

TUESDAY, AUGUST 21, 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 5:02 p.m. by Mr. Kramer, Mayor.

CLOSED SESSION

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

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

5:02 P.M. Recess The Council recessed at this time to the 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: San Diego Water Authority v. Metropolitan Water District, et al.
Case No.: San Francisco Superior Court Case No. 320217
Brief description and nature of case: Petition for Declaratory Relief regarding preferential water rights.

- e. Conference with Labor Negotiator:
Pursuant to Govt. Code §54957.6
Name of 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.

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| Regular Meeting Reconvened in Council Chambers | The regular meeting of the Council of the City of Burbank was reconvened at 6:36 p.m. by Mr. 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 Boy Scout Troop 210. |
| ROLL CALL | |
| Present - - - | Council Members Golonski, Laurell, Ramos and Kramer. |
| Absent - - - - | Council Member Murphy. |
| Also Present - | Mr. Ovrom, City Manager; Mr. Barlow, City Attorney; Ms. Alvord, Assistant City Manager; and, Mrs. Sarquiz, City Clerk. |
| 6:45 P.M. Hearing 404 410 Congestion Management Program | Mayor Kramer stated that "this is the time and place for the hearing on the City's conformance with the Metropolitan Transportation Authority's Congestion Management Program and the adoption of the 2001 Local Implementation Report." |
| 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. Bowler, Assistant Planner, reported on the request for City Council approval of the Congestion Management Program |

(CMP) Local Implementation Report (LIR) for submission to the Metropolitan Transportation Authority (MTA).

He explained that the CMP was mandated by Proposition 111 in 1990 and, in order to receive its share of the gasoline tax revenues authorized under Proposition 111, the City has to meet the CMP goals and requirements and submit an annual report including information on new commercial and residential development, capital improvements to streets and transportation systems, transit systems, and transportation demand management (TDM) programs. He said the CMP treats development in local jurisdictions in a way that accounts for the cumulative impact of each individual land-use decision by creating a system of debit and credit points. In order for a local jurisdiction to receive its share of Proposition 111 gas tax revenue, he said the jurisdictions' credit points from transportation improvements and programs must equal or exceed its congestion mitigation goal. He then noted that the CMP allows carryover of points from previous year balances to give agencies the ability to maintain equilibrium from year to year.

Lastly, Mr. Bowler discussed that the City adopted its first CMP LIR in 1994. He said that although development debits have exceeded credits in some individual years, the City has always managed an overall positive credit balance. He then said that despite the fact that Burbank's credit balance decreased during this reporting period between June 1, 2000 and May 31, 2001, Burbank is still in a favorable position compared to most jurisdictions in Los Angeles County, and is in no real danger of losing its Proposition 111 appropriation.

Citizen
Comment

Appearing to comment were Mike Nolan, on concern with the exhibits contained in the report, and asking the Council to advise the citizens how they understand the various exhibits, numbers etc.; Esther Espinoza, suggesting an addendum be made to the report regarding the City's demographics; and David Piroli, on concern that the exhibits are difficult to read and asking the Council to require a more thorough analysis of the matter to the public.

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 Mr. Golonski that "the following resolution be passed and adopted:"

404 RESOLUTION NO. 26,078:
 410 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
 Congestion FINDING THE CITY TO BE IN CONFORMANCE WITH THE
 Management CONGESTION MANAGEMENT PROGRAM AND ADOPTING THE
 Program LOCAL IMPLEMENTATION REPORT.

Adopted The resolution was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Member Murphy.

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

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

Citizen Appearing to comment were Robert Juarez, asking the Council
 Comment to reconsider their changes to the oral communication process, and stating his belief that the changes will not withstand a constitutional challenge; C. L. Stack, asking about the status of the Galpin Ford deal and on concern with the AMC project and the recent employee salary increases; Esther Espinoza, on concern with discriminatory comments, and asking for statistics on the ethnic composition of employees who make over \$100,000; Ron Vanderford, supporting Measure A, Airport Development Measure, and asking questions of the Council related to the size of a new terminal and number of flights with the new terminal; and Howard Rothenbach, asking why Airport Commissioner Wiggins attended Closed Session, and stating his son will play a videotape at the second period of oral communications of a recent Airport Commission meeting at which time a number of letters were presented to the Commission requesting a mandatory curfew and cap on flights.

8/21/01

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 Jeff Rothenbach, playing a videotape recording of a recent Airport Meeting whereby letters were presented to the Commission which expressed their support for a mandatory curfew and cap on flights, Molly Hyman, opposing the Airport 10-point plan presented to the Council on July 31, 2001, and asking whether the Council was aware that the Long Beach Airport received a curfew and cap on flights at the Airport without embarking upon a Part 161 Study and referring to the federal appeal court case which gave Long Beach control over establishing a curfew and cap on flights; Dr. Theresa Karam, supporting Measure A and noting the need for a mandatory curfew and cap on flights; Bill Hargrove, supporting Measure A, on concern with the City Council's public opposition to the Measure, and stating the Council should trust the people in this matter and let them decide whether Measure A, without any influence from the City, should be approved or not; Esther Espinoza, on the need for the City to build more low income housing, and on the proposed changes to the Administrative Use Permit process for large family daycare homes, and asking how the consultant will be selected for the I-5/SR-134 interchange study; Robert Juarez, on concern with past actions of the Airport Authority and their recent action to look into changing the oral communication process at Authority meetings; R. C. "Chappy" Czapiewski, asking why the August 20 Airport Commissioner Report is not on this agenda, and stating his belief that Airport Commissioner Wiggins has a conflict serving on the Airport Authority and asking the City Attorney to publicly advise why there is no conflict; Ron Vanderford, supporting Measure A, and on concern with statements made by Council Member Golonski related to the Airport and the Fire Fighters' involvement in the Airport Measure; Fred Haas, on concern with Airport development; Howard Rothenbach, supporting Measure A and noting his belief that any litigation that comes from the potential passage of Measure A will only strengthen the City, and on concern with the Council making opposing statements on the dais without a time limit like that confining citizens' comments; C. L. Stack, opposing the salaries of the management employees and noting his belief the salaries should be based on performance not surveys of other cities; Mike Nolan, stating concern with the City

Attorney interrupting C.L. Stack during his presentation, opposing the proposed change to the Administrative Use Permit process for large family daycare homes noting the importance of the public notice process and the fee to operate the business, and on the need for employee salaries to be based on performance and suggesting the Council look into a three day work week for the firefighters similar to the police officers; and David Piroli, on recent articles in the newspapers regarding improvements to the Airport runway to be funded by the federal government, and on concern with the public not having any control over the traffic on the runways even though public funds improve them.

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

Items Removed From Consent Agenda The items regarding the July 12, 2001 Minutes and the Initiation of Proposed Zone Text Amendment Regarding Large Family Daycare Homes were removed from the consent agenda for the purpose of discussion.

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

1401-1
1502
403
Coop. Agmt. w/
Caltrans for I-5/
SR-134
Interchange
Study

RESOLUTION NO. 26,079:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE EXECUTION OF A TRAFFIC CONGESTION RELIEF AGREEMENT WITH THE STATE OF CALIFORNIA FOR THE ROUTE 134/1-5 INTERCHANGE STUDY.

Adopted The consent calendar was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Member Murphy.

Motion to Approve Minutes It was moved by Mr. Laurell, seconded by Mrs. Ramos and carried with Mrs. Murphy absent that "the minutes for the adjourned meeting of July 12, 2001, the regular meetings of

8/21/01

July 17 and July 24, 2001, the adjourned meeting of July 26, 2001, and the regular meetings of July 31 and August 7 be approved as submitted with a change to the July 12 minutes to add Council Member Murphy as present at the meeting."

1701
709
Proposed ZTA
Regarding Large
Family Daycare
Homes

Mr. Forbes, Associate Planner, reported on the request for City Council direction to proceed with a zone text amendment that would eliminate the administrative use permit (AUP) requirement for large family daycare homes at the recommendation of the Child Care Committee. He said that the proposed change would retain the development standards for such uses and continue requiring an application for tracking purposes, but would eliminate the permit requirement and associated fee.

He explained that the current AUP process was adopted by the City Council in 1988 and is administratively approved by the Community Development Director, but may be appealed to the Planning Board or City Council. He said that in order for an AUP for a large family daycare to be approved, the Director must find that the applicant has complied with 13 requirements dealing with passenger loading, parking, spacing between daycare homes, and property use standards. He then noted that the current fee for an AUP application is \$350.

Mr. Forbes discussed that in May 2001, the Child Care Committee raised concern over the fee charged by the City because some members believe it discourages potential daycare providers from pursuing operation of a large family daycare. He noted that because staff felt that the fee is in line with other Planning Division fees and is already lower than the actual cost to the City in staff time and materials associated with processing an AUP, staff recommended against lowering the fee and instead recommended that the AUP requirement be eliminated.

He concluded by stating that staff is of the opinion that eliminating the AUP requirement, while retaining the AUP findings as development standards, would serve the same purpose and fulfill the original intent of the AUP requirement. He further said that the proposed change to the AUP process would also save staff time and establish a mechanism more appropriate for handling this type of use. He then noted that the Child Care Committee agreed with staff's recommendation and voted to recommend that the City Council direct staff to

proceed with the appropriate zone text amendment.

Following discussion, the City Council discussed that although the process is highly regulated by the State, the City's AUP process allows neighborhoods and the City to ensure that all large family daycare homes are safe and appropriate for the children.

Motion It was moved by Mr. Golonski, seconded by Mrs. Ramos and carried with Mrs. Murphy absent that "staff be directed to not proceed with the preparation of this zone text amendment."

8:19 P.M. Recess The Council recessed at this time. The meeting reconvened at 8:33 p.m. with the same members present.

8:34 P.M. Mr. Kramer Left the Meeting Mayor Kramer left the meeting at this time due to a conflict of interest with the following item because he lives in the subject neighborhood.

1703
203
Hillside Rec.
Neighborhood
Protection Plan Ms. Lazar, Senior Planner, reported that the City Council appointed Citizen Advisory Committee (CAC) together with staff and a traffic consultant prepared the Hillside Recreation Neighborhood Protection Plan (HRNPP) which aims at mitigating the traffic impacts from the variety of hillside recreational facilities, including the Castaway Restaurant on the hillside residential neighborhood. She said the Plan called for implementation measures such as new signage and street improvements to direct traffic to and from the hillside recreational facilities onto arterial streets rather than local residential streets.

She briefly explained that the HRNPP included the following measures: directions and maps provided to patrons by the Castaway Restaurant to reflect the preferred route; directional signage; establishment of a City telephone Help Line which was set up and is monitored by the Park, Recreation and Community Services Department; and, roadway improvements to Sunset Canyon Drive.

Ms. Lazar then explained that on July 19, 2001, one year after the HRNPP was approved by the City Council, the CAC reconvened to evaluate the effectiveness of the Plan in reducing the volume and the speed of traffic on Harvard Road and Walnut Avenue. She said the CAC reviewed the 2000 and 2001 traffic counts and speed survey and compared their

8/21/01

personal experiences with traffic on their streets. She noted that the mission of the CAC was to reduce hillside through traffic to a level acceptable to the residents of the area. She then said that following review of the data, the CAC concluded unanimously that significant reductions in traffic volume, speed, and truck traffic had been achieved.

She concluded by stating that the Committee feels that their mission has been accomplished and that they successfully completed their task. However, she noted that the CAC would like the City Council to consider exploring the feasibility of installing a sidewalk and additional lighting on Sunset Canyon Drive.

Motion

It was moved by Mr. Golonski, seconded by Mrs. Ramos and carried with Mrs. Murphy and Mr. Kramer absent that "the report be noted and ordered filed, and that staff be directed to look into the feasibility of constructing sidewalk and adding more street lighting on Sunset Canyon Drive."

8:48 P.M.
Mr. Kramer
Returned to the
Meeting

Mr. Kramer returned to the meeting at this time.

802
Governmental
Accounting
Standards
Board Statement
No. 34

Mr. Hanway, Financial Services Director, discussed that this report was being presented to the City Council to provide an overview of the Governmental Accounting Standards Board (GASB) Statement No. 34, issued in June 1999, entitled Basic Financial Statements – and Management’s Discussion and Analysis – for State and Local Governments. He noted that this Statement included the most sweeping changes in financial reporting adopted by GASB in its history.

He explained that GASB, in issuing Statement No. 34, attempted to provide financial information for all potential users of the Statements by retaining the old fund statements along with the new government-wide statements. He said the government-wide financial statements are on a full accrual basis of accounting and include capitalization of infrastructure assets along with depreciation of all governmental fixed assets. He noted that the government-wide statements will help users do the following: assess the finances of the government in its entirety including the year’s operating results; determine whether the government’s current-year

revenues were sufficient to pay for current-year services; see the cost of providing services to its citizenry; see how the government finances its programs through user fees and other program revenues versus general tax revenues; understand the extent to which the government has invested in capital assets, including roads, bridges, and other infrastructure assets; and, make better comparisons between governments.

Mr. Hanway stated that the City is required to implement GASB Statement No. 34 for its June 30, 2002 financial statements. He said the Financial Services and Public Works Departments have been working jointly in the development of policies related to the implementation of the infrastructure component of GASB Statement No. 34. He noted that the City will need to define its infrastructure systems and sub-systems as well as capitalization limits to maintain an accounting of infrastructure assets. He then said that upon completion of the initial assessment, which is budgeted in the Fiscal Year 2001-02 adopted budget, infrastructure assets will be inventoried where necessary and all assets will be valued based on historical cost or an estimate of historical cost.

The City Council noted and ordered the report filed.

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

Citizen Comment Appearing to comment were Mark Barton, stating he is concerned for the community and only recently had time to get involved in the government due to his previous employment; David Piroli, stating the Council and staff should use discretion when interrupting public speakers particularly should the speaker be a senior citizen, and on concern with the Burbank Airport Commissioners attending City Council Closed Session meetings; and Mike Nolan, on concern with the public speakers being interrupted by the Council and staff, and opposing any increase to the electric utility.

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

8/21/01

301-2 There being no further business to come before the Council, the
Memorial meeting was adjourned at 9:14 p.m. in memory of George
Adjournment Horace Martin.

Judie Sarquiz, City Clerk

APPROVED OCTOBER 16, 2001

Mayor of the Council
of the City of Burbank