting it is an appropriate use for the site; Robert LaVerde, appellant for the Temple CUP, stating he believes it is wrong for the Temple to encroach in the residential neighborhood noting it will impact the integrity of the neighborhood, and asking the Council to approve the appeal; Dave Stott, on concern with the impact the Temple facility will have on the surrounding residential properties and on concern with what will occur with the site should the Temple relocate at some time in the future; Phil Reeves, stating his son attends the preschool and noting it is a great facility, stating the Temple has always been terrific neighbors, and stating the facility will be beneficial for the community; Margie Gee, supporting the Restore Our Airport Rights (ROAR) initiative, and refuting comments made in the ballot argument against the ROAR initiative; John Simmons, on the importance of childcare, stating the Temple has always been good neighbors, and asking the Council to deny the appeal;

William Ruddell, attorney representing the appellant in the Temple matter, stating the neighborhood and appellants have participated in the meetings held by the Temple and staff, stating the public hearing on this matter was conducted and closed on June 5, 2001 and the matter was continued to allow one absent Council Member to participate in the vote, stating his belief that the post hearing meeting held on June 21 and this meeting this evening undermines the public hearing process as information not presented at the public hearing on June 5, 2001 should not be considered as the hearing was closed, and stating the need to protect the integrity of this single-family neighborhood and asking the Council to uphold the appeal; Esther Espinoza, opposing the improvements proposed for the Burbank Empire Center project, and opposing the Council's change to the oral communication process; Wyomi Fernando, teacher at the Temple preschool, on the important service provided by the Temple, on the need for the preschool to expand, and asking the Council to approve the CUP; Michael Gutierrez, thanking the Council for appointing him to the Youth Endowment Services (YES) Fund Advisory Committee, on his work with a number of preschools in the community and noting his belief the Temple provides a wonderful educational environment for the children, and asking the Council to deny the appeal and allow the Temple to expand their services; Peter Chernack, thanking the Council for their participation in this important process, stating the advantages for the new preschool facility outweigh the disadvantages to losing a residential home, and asking the Council to deny the appeal; Sylvia Nielson, on the

importance of preschool and religious education but noting she is torn in this matter as her home is her only investment in her future; and Tom Lopez, asking the Council to grant the appeal regarding the Temple CUP, stating the Temple has done a good job educating children but noting his opposition to their approach to continue their education of children by impacting the integrity of the neighborhood, and asking that if the Council approves the project that they require the building to be scaled down and made to look more like a home.

8:36 P.M.
Recess

The Council recessed at this time. The meeting reconvened at 8:48 p.m. with all members present.

Citizen
Comment
Continued

Annie Chalian, stating her family has been committed to children and the education of them throughout the years but noting concern that the proposed Temple facility will have a negative impact on the character of the neighborhood, and urging the Council to approve the appeal; Bob Etter, on the importance of religious education and asking whether a nearby church could help the Temple on a temporary basis to relocate the preschool so they can rebuild a preschool on their current site, and on concern with the City demolishing the former Lincoln School on the new Buena Vista Library site before having the parking issues addressed by the Traffic and Transportation Committee; Len Kushner, stating that following the June 5 public hearing on the Temple CUP, the Council directed staff to hold a meeting between the parties to try and resolve the issues, noting that at the June 21 public meeting held by staff the residents expressed concern with the design of the proposed facility and stated their desire to have it designed to look like a home however once the Temple agreed to redesign the facility the neighborhood then said they did not want a preschool on the site, and as such noting the difficulty to address the residents' desires;

Nat Rubinfeld, stating the neighborhood surrounding the Temple does not want the use no matter how the facility is designed, and on the importance of the federal Religious Land Use Regulation Act and urging the Council to follow that law; Howard Rothenbach, stating the Temple is a business and should be treated as such, on concern with the proposed traffic circulation plan for the new Buena Vista Library/park site, and opposing the adoption of the West Olive Redevelopment Plan Amendment and asking questions about the tax increment on the Plan; Ted McConkey, stating the Council should be making policies not staff, on concern that staff said he did not live in the West Olive Redevelopment Plan without verifying that matter with him personally, stating

the Temple matter should have been considered as a hearing particularly since new information has been provided to the Council, and supporting the ROAR initiative; Celeste Francis, stating the Temple preschool sounds as though it will be of benefit to the neighborhood, opposing the Council changes to the oral communication process, opposing the removal of a median on Buena Vista Street as proposed in the Empire Center Improvement project, and on concern with material she received from the Airport regarding the sound insulation program; Mark Barton, stating the reality of the future is that the Burbank Airport will increase, and on the Burbank Empire Center project; David Piroli, suggesting the Council make announcements at meetings regarding City services when there are City holidays, stating oral communications is a public comment period but noting public input during a public hearing is different as that is the time to present evidence and information regarding the hearing and as such should not have had the time period reduced to four minutes, and asking about the removal of the median on Buena Vista Street at Vanowen related to the Empire Center project; Dr. Theresa Karam, opposing the proposed removal of the median on Buena Vista Street related to the Empire Center project, suggesting a chart be prepared to help people understand the new oral communication process and the new cards, opposing the Temple CUP, and supporting the ROAR initiative; Mike Nolan, opposing the process for the Temple CUP, asking why public officials were at the Zelman site today in environmental suits when the public was assured no more digging would be done on the site, and on concern with the Burbank Empire Center project; and Larry Applebaum, stating his family owns a home near the Temple, stating the preschool use is entitled with the existing R-1 rules, noting there are existing structures similar to the proposed facility, and on the importance of childcare and asking the Council to deny the appeal.

Staff
Response

Members of the Council and staff responded to questions raised.

1704-3
602
CUP 2000-41
(407 E. Bethany,
Temple Emanu
El)
Continued
Hearing

Mayor Kramer stated that "this is the time and place for the continued hearing on the appeal of the Planning Board's decision on Conditional Use Permit, CUP No. 2000-41 and a Mitigated Negative Declaration related thereto, applied for by Burbank Temple Emanu El requesting authorization to operate a school located at 407 Bethany Road, Burbank, in the R-1 zone. The CUP was approved by the Planning Board on March 26, 2001. This hearing was first opened on June 5, 2001 and the public testimony portion of the hearing was closed on that date. The hearing was continued to this date to allow further Council

deliberations.”

Staff
Report

Mr. Bashmakian, City Planner, reported that on June 5, 2001, the City Council held a public hearing on the appeal of the Planning Board’s approval of Conditional Use Permit No. 2000-41 with Development Review No. 2000-24 which would permit Burbank Temple Emanu El to build a 4,275 square foot building for a preschool and religious school at 407 East Bethany Road. He noted that at that meeting, the Council voted to continue the hearing so Council Member Golonski could participate in the deliberations.

He then explained that during the June 5, 2001 hearing, the Council expressed hope that the continuation of the hearing would allow staff time to facilitate a neighborhood meeting. He said that staff subsequently contacted the principal parties and invited them to participate in a community meeting at the Temple Social Hall on June 21, 2001. He said that although the Temple agreed to redesign the proposed facility to meet the neighborhoods desires, the end result of the meeting was that the neighborhood did not want the use at that site. He noted that the neighborhood did however say that if the Council approves the project, they want a condition to be imposed which requires the facility to look like a home.

Motion
Failed

It was moved by Mr. Laurell, seconded by Mr. Golonski and failed with Mrs. Murphy, Mrs. Ramos and Mr. Kramer voting no that "the hearing be continued and renoticed to a future date and that the two parties be directed to work together to find a way to proceed with the project and mitigate as many impacts as possible.”

Motion

It was moved by Mr. Golonski, seconded by Mr. Kramer and carried with Mrs. Murphy and Mrs. Ramos voting no that "staff be directed to prepare a resolution to reverse the Planning Board’s decision approving Conditional Use Permit No. 2000-41 and Development Review No. 2000-24 and upholding the appeal.”

10:19 P.M.
Recess

The Council recessed at this time. The meeting reconvened at 10:24 p.m. with all members present.

10:24 P.M.
Mr. Laurell Left
the Meeting

Mr. Laurell left the meeting at this time due to a conflict of interest with the following agenda item because he lives

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within 500 feet of the project proposed to receive funding.

Jt. Mtg. with
the Redev.
Agency and YES
Fund Board
804-3
1102
811
412
Funding
Recommend.
from the YES
Committee

Mr. Flad, Park, Recreation and Community Services Director, reported on the recommendation of the Youth Endowment Services (YES) Fund Advisory Committee for the City Council, Redevelopment Agency and YES Fund Board, to approve a grant award totaling \$43,863 in YES funds for capital improvements to Memorial Stadium at John Burroughs High School (JBHS). In addition, he said the YES Committee is also requesting approval to designate \$73,946 in the YES Fund balance for the City's South San Fernando Park Project.

He explained that due to a balance of \$117,809 in tax increment funds following the 2000-01 YES Fund grant cycle, the YES Fund Board directed the YES Fund Advisory Committee to reopen the grant application process in March with a filing deadline of May 1, 2001. He said that JBHS was the only organization to present an application. He noted that the requested funding would allow JBHS to purchase a new scoreboard for Memorial Stadium.

Motion

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

YES Reso.
Adopted

Youth Endowment Services Fund Resolution No. Y-23 Approving a Grant Award and Amending Fiscal Year 2000-2001 Budget for the Purpose of Appropriating Funds for Grant Recipients of the YES Funds was adopted.

Redev. Agency
Reso Adopted

Redevelopment Agency Resolution No. R-2006 Authorizing Certain Youth Endowment Services Expenditures was adopted.

804-3
1102
811
412
Authorizing
Certain YES
Expenditures

RESOLUTION NO. 26,042:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING CERTAIN YOUTH ENDOWMENT SERVICES EXPENDITURES.

Adopted

The resolutions were adopted by the following vote:

Ayes: Council Members Golonski, Murphy, Ramos and Kramer.

Noes: Council Members None.
Absent: Council Member Laurell.
10:28 P.M. The Redevelopment Agency and Youth Endowment Services
Recess of the Fund Advisory Committee meetings were recessed at this time
Redev. Agency to permit the Council to continue its meeting.
And YES Fund
Meetings

10:28 P.M. Mr. Laurell returned to the meeting at this time.
Mr. Laurell
Returned to the
Meeting

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

1204-1 RESOLUTION NO. 26,043:
Final Approval of A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Tract No. 52966 APPROVING FINAL MAP OF TRACT NO. 52966.
(542 N. Shelton)

304-1 RESOLUTION NO. 26,044:
203-3 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
801-2 AMENDING FISCAL YEAR 2000-2001 BUDGET FOR THE
Plant-A-Tree PURPOSE OF ACCEPTING THE CIVIC PRIDE COMMITTEE'S
Donation DONATION OF PLANT-A-TREE MONIES.

915 RESOLUTION NO. 26,045:
PSA w/United A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Water Svcs. APPROVING THE AGREEMENT BETWEEN THE CITY OF
BURBANK AND UNITED WATER SERVICES, INC. FOR THE
OPERATION AND MAINTENANCE OF THE CITY OF BURBANK
WATER RECLAMATION PLANT AND RELATED PROGRAMS.

201-1 RESOLUTION NO. 26,046:
Oral A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Communications AMENDING RESOLUTION NO. 26,029 RELATING TO ORAL
During Public COMMUNICATIONS AT PUBLIC HEARINGS.
Hearings

Adopted The consent calendar was adopted by the following vote:

Ayes: Council Members Golonski, Laurell, Murphy, Ramos
and Kramer.

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1504
Water and
Power Monthly
Operating Report

Noes: Council Members None.

Absent: Council Members None.

Mr. Davis, Burbank Water and Power (BWP) General Manager, reported on the request from the City Council at the May 15, 2001 Council meeting for staff to begin providing monthly oral presentations updating the Council and public on Burbank's water quality and power operating issues.

He began by discussing the following matters related to the power operation that have occurred since the last report to the Council: the Olive generating units were placed back in to service in May; the Magnolia Power Project is before the California Energy Commission awaiting acceptance of adequacy which is anticipated to occur in July; the new combustion turbine (approved by Council on June 12, 2001) will be delivered in March 2002 and the Department is currently interviewing engineer and construction managers to oversee the project which is to be completed in July 2002; the shared customer and City station located on the Warner Bros. lot was replaced; last week the Federal Energy Regulatory Commission issued an order that seems to restrict Burbank's ability to conduct business and generate revenues for the City to offset costs and may in fact pursue some refunds both from the City and to the City and staff will provide additional information on this order in the near future; and, Governor Davis issued Executive Order D-40 which will allow the City to run their generators regardless of their emission credits.

With regard to the water operation, Mr. Davis discussed that the water quality reports show all facilities are well below the 5 parts per billion goal for chromium 6.

Lastly, he discussed that the City has a \$6 million accounts receivable with the California Independent System Operator (ISO) which occurred this past winter when the Department of Energy directed the City to run all generation and make it available to the ISO and then they promptly stopped making payments to the City shortly following the directive. He said the City initially tried to avoid sales to the ISO and although Sempra Energy had an agreement with the ISO they recommended that the City not sell to it so they did not want any profits nor any sales. He noted that Sempra put in writing that they did not want Burbank making any sales and if Burbank makes sales against their recommendation they will not take any risk in the matter. Thus, he said Burbank agreed to Sempra's recommendation and stopped making any sales to the ISO, yet the order from the Department of Energy forced the City to make capacity available to them and which is how Burbank ended up with the \$6 million accounts receivable. He noted that Sempra has no responsibility in this loss as they did

not recommend that Burbank make the sales to the ISO.

The City Council received the report.

701
1702
Buena Vista
Branch Library &
Lincoln Park
Project Vehicular
Access Plan

Mr. Clifford, Public Works Capital Project Manager, reported that on April 10, 2001, the City Council approved Planned Development No. 2001-1, the new Buena Vista Library and Lincoln Park Project. At that meeting, he said the City Council approved an additional condition requiring staff to evaluate alternatives to the Project's "Vehicular Access Plan" for subsequent consideration by the City Council.

Pursuant to that Council condition, he explained that staff conducted several studies to assess the need for other traffic control measures to be implemented into the existing Vehicular Access Plan. He said the specific findings included the following: Buena Vista carries about 27,000 daily vehicles with traffic about equally split in each direction; Brighton Street carries approximately 500 daily vehicles with 270 and 230 daily vehicles northbound and southbound, respectively; project generated traffic resulted in a combined total of 590 daily vehicle trips; Hollywood Way also carries about 24 percent more traffic than Buena Vista Street with 33,400 and 27,000 daily vehicles, respectively; and, traffic usage at the Warner Bros. Studio entrance on Hollywood Way is substantially higher simply due to its 7,500 employee population and its 3,000 vehicle on-site parking capacity.

As a result of the studies, Mr. Clifford said staff identified several alternative traffic control measures which were used to develop the following three primary and viable options for the Council to consider: Option 1 – Buena Vista Street 38 foot wide right turn exit lane, a 10 foot wide left turn exit lane, and a 17 foot wide entry lane; Manually operated and locking swing gate at Brighton Street to remain open during regular business hours; Brighton Street 24 foot wide secondary access comprised of one 12 foot wide entry and exit lane each; Preclude parking along the west side of Buena Vista Street only 20 feet north of and 100 feet south of the main entry to enhance clear line of sight for exiting vehicles; Maintain the existing two-way left-turn pocket along Buena Vista Street; and, Provide interior signage within the parking lot and Library to encourage the use of Buena Vista Street rather than Brighton Street; Option 2 – Same as Option 1 and staff to perform a subsequent traffic circulation study along Brighton Street approximately nine months after the Library

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opening to evaluate the potential need to implement Neighborhood Protection Plan measures such as speed humps and street chokers; and, Option 3 – Same as Option 2 plus the installation of a complete traffic control system at the Buena Vista Street main entrance including the control of the apartment complex driveway directly opposite this main entrance.

He concluded by stating that staff was recommending approval of Option 2.

Motion

It was moved by Mrs. Murphy, seconded by Mr. Laurell and carried with Mr. Golonski voting no that "the City Council approve Option 2 but that it be modified to include Buena Vista Street in the traffic circulation study and the undergrounding of the necessary wires and infrastructure to provide for a traffic signal at the main entry on Buena Vista Street should it be found to be needed following the traffic circulation study."

1502
410
Chandler Blvd.
Bikeway Project

Ms. Tuncay, Principal Planner, reported that since October 1999, the Chandler Boulevard Bikeway Project has changed only minimally because of Metropolitan Transportation Authority (MTA) requirements. She said the project includes construction of a two-way bike path with an adjoining pedestrian path that meanders down the median of Chandler Boulevard. She noted that the remaining median will be landscaped with grass and trees and irrigated with reclaimed water.

She explained that staff has encountered many delays and obstacles since the plans were submitted to the MTA in December 1999. She said that with the help of the community and Council, staff was able to convince the MTA to approve the City's plans with only slight modifications. She noted that other delays were caused because of the federal grant funding process involved with this project and the approvals needed from MTA before the City can continue with construction document submittal.

Ms. Tuncay said that it is expected that the construction documents will be submitted to Caltrans in July for their approval. Before Caltrans can authorize the City to proceed with bidding the project, she said the City must enter into a lease agreement with the MTA, which she said should be complete in August. She then said that construction is expected to begin in January 2002 and be completed by July 2002. Lastly, she noted that staff will continue to provide a

monthly update to the Council until the construction is complete.

The City Council noted and ordered the report filed.

409
League of Calif.
Cities Grassroots
Network Vote

Mr. Hess, Administrative Analyst, reported that the League of California Cities (League), an association of California city officials from all throughout the state who work together to influence policy decisions at all levels, exchange information and combine resources, has introduced the Grassroots Network proposal following the culmination of their 18 month strategic planning process. He noted that the League has stated that the goal of the Network proposal is to focus on major issues of concern to all cities, such as fiscal reform, increased funding for transportation and local control.

He explained that according to proponents of the Grassroots Network proposal, cities will benefit from the increased visibility of city issues in local and statewide media, and by holding legislators accountable in each of their respective districts for the votes they cast in Sacramento. He said the Network proposes to provide 14 new and reallocate 3 existing staff in 10 field offices to support the League's 16 regional divisions and 475 cities in advancing legislation that is designed to benefit all cities. He noted that these staff persons would be available to assist city officials and the League's regional divisions to work more closely with legislators, legislative district staff, news media, and community groups to form coalitions that will help protect city revenues and local control.

Mr. Hess discussed that currently the membership dues are in proportion to the population of the member city. He said Burbank's dues for 2001 are \$13,075 and the Grassroots Network is estimated to cost Burbank an additional \$11,094, bringing the total League dues to \$24,169. He noted that the Network proposal must be approved by 2/3 of the cities voting and would be effective July 1, 2001.

He concluded by stating that staff was not supportive of the Network at this time for the following reasons: the energy crisis will continue to dominate the legislative stage for the immediate future and the Network program will not be as successful in this type of situation than, perhaps, under different circumstances; and, the doubling in dues in a single year for such an unproven program does not seem to be a prudent decision at this time.

6/26/01

Motion

It was moved by Mrs. Murphy, seconded by Mr. Golonski and carried that "the City's voting delegate to the League of California Cities, Vice Mayor David Laurell, be directed to cast a vote in opposition to the Grassroots Network proposal; yet, staff be directed to continue budgeting the increase in dues to remain a member in case the proposal is approved by 2/3 of the League's membership."

1301-3
410
1702
Burbank Empire
Center
Intersection Imp.
Project
(B.S. 1044)

Ms. Teaford, Traffic Engineer, reported on the request for City Council approval of two resolutions related to the Burbank Empire Center Intersection Improvement Project, Bid Schedule No. 1044, that would do the following: award contract documents and contracts for construction management; and, approve a Construction and Maintenance Agreement with the Southern California Regional Rail Authority (SCCRA) and two License Agreements with the Los Angeles Metropolitan Transportation Authority (MTA).

She explained that on June 13, 2000, the City Council certified the Environmental Impact Report (EIR) for the Burbank Empire Center. She said the EIR identified several traffic improvements to mitigate impacts created by the Project. She noted that one group of the required improvements included modifying five nearby intersections, collectively called the Burbank Empire Center Intersection Improvement Project.

Mrs. Teaford discussed that the work for this Project includes roadway, storm drain, traffic signal, and railroad improvements to provide exclusive/protected right and left turn lanes. To accommodate the necessary improvements without acquiring additional right of way, she said some on-street parking will need to be removed near four of the following five intersections to be improved: Buena Vista Street/San Fernando Boulevard; Buena Vista Street/Empire Avenue; Buena Vista Street/Vanowen Street; Buena Vista Street/Victory Boulevard; and, Victory Place/Empire Avenue.

She said that four contractors submitted bids ranging from \$1,171,873.25 to \$1,449,889 and Los Angeles Engineering Co. submitted the apparent low bid which is 16 percent below the engineers estimate of \$1.4 million. She said this contractor is currently the contractor on the Five Points Project and has satisfactorily completed numerous projects for the City. She noted that construction is scheduled to occur between July and October 2001.

Due to the broad scope of work and aggressive construction

schedule, Ms. Teaford said that staff is recommending the approval of a \$128,000 Professional Services Agreement with Willdan for construction management services. She noted that Willdan is also performing the same duties satisfactorily for the Five Points Project.

Lastly, she explained that the SCCRA Construction and Maintenance Agreement provides for SCRRA to procure, construct and maintain the required railroad crossing arms, gates, and other material/equipment to accommodate widening into MTA railroad right of way at the intersection of Buena Vista Street and San Fernando Boulevard. Further, she said the two License Agreements with MTA are needed to encroach onto MTA property to complete the work at both the Buena Vista Street/San Fernando Boulevard and Empire Avenue/Victory Place intersections.

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

1301-3 RESOLUTION NO. 26,047:
 410 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
 1702 APPROVING A CONSTRUCTION AND MAINTENANCE
 Construction & AGREEMENT WITH THE SOUTHERN CALIFORNIA RAILROAD
 Maint. Agmt. w/ AUTHORITY AND ENTRY AGREEMENTS WITH
 So. Cal. Railroad METROPOLITAN TRANSPORTATION AUTHORITY (RELATED
 Authority and TO BID SCHEDULE NO. 1044.)
 Entry Agmts. w/
 MTA (B.S.
 1044)

1301-3 RESOLUTION NO. 26,048:
 410 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
 1702 APPROVING AND ADOPTING CONTRACT DOCUMENTS,
 Burbank Empire PLANS AND SPECIFICATIONS, AND DETERMINING THE
 Center LOWEST RESPONSIBLE BIDDER, ACCEPTING THE BID, AND
 Intersection Imp. AUTHORIZING EXECUTION OF A CONTRACT FOR THE
 Program BURBANK EMPIRE CENTER INTERSECTION IMPROVEMENT
 (B.S. 1044) PROGRAM, BID SCHEDULE NO. 1044 AND APPROVING A
 PROFESSIONAL SERVICES AGREEMENT FOR CONSTRUCTION
 MANAGEMENT SERVICES WITH WILLDAN.

Adopted The resolutions were adopted by the following vote:

Ayes: Council Members Golonski, Laurell, Murphy, Ramos and Kramer.

6/26/01

Ordinance Submitted
Noes: Council Members None.
Absent: Council Members None.
It was moved by Mrs. Murphy and seconded by Mr. Laurell that "Ordinance No. 3582 be read for the second time by title only and be passed and adopted." The title to the following ordinance was read:

1105
1102
Adopting 2000 Amendment to the Redev. Plan for West Olive Redev. Project
ORDINANCE NO. 3582:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND ADOPTING THE 2000 AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE WEST OLIVE REDEVELOPMENT PROJECT.

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.

11:31 P.M.
Reconvene Redev. Agency and YES Fund Board Meetings
The Redevelopment Agency and Youth Endowment Services Fund Board meetings were reconvened at this time.

Third Period of Oral Communications
Mr. Kramer called for speakers for the third period of oral communications at this time.

Citizen Comment
Appearing to comment were Mark Barton, stating the City should look into a fiber optic demand system; Irma Loose, supporting the Restore Our Airport Rights (ROAR) initiative; Bob Etter, questioning the employee numbers used by staff at the Warner Bros. Ranch facility on Hollywood Way, and on concern with people dropping and stepping on paper flags at the Starlight Bowl 4th of July Celebration concert; and Mike Nolan, on an incident near the Zelman site this day which caused a major disruption, and stating he has heard that the Burbank Fire Fighters Association was concerned with the City's General Fund as it relates to their contract and noting his belief that the Council should address their concerns and should also find out how many of the firefighters live in Burbank.

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 11:48 p.m. in memory of Jeannette Varnum.

Judie Sarquiz, City Clerk

APPROVED AUGUST 14, 2001

Mayor of the Council
of the City of Burbank