

TUESDAY, JULY 24, 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 5:35 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; Ms. Alvord, Assistant City Manager; and, Mr. Hess, Administrative Analyst.

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

5:38 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):** 2
- d. Conference with Legal Counsel – Existing Litigation:  
Pursuant to Govt. Code §54956.9(a)  
**Name of Case:** Muro-Deschenes v. City of Burbank  
**Case No.:** EC029690  
**Brief description and nature of case:** Trip and fall.
- e. Conference with Legal Counsel – Existing Litigation:  
Pursuant to Govt. Code §54956.9(a)  
**Name of Case:** McMurray, Deborah, et al. v. City of Burbank  
**Case No.:** BC247304  
**Brief description and nature of case:** Employment discrimination issues.

7/24/01

- f. Conference with Labor Negotiator:  
Pursuant to Govt. Code §54957.6  
**Name of the Agency Negotiator:** Management Services Director/John Nicoll  
**Name of Organization Representing Employee:** Represented, Unrepresented, and Appointed City Employees, Burbank City Employees Association, Burbank Management Association, International Brotherhood of Electrical Workers, Burbank Firefighters Association, Burbank Firefighters Chief Officers Unit, and Burbank Police Officers Association.  
**Summary of Labor Issues to be Negotiated:** Contract for Fiscal Year 2001-2002.

Regular Meeting Reconvened in Council Chambers      The regular meeting of the Council of the City of Burbank was reconvened at 6:32 p.m. by Mr. Kramer, Mayor.

Invocation      The invocation was given by Reverend Ron Degges, Little White Chapel.

Flag Salute      The pledge of allegiance to the flag was led by Marge Colvin, Burbank Woman's Club Member.

**ROLL CALL**

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

301-1 Donation to Fire Dept. from the Woman's Club      Marge Colvin and Julia Larsen, representing the Burbank Woman's Club, presented an \$800 check to Fire Chief Davis which will be used to purchase an electronic suction unit that will benefit the community by providing the paramedics with a valuable life saving device.

1701 ZTA 2001-2 Public Hearing Noise Control for Construction Operations      A report was received from Mrs. Georgino, Community Development Director, which requested City Council approval of a proposed Zone Text Amendment (ZTA) that would codify a requirement that restricts the hours of construction currently imposed on a project-by-project basis. The report noted that the proposed ZTA limits construction within 500 feet of a residential zone to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday, and between 8:00 a.m. and 5:00 p.m. on Saturday, with construction prohibited on

Sundays and legal holidays within 500 feet of a residential zone.

Mrs. Georgino said that staff was requesting that the public hearing be continued to August 14, 2001, to provide more time for organizations such as the Burbank Chamber of Commerce to review the proposed ZTA.

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| Motion                               | It was moved by Mrs. Murphy, seconded by Mr. Laurell and carried with Mr. Golonski absent that "the hearing be continued to August 14, 2001."  |
| Reporting on Closed Session          | Mr. Barlow reported on the items considered by the City Council and Redevelopment Agency during the Closed Session meetings. He noted that the City Council voted 4-0, with Mr. Golonski absent, to retain the firm of Liebert, Cassidy and Whitmore to handle the case entitled McMurray, Deborah, et al. v. City of Burbank, and also voted 4-0, with Mr. Golonski absent, to settle the case entitled Muro-Deschenes v. City of Burbank for \$16,000. |
| 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 was Esther Espinoza, stating her belief the City was discriminatory in its hiring practices, and on concern with affordable housing in the City.  |
| 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 Esther Espinoza, on concern with the hiring practices of the City related to the Power Resources Manager position, and on concern with the contractors for the earthquake damaged sanitary sewer system project; Bob Etter, on concern with the mail delivery system noting it may pose a problem for the Special All-Mail Ballot Election and on concern  |

7/24/01

with the advertising of the Special Election on channel 6 noting his opposition to Charter Communications as well as advertising in the Burbank Leader newspaper; Ted McConkey, asking whether an agreement exists between the City and the Airport related to a new Airport terminal, and on concern with a recent article in the paper related to the Airport sound insulation program noting it omitted information on the required avigation easement; Celeste Francis, on concern with the definition of construction related to the continued public hearing and asking if a plumber at her home would be permitted to do work on a Sunday; Mark Barton, on the need for a new Airport terminal to be built; Dr. Theresa Karam, supporting the Restore Our Airport Rights (ROAR) initiative, and on concern with who might be selected to conduct a forum for the ballot measure; David Piroli, suggesting the need for the City to come up with creative ways to educate the public on the All-Mail Ballot Election, opposing the advertising of the election on the refuse trucks, and questioning where the money will come from to pay for the advertising stating his opposition to the Airport fund paying for it; and Mike Nolan, on concern that the President of the Burbank Fire Fighter Association signed the argument against the ROAR initiative due to concern with the expenditure of General Fund money on the Airport litigation, and suggesting the Council find out where the fire fighters live and suggesting they be switched to a 12 hour shift similar to the police officers.

Staff  
Response

Members of the Council and staff responded to questions raised.

Motion

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

Minutes  
Approved

The minutes for the adjourned meeting of May 24, 2001, the regular meeting of May 29, 2001, and the adjourned meeting of May 31, 2001 were approved as submitted.

1301-3  
Earthquake  
Damaged  
Sanitary  
Sewer System,  
Phase 5  
(B.S. 1092)

RESOLUTION NO. 26,060:  
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 REHABILITATION OF EARTHQUAKE-DAMAGED SANITARY SEWER SYSTEM, PHASE 5, BID SCHEDULE NO. 1092.

304-1                    RESOLUTION NO. 26,061:  
 801-2                    A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
 908                        AMENDING FISCAL YEAR 2000-2001 BUDGET FOR THE  
 Donation from        PURPOSE OF ACCEPTING THE BURBANK WOMAN'S CLUB  
 Woman's Club        DONATION TO THE BURBANK FIRE DEPARTMENT FOR THE  
 To Fire Dept.        PURCHASE OF AN ELECTRONIC SUCTION DEVICE.

1007-1                   RESOLUTION NO. 26,062:  
 1009-1                   A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
 Establish Title of    ESTABLISHING THE SPECIFICATION FOR THE  
 Power                   CLASSIFICATION OF POWER RESOURCES MANAGER (CTC  
 Resources            NO. 0663) AND PRESCRIBING CLASSIFICATION CODE  
 Manager              NUMBER, SALARY AND SPECIFICATION THEREOF.

Adopted                The consent calendar was adopted by the following vote:

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

700                      Mr. Flad, Park, Recreation and Community Services Director,  
 203                      reported that in Spring 2001, at the direction of the Mayor  
 Mayor's Youth        and City Council, and with considerable input from the  
 Summit Results      Mayor's Youth Task Force Youth Survey/Summit  
                              subcommittee, staff conducted a Citywide Youth Survey in an  
                              effort to assess the needs and concerns of Burbank youth. He  
                              said that two separate surveys were developed to  
                              appropriately assess middle and high school age students. He  
                              noted that each survey consisted of objective questions and  
                              ended with an open-ended question format so students could  
                              specifically comment on what they believed to be the top  
                              three issues of youth concern in Burbank.

He discussed that the Youth Survey/Summit subcommittee developed the theme "Democracy in Action Burbank Youth Survey/Summit 2001" in an effort to emphasize the importance of student participation in the democratic process. Then on March 29 and April 12, 2001, he said that teams consisting of Youth Survey/Summit subcommittee members, City Council Members, Burbank Unified School District (BUSD) Board of Education Members, Park, Recreation and Community Services staff, and youth service providers conducted "Youth Summits" at each middle and high school in Burbank. He noted that the goal of the "Youth Summits" was

to engage the student representatives in focus group discussion of the top three issues of concern on their campus.

Overall, Mr. Flad said that five issues dominated the concerns of all youth in Burbank: 1) drugs; 2) alcohol; 3) violence/school safety; 4) peer pressure; and, 5) interactions with law enforcement personnel. He said that as soon as the top issues were identified, subcommittee members initiated conversations with the Police Chief, the BUSD Superintendent, youth service providers, and other City-service staff in order to begin developing responses, recommendations, and solutions to stated concerns. He then noted that one of the most significant results of the Youth Survey/Summit process was the expressed wish of a large number of students to be included in any further discussion of recommendations and solutions.

He then explained that based on the information compiled from the "Democracy in Action" process, it was the consensus recommendation of the students, Youth Survey/Summit subcommittee, and Mayor's Youth Task Force that a "Solution Summit" be conducted. He said this Solution Summit will allow youth, under the guidance of a professional youth facilitator, to develop youth recommended solutions to issues and concerns identified in the Youth Survey. He further said that it was the recommendation of the Task Force that the youth also design the event, assist in the implementation of the event, create the post-event documentation and report to the City Council on the results and recommendations.

On May 23, 2001, Mr. Flad said the Mayor's Youth Task Force received presentations from three professional youth consultants and ultimately selected We Care for Youth to assist in the Youth Summit process. He said the Summit process began on June 28, 2001 with an orientation for both students and their parents, followed by a day-long retreat at the Stough Canyon Nature Center on Saturday, June 30, 2001. He noted that the youth planning committee is currently meeting to evaluate the collected "Democracy in Action" data and begin formulating initial recommendations and solutions, and plan and coordinate the Youth Solution Summit event.

He concluded by stating that the Solution Summit is tentatively scheduled for the third week in September in an effort to facilitate coordination with the BUSD and to better serve student participants. Upon completion of the Solution

Summit, he said the planning committee will begin to commemorate the entire "Democracy in Action" and "Solution Summit" process and will also make a formal report to the City Council in Fall 2001.

The report was noted and ordered filed.

203-1  
Appointment  
to the  
Community  
Development  
Goals  
Committee

Mrs. Sarquiz reported that on March 7, 2001, the City Clerk's Office began advertising and accepting applications for one vacancy on the Community Development Goals Committee for the position vacated by Steven Gaglione following his resignation on February 21, 2001. She said that due to a low response, the position was subsequently re-advertised on April 20, May 22, and June 26, 2001. She then noted that as of the final application submittal deadline of July 13, 2001, applications had been received from Larry Applebaum, Karen Hamza and Garen Yegparian.

Following a vote, the City Council appointed Garen Yegparian to the Community Development Goals Committee for the unexpired term ending June 1, 2002.

1504  
1503  
Monthly Water  
& Power  
Operating Report

Mr. Davis, Burbank Water and Power (BWP) General Manager, reported on the request from the City Council at the May 15, 2001 meeting for staff to begin providing monthly presentations updating the Council and public on Burbank's water quality and power operating issues. He began by discussing the following matters related to Burbank's water quality and water operation's which have occurred since the last update to the Council in June: over 51,000 Annual Water Quality Reports were distributed to water and power customers in the June 2001 utility bills; water system tests for total chromium and chromium 6 were taken at various public buildings on June 13. The results show that the chromium values are lower than normal because the Valley Pumping Plant was at reduced capacity and additional Metropolitan Water District water was being used; total chromium and chromium 6 water systems were taken on July 18, 2001; BWP and other San Fernando Basin water purveyors met with the Department of Health Services on July 11, 2001 to discuss the chromium and chromium 6 data collected during the first six months of this year; aquifer testing of the Burbank Operable Unit (BOU) will continue

7/24/01

through July 2001; the BOU liquid phase GAC was changed in June and resumed operation at the 9,000-gpm rate on July 2, 2001; the Lake Street GAC Treatment Plant is out-of-service except for routine operational maintenance and testing; the BelAire Tank and the Via Montana Tank No. 2 were returned to service after the interior linings were replaced; and, the American Water Works Association Research Foundation has funded a \$400,000 bench test and pilot treatment study for removal of low levels of chromium 6 from groundwater. Michael McGuire and Associates will be leading the study for the cities of Burbank, Glendale, San Fernando and Los Angeles.

Next, he discussed the following matters related to Burbank's electric operations that have occurred since the June update: The new control system for Olive 2 has been adjusted and tuned for full operating capacity; work continues in restoring Magnolia 4 to service and the unit is not expected to return to service until the end of July; the Magnolia Power Project is expected to fall behind schedule because of difficulties with licensing; engineering and licensing work has begun on the new combustion turbine, and the equipment is expected to be delivered to the site in March 2002; and, on June 18, 2001, the Federal Energy Regulatory Commission issued an order that has dramatically reduced spot power prices in the western United States.

The City Council noted and ordered the report filed.

8:06 P.M.  
Recess

The meeting recessed at this time. The meeting reconvened at 8:18 p.m. with the same members present.

204-4  
406  
Education  
Campaign for  
the October 9,  
2001 Special  
Election on  
ROAR

Mrs. Sarquiz reported that on January 30, 2001, the Restore Our Airport Rights (ROAR) initiative petition was presented to the City Clerk's Office with approximately 10,928 signatures, and was reviewed by the City Clerk and City Attorney and was determined to be adequate. Subsequently, she said the petitions were delivered to the County of Los Angeles Registrar-Recorder for verification of the signatures.

On March 13, 2001, she said that the County Registrar-Recorder certified to the City that 7,814 signatures on the petition were sufficient, which was in excess of 15 percent of the registered voters in Burbank; thus, the initiative had



qualified for a special election. Then at its March 20, 2001 meeting, she said the Council was presented with the County's certification of the petition and took the following action: deemed the certification of the initiative petition sufficient and directed staff to prepare a report pursuant to State Elections Code Section 9212 to be returned to the City Council in 30 days.

Mrs. Sarquiz then said that on April 17, 2001, the City Council considered the 30-day report and ultimately adopted Ordinance No. 3573 which ordered a Special Election to be conducted by an all-mail ballot for October 9, 2001.

She discussed that as is done in all City elections, the City Clerk's Office would like approval to engage in an education campaign for the October 9, 2001 Special Election. She said that this campaign is particularly important since Burbank has never conducted an election by all-mail ballot. She then noted that the following voter education program is recommended for Council consideration:

- Post card to all registered voter households two weeks prior to the ballots and voter information pamphlets being mailed.
- Public Service Announcement on Channel 6.
- Advertisements on City refuse trucks.
- Street banners.
- Lawn signs.
- Scroll on Channel 6.
- Utility bill inserts.
- Announcements at City Council meetings.
- Flyers distributed through the elementary and middle schools and to service clubs, local organizations, churches, etc.
- Advertisements on AMC movie screens.
- Paid advertisements in the newspapers.
- Forum (see description of proposal below).

Mrs. Sarquiz also discussed that candidate forums have served as an important educational tool for Burbank voters. In understanding that benefit to the Burbank voters, she said it is proposed that the City Clerk be authorized to contact organizations (such as the League of Women Voters, Burbank Chamber of Commerce, etc.) who have previously conducted forums in Burbank to ascertain whether they would be interested in conducting a forum for this Special Election. She noted that the authors of the initiative (ROAR Committee) and

7/24/01

the authors of the argument against the initiative could be invited to participate in the forum (or both interested parties could appoint a representative(s) to participate on their behalf).

Mrs. Sarquiz concluded by stating that the voter education campaign is proposed to cost no more than \$15,000. She then noted that all expenses related to this Special Election are proposed to be paid for by the Airport account.

Motion It was moved by Mrs. Murphy, seconded by Mrs. Ramos and carried with Mr. Golonski absent that "the City Council approve the proposed voter education program including the proposal for a forum."

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 Carlos Giangrasso, on the need for landscaping in certain areas in Burbank and noting his desire to complete the landscaping for the City; R. C. "Chappy" Czapiewski, stating his belief that the City Council is in a leadership position related to the Airport due to their win in the Public Utilities Commission case and noting his belief the Council should begin to take a leadership role and playing a video tape of statements made by the public at the July 12 Tri-City Meeting on the Airport; Mark Barton, on concern with statements made by Mike Nolan and Esther Espinoza during oral communications and noting his belief that the Council should not respond to their comments and concerns; Barbara Langford, thanking the Police Department for effectively handling an incident in her neighborhood and inviting the public to a meeting on September 15, 2001 for the neighborhood watch group; Ted McConkey, stating the ROAR initiative restricts the Airport from requiring the avigation easement for the sound insulation program, and suggesting that more than one forum for the Special Election be held; Bob Etter, thanking the Mayor for his participation in City events, and asking how a person is removed from elected office if they are found guilty of violating a person's constitutional rights; Howard Rothenbach, supporting the education campaign for the Special Election, and suggesting the City install a natural gas station in the City and purchase natural gas City vehicles noting his belief it will help with pollution problems; Dr. Theresa Karam, supporting the ROAR initiative, stating she will be broadcasting a show on the ROAR initiative

and asking for financial assistance from the City to air the show, and suggesting the public participate in the Council meeting on Thursday morning with Supervisor Antonovich and asking whether the public will be able to speak at the meeting; David Piroli, on concern with refuse bins being allowed in the street; and Mike Nolan, on the current negotiations with the Burbank Fire Fighter Association and suggesting the City look into a three day work week for Fire Fighters, and on concern with graffiti at the old hospital site on Olive Avenue.

Staff  
Response

Members of the Council and staff responded to questions raised.

1501-1  
Natural Gas  
Issues Update

In response to a recent request from Mayor Kramer for an update on the current gas situation, Mr. Norman Pedersen of Jones, Day, Reavis & Pogue presented an update on the natural gas issues affecting Burbank. (The presentation was to have been made prior to the Second Period of Oral Communications however, the consultant arrived late at the City Council meeting).

Mr. Pedersen briefly discussed issues including the following: 1) The Southern California gas transmission capability; 2) The El Paso Transwestern Expansion Plans and market investigations. He said the El Paso Transwestern was part of the reason for the recent high gas prices; 3) Interstate Pipeline Expansion Plans to California. He said that the Southern California Gas Company was proposing expansions but noted there will be a problem getting the gas to their customers due to the potential bottleneck that may occur in the Pipeline as a result of the tremendous number of expansion projects proposed at this point; and, 4) Natural gas pricing and production. He noted that Southern California Gas core customers paid \$272 million more in increased gas costs from September 2000 to September 2001.

Next, he explained that large customers have recently approached Southern California Gas Company and asked for full firm requirement services under their tariff. He said that the Public Utilities Commission (PUC) reviewed the IID's rejection of the request and responded that the tariff provides that Southern California Gas Company should provide non-core customers including electric generators, with full firm requirement services and should add to its system to do so. However, he noted that Southern California Gas has said the contrary and has provided only partial firm requirement

7/24/01

services to the cities of Burbank and Glendale but did provide full firm service to Los Angeles Department of Water and Power. He said that this issue is crucial as it goes directly to the quality of service Burbank is able to provide to its customers.

Lastly, Mr. Pedersen said that the Southern California Gas Company can earn money under the gas cost incentives mechanism awards program provided they save money and meet their gas cost goals. He said that in 1996 through 2000 they received awards. For 2001, he said they have requested a proposed award of 106.1 million but through a recent cost settlement process they will agree to give back 71 million of the proposed award. He noted that he is hopeful that the PUC will provide for a hearing process for interested parties to review what occurred in 2001 with regard to Southern California Gas Company's gas costs as well as the legitimacy of the gas cost incentive mechanism awards process for 2001.

The City Council received the report.

301-2  
Memorial  
Adjournment

There being no further business to come before the Council, the meeting was adjourned at 10:11 p.m. in memory of Burbank Water and Power employee Frank C. Ogle, and to Thursday, July 26, 2001, 7:30 a.m. at the Tallyrand Restaurant, 1700 West Olive Avenue, Burbank, for a breakfast meeting with Los Angeles County Supervisor Michael Antonovich to discuss mutual issues of concern between the City and the County of Los Angeles.

Judie Sarquiz, City Clerk

APPROVED AUGUST 21, 2001

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Mayor of the Council  
of the City of Burbank