

TUESDAY, SEPTEMBER 18, 2001

A regular meeting of the Council of the City of Burbank was held in the Council Chamber of the City Hall, 275 East Olive Avenue, on the above date. The meeting was called to order at 5:00 p.m. by Mr. Kramer, Mayor.

CLOSED SESSION

Present- - - - Council Members Laurell, Ramos and Kramer.
Absent - - - - Council Members Golonski and Murphy.
Also Present - Mr. Barlow, City Attorney.

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

5:01 P.M. Recess The Council recessed at this time to the City Attorney Conference Room to hold a Closed Session on the following:

- a. Conference with Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
 1. **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.
 2. **Name of Case:** Raasch v. City of Burbank
Case No.: EC029907
Brief description and nature of case: Trip and fall.
 3. **Name of Case:** Sergio Pena vs. City of Burbank
Case Nos.: EC029514 and EC02990
Brief description and nature of case: Golf course injury.
- b. Conference with Legal Counsel – Anticipated Litigation (City as possible plaintiff):
Pursuant to Govt. Code §54956.9(c)
Number of potential case(s): 1
- c. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):
Pursuant to Govt. Code §54956.9(b)(1)
Number of potential case(s): 1

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:40 p.m. by Mr. Kramer, Mayor.

Invocation	The invocation was given by Burbank Ministerial Association Members.
Flag Salute	The pledge of allegiance to the flag was led by Fire Chief Davis and Police Chief Hoefel.
ROLL CALL	
Present- - - -	Council Members Golonski, Laurell, Murphy, Ramos and Kramer.
Absent - - - -	Council Members None.
Also Present -	Ms. Alvord, Assistant City Manager; Mr. Barlow, City Attorney; and, Mrs. Sarquiz, City Clerk.
Tribute to Victims of September 11, 2001 Tragedy	Following a community ceremony on the steps of City Hall, the Burbank and John Burroughs High School choirs sang several patriotic songs and City employee Gino Gaudio read the Americans Creed by William Tyler Page from 1917, and then led the Chamber audience in the song "God Bless America."
Council Comments	Mr. Davis, Burbank Water and Power General Manager, discussed the power outage that occurred today which caused the entire City to be without electricity for approximately two hours. He noted that the outage was due to the failure of a major transformer through the Interstate grid. At this point, he said the Department is unsure of the reason for the failure. Fire Chief Davis noted that there was no significant damage as a result of the power outage.
7:05 P.M. Hearing 1701 201-1 ZTA No. 2001-3 Providing for Community Dev. Public Notice and Appeals	Mayor Kramer stated that "this is the time and place for the hearing on Zone Text Amendment No. 2001-3 regarding the Notices and Appeals Ordinance and a negative declaration related thereto. The hearing was noticed for September 11, 2001, but continued to this date since the Council did not meet last week."
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. Baker, Deputy City Planner, reported on the request for City Council approval of Zone Text Amendment (ZTA) No.

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2001-3 which proposes to do the following: accept multiple appeals to Discretionary Actions under one appeal number per action; provide consistent application forms for appeals; correct Code citation numbers and remove confusing language on public notice requirements, including correction of language to provide for appeal of a Discretionary Action by any interested party; and, provide public notice to occupants as well as property owners on all Discretionary Actions. He noted that the proposed ZTA was initiated in response to a request from the Planning Board.

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

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

1701 AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK
ZTA 2001-3 AMENDING VARIOUS SECTIONS OF CHAPTERS 27 AND 31
Public Notices OF THE BURBANK MUNICIPAL CODE RELATING TO PUBLIC
and Appeals NOTICES AND APPEALS (ZONE TEXT AMENDMENT NO.
2001-3).

1701 RESOLUTION NO. 26,086:
Adopt Neg. Dec. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
For ZTA 2001-3 ADOPTING A NEGATIVE DECLARATION FOR ZONE TEXT
AMENDMENT NO. 2001-3.

201-1 RESOLUTION NO. 26,087:
Amend Time A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Limits for AMENDING RESOLUTION NO. 26,029 REGARDING TIME
Addressing the LIMITS FOR ADDRESSING THE COUNCIL.
Council

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

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

Noes: Council Members None.

7:07 P.M.
Hearing
1701
ZTA No. 2001-2
Hours Allowed
for Construction
Operations for
Noise Control

Absent: Council Members None.
Mayor Kramer stated that "this is the time and place for the hearing on Zone Text Amendment No. 2001-2 regarding the Construction Noise Ordinance and a negative declaration related thereto. The hearing was noticed for September 11, 2001, but continued to this date since the Council did not meet last week."

Notice
Given

The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that a letter from the Chamber of Commerce had been received and was made part of the record.

Staff
Report

Mr. Baker, Deputy City Planner, reported on the request for City Council approval of Zone Text Amendment No. 2001-2 which is intended to codify a requirement that restricts the hours of construction, now imposed on a project-by-project basis, that would do the following: limit 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. to 5:00 p.m. on Saturday; and, prohibit construction on Sundays and legal holidays within 500 feet of a residential zone, except for home repairs and projects that do not require a building permit.

Citizen
Comment

Appearing to comment was Mike Nolan, requesting clarification on the definition of residential areas, and asking whether residential projects in a commercial area will be subjected to the proposed restrictions.

Hearing
Closed

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

Motion

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

1701
Revise Hours for

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK
REVISING THE SPECIFIC HOURS FOR CONSTRUCTION,

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Construction DEMOLITION, EXCAVATION AND GRADING ACTIVITIES.

1701 RESOLUTION NO. 26,088:
Adopt Neg. Dec. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
For ZTA 2001-2 ADOPTING A NEGATIVE DECLARATION FOR ZONE TEXT
AMENDMENT NO. 2001-2.

Adopted The ordinance was introduced and the resolution was adopted
by the following vote:

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

Noes: Council Members None.

Absent: Council Members None.

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

406 Burbank Airport Commissioner Charlie Lombardo reported on
Airport Authority the items that were on the September 4, 2001 Airport
Meeting of Authority meeting agenda. He began by stating that the
September 4, Authority considered the following matters: Certification of
2001 Final Declaration, Approval of Proposed Runway Safety
Project, and Submission of Revised Public Utilities Commission
Application to Relocate Parking Lots A and B onto a 12.9-Acre
Portion of the Adjacent Property; and, the Stage 2 Ban at Van
Nuys Airport. Lastly, he discussed that due to the September
11, 2001 terrorist tragedy the following safety measures have
been implemented at the Airport: continuous ramp and
perimeter boundary patrol; discontinuance of curbside
baggage check-in; baggage inspection; terminal restricted to
passengers only; parking removed on several floors of the
parking structure due to its close proximity to the terminal;
and, strict enforcement of loading and unloading zones.

The City Council received the report.

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

Citizen Appearing to comment were Don Elsmore, stating Measure A

Comment	opponents should not be blamed for stopping negotiations between the Council and the City noting Measure B stopped negotiations, and supporting Measure A; Richard Duggan, supporting Measure A; Gary Garrison, asking the Council to consider a holiday parade in December; Maria Proctor, supporting Measure A; C. L. Stack, asking the Council to respond as to why they did not attend the Elks Club celebration; Esther Espinoza, thanking the City for their quick response to the September 11, 2001 terrorist activity; R. C. "Chappy" Czapiewski, supporting Measure A; Ron Vanderford, supporting Measure A; Pamela Lillie, supporting Measure A; Dr. Theresa Karam, supporting Measure A; Iowa Wong, supporting Measure A; and Kevin Muldoon, supporting Measure A.
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 oral communications at this time.
Citizen Comment	Appearing to comment were Lorraine Bellis-Mark, on the importance of the new 10-Year Strategic Plan but noting concern with the new realignment of the Five-Points Intersection and the increased traffic once the new Empire Center opens, particularly Costco, and asking the City to reconsider the traffic design as it directly impacts her street; Don Elsmore, supporting Measure A, and noting his concern with the City Council's past negotiations with the Airport Authority; Richard Duggan, playing a tape recording of a recent Airport Authority Commission meeting discussion on Stage 2 Aircraft, and supporting Measure A; Maria Proctor, supporting Measure A, stating the City should have done a better job advising residents about the Special Election, and on concern with the opponents of Measure A including the Fire Fighter Union; Rose Prouser, asking the City to discuss the use of the B-6 property noting her belief the citizens were told that the property would never be used for Airport purposes if no agreement on the Terminal was reached, and supporting Measure A noting its passage will give the Council clout in negotiating with the Airport Authority; Roman Gora, supporting Measure A, and on concern with the opponents of the Measure; Esther Espinoza, on concern with the Measure A ballot wording, asking about the salary and hiring process for the Police Department Rangemaster, and supporting more minority hiring in Burbank; R. C. "Chappy" Czapiewski,

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supporting Measure A, and on concern with the ballot wording and title of Measure A; Bill Orr, on concern with the City Clerk's action to promote an all-mail ballot election as it has turned out to be more expensive than she originally stated, stating the Clerk is responsible for the fact that the ballots were delivered to the registered voters prior to 29 days before the Election, on concern with the ballot language, and supporting Measure A; Ron Vanderford, stating the ballot language was confusing for voters, and supporting Measure A; Pamela Lillie, playing a video which shows citizen support for Measure A; Carlos Alazraqui, supporting Measure A and noting concern with noise and pollution from the Airport; Irma Loose, on concern with past actions by former Mayor and Airport Commissioner Wiggins related to the Airport, and supporting Measure A; Kevin Muldoon, playing a video which shows citizen support for Measure A;

Mark Barton, stating he sympathizes with the proponents of Measure A but stating concern with the Measure noting his belief the Federal Aviation Administration will not be supportive of the Measure and noting the citizens' need to understand their limitations with regard to the Airport; C. L. Stack, on concern with an expansion of the Airport and supporting Measure A; Gregg Zimmerman, supporting Measure A and stating concern with statements made by the Council that if Measure A is passed it will impact past court victories by the City; David Piroli, supporting Measure A and encouraging citizens to exercise their right to vote; Dr. Theresa Karam, encouraging the community to support Measure A, and on concern with the City Clerk not taking action to stop the title of the ballot measure; Brett Loutensock, stating most people agree with the sentiments of Measure A but noting concern with the credibility of the proponents of the Measure, and stating he is putting his faith in the Council to reach a good agreement on the Airport and noting the citizens have already been protected by the passage of Measure B; and Mike Nolan, on concern with the Burbank Chamber of Commerce leadership and positions they have recently taken, and opposing the Council giving the Burbank Water and Power General Manager authority to enter into five year purchase and sale agreements for wholesale activities.

Staff
Response

Members of the Council and staff responded to questions raised.

9:16 P.M.

The Council recessed at this time. The meeting reconvened at

- Recess 9:24 p.m. with all members present.
- 9:24 P.M.
Recess The Council recessed to permit the Redevelopment Agency to hold its meeting. The Council reconvened at 9:27 p.m. with all members present.
- Items Removed From Consent Calendar The items regarding the Establishment of Deputy Financial Services Director and Other Personnel Changes; and, Authorizing the General Manager of the Burbank Water and Power Department to Undertake Short-Term Sales and Purchases of up to Five Years in Duration for Products and Services to Effectively Conduct its Retail and Wholesale Management Activities were removed from the consent calendar for the purpose of discussion.
- Motion It was moved by Mrs. Murphy and seconded by Mr. Laurell that "the following items on the consent calendar be approved as recommended."
- 201-1
Motion to Return City Council Meetings to the Council Chamber Pursuant to Resolution No. 25,983, it is hereby moved that all future meetings of the City Council shall be held in the Burbank City Council Chamber located at 275 East Olive Avenue, Burbank unless determined by action of the Burbank City Council that such meetings shall be at another location. This motion shall be effective as of the date of the posting of the Burbank City Council Agenda for September 18, 2001 by the Burbank City Clerk.
- 804-3
CDBG
Amendment to The Final Statement of Community Dev. Objectives and Projected Use of Funds for FY 2000-01 A report was received from Mrs. Georgino, Community Development Director, requesting Council approval of a Community Development Block Grant (CDBG) Amendment to the Final Statement of Community Development Objectives and Projected Use of Funds for Fiscal Year (FY) 2000-01 with the United States Department of Housing and Urban Development (HUD).

The report explained that on April 17, 2001, an Amendment to the Final Statement of Community Development Objectives and Projected Use of Funds was approved by the City Council and subsequently transmitted to HUD which provided for the transfer of \$526,822.54 in CDBG funds from FY's 1998-99 and 1999-00 to FY 2000-01. The amount transferred was added to provide funding for the acquisition/assembly of property for a new neighborhood park project in the South San Fernando Redevelopment Project Area. This transfer brought

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the total project funding to \$782,816.54

The report concluded by stating that this proposed Amendment seeks to expand the use of these funds to include costs related to actual acquisition without increasing the overall budget. Specifically, the costs of land acquisition, relocation, environmental analysis/studies, and demolition would be encompassed in the total project budget of \$782,816.54.

The City Council approved the filing of an Amendment to the Final Statement of Community Development Objectives and Projected Use of Funds for Fiscal Year 1998, 1999 and 2000 Community Development Block Grant Funds.

907
404
Agmt. w/L.A.
County
Probation Dept.
For Probation
Officer

RESOLUTION NO. 26,089:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE AGREEMENT BETWEEN THE CITY OF BURBANK AND THE COUNTY OF LOS ANGELES TO PROVIDE GANG ALTERNATIVE AND PREVENTION PROGRAM SERVICES (GAPP).

801-2
907
Narcotics
Enforcement

RESOLUTION NO. 26,090:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE 2001-2002 ANNUAL BUDGET FOR THE PURPOSE OF AUGMENTING FUNDING FOR THE BURBANK POLICE DEPARTMENT'S NARCOTICS ENFORCEMENT EFFORTS.

1007-1
1009-1
Establish Title of
Senior
Rangemaster/
Armorer

RESOLUTION NO. 26,091:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE SPECIFICATION OF SENIOR RANGEMASTER/ARMORER (CTC NO. 0840).

404
1211
PSA w/L.A.
County for Weed
Spraying Svcs.

RESOLUTION NO. 26,092:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A FIVE-YEAR WEED SPRAYING CONTRACT WITH THE LOS ANGELES COUNTY AGRICULTURAL COMMISSIONER/DIRECTOR OF WEIGHTS AND MEASURES.

1209
804-4
1503
Reimbursement
From Proceeds
Of Tax-Exempt
Financings of
Certain Capital
Improvements

RESOLUTION NO. 26,093:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DECLARING THE INTENTION OF THE CITY TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS.

1500
1st Amend. to
So. Cal Joint
Pole Agmt.

RESOLUTION NO. 26,094:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE FIRST AMENDMENT TO THE SOUTHERN CALIFORNIA JOINT POLE AGREEMENT.

1503
902
1301-3
RFPs for the
NOX Abatement
Systems for
Olive 1 and 2
Power Plants

RESOLUTION NO. 26,095:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR REQUESTS FOR QUALIFICATIONS AND PROPOSALS FOR DESIGN, INSTALLATION AND CONSTRUCTION OF Nox ABATEMENT SYSTEMS FOR OLIVE NO. 1 AND NO. 2 POWER PLANTS.

Adopted

The consent calendar was adopted by the following vote:

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

1007-1
1009-1
801-2
Establish Title of
Deputy Financial
Services Director

Mr. Hanway, Financial Services Director, reported on the request for City Council approval of the establishment of the Deputy Financial Services Director position and related budget appropriation. He noted that the position was proposed to be exempt from Civil Service and the Fair Labor Standards Act with a salary established at 80 percent of the Director's range.

He explained that the recent vacancy of the Assistant Financial Services Director position led to an evaluation of the needs of the Department. Based on the evaluation, he said it was determined that the following changes were warranted: establishment of Deputy Financial Services Director to oversee

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the budget, purchasing and warehouse; reuse of the Budget Manager position; addition of a management intern to report to the Budget Manager; and, transfer of the Receivables Section to the Assistant Financial Services Director responsible for the accounting functions.

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

1007-1 RESOLUTION NO. 26,096:
1009-1 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
801-2 ESTABLISHING THE TITLE AND CLASSIFICATION OF DEPUTY
Establish Title of FINANCIAL SERVICES DIRECTOR (CTC NO. 0269) AND
Deputy Financial PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY,
Services Director AND SPECIFICATION THEREOF AND AMENDING THE FISCAL
YEAR 2001-2002 BUDGET FOR THE PURPOSE OF
APPROPRIATING FUNDS FOR THE POSITION.

Adopted The resolution was adopted by the following vote:

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

1503-1 Mr. Jeider, Principal Electrical Engineer, reported on the request
Short-Term for City Council adoption of a proposed resolution authorizing
Sales & the General Manager of the Burbank Water and Power
Purchases for Department (BWP) to make short-term sales and purchases of
Products and up to five years in duration for products and services necessary
Svc. to effectively conduct its retail and wholesale resource
Conduct Retail management activities. He noted that this action provides for
and Wholesale continuation of Resolution No. 25,599 that expires on
Mgmt. Activities September 21, 2001 which allows BWP to dispense with the
City's formal competitive bidding process and enter into
agreements of up to two years in duration for the purchase and
sale of products and services related to power and fuel without
Council approval.

He explained that BWP needs to be able to continue to purchase electric power, fuel for generation, emission credits, and other related products and services by means other than through formal bidding. He said that approximately 25 percent of BWP's total requirement for electric energy is routinely purchased through negotiations and informal bidding completed just prior to the time of the purchase. He noted that such purchases are entered into at times when suppliers make offers

at prices that are advantageous to the Department and must be accepted without delay or the opportunities to make such purchases would be lost.

Mr. Jeider concluded by stating that any purchases made under the authority of this proposed resolution would be included as part of an approved BWP budget.

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

1503-1
Short-Term
Sales &
Purchases for
Products and
Svc. to
Conduct Retail
and Wholesale
Mgmt. Activities

RESOLUTION NO. 26,097:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK, AUTHORIZING THE GENERAL MANAGER OF THE CITY OF BURBANK WATER AND POWER DEPARTMENT TO UNDERTAKE SHORT-TERM SALES AND PURCHASES OF UP TO FIVE YEARS IN DURATION FOR PRODUCTS AND SERVICES TO EFFECTIVELY CONDUCT ITS RETAIL AND WHOLESALE RESOURCE MANAGEMENT ACTIVITIES.

Adopted The resolution was adopted by the following vote:

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

201-2
New 10-Year
Strategic Plan

Mr. Hess, Administrative Analyst, reported on the request for City Council adoption of the City's new 10-Year Strategic Plan entitled Embarking on a New Millennium. He said that the City Council held a special study session on August 9, 2001 to review the newly proposed plan. He noted that staff has incorporated the recommended changes resulting from the study session and has refined the document layout.

He explained that the new 10-Year Strategic Plan will be the guiding instrument for the City's actions, programs and priorities over the next several years. Per Council direction, he said that staff will bring regular updates to reflect staff's progress toward completion of the proposed goals and objectives, similar to that of the mid-year reporting for the City Council Annual Work Program documents.

Motion It was moved by Mrs. Murphy, seconded by Mr. Laurell and

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carried that "the City Council adopt the City's new 10-Year Strategic Plan entitled *Embarking on a New Millennium.*"

1502
410
Chandler
Bikeway Project
Update

Ms. Tuncay, Principal Planner, presented the Council with a monthly update on the progress of the Chandler Bikeway project. She said that staff was proceeding with the project and the schedule remains relatively the same with construction anticipated to begin January 2002 and completed by July 2002. However, she did note that the Metropolitan Transportation Authority has still not given final approval of the changes that the City has requested to the License Agreement, but said staff anticipates completing the License Agreement before Caltrans completes their review of the Bikeway project.

The City Council noted and ordered the report filed.

1503-2
Excluding
Lifeline Service
Customers from
ECAC Increase

Mr. Simay, Burbank Water and Power Assistant General Manager, reported on the request from the Council at the August 28, 2001 City Council meeting for staff to return with a report that would examine the feasibility of excluding the Lifeline Service customers from the scheduled Energy Cost Adjustment Charge (ECAC) increase effective October 1, 2001.

He explained that the Lifeline Service Rate gives substantial discounts for kilowatt-hour electric usage and has no monthly customer service charge. He said that customers eligible for the Lifeline Service Rate are those who are low income and either senior citizens or disabled.

Mr. Simay said that staff has concluded that excluding Lifeline Service customers from the ECAC increase is a viable option and can be afforded within the confines of the additional Public Benefits Program funding provided by the ECAC increase. He then noted that the exclusion of these customers would help Burbank's most financially vulnerable customers without creating any negative impact on other customers.

Motion

It was moved by Mrs. Murphy, seconded by Mrs. Ramos and carried that "the Lifeline Service customers be excluded from the Energy Cost Adjustment Charge increase scheduled for October 1, 2001."

406
213
Retention of
Copeland,
Lowery &
Jacquez Related
To Airports

Mr. Barlow reported that staff has noted in recent months increased federal legislative activity seeking to interpose a federal regulatory scheme on what has previously been local land use decisions relating to airports. He noted that while staff recognizes the need for a consistent and safe federal air transportation system, they are also concerned about the federal government usurping traditionally local powers.

In the context of the ongoing dispute with the Burbank-Glendale-Pasadena Airport, he said staff discussed this issue with the Council in Closed Session and the Council authorized the City Attorney to employ a Washington consultant to monitor federal activities in this area, and to meet with federal legislators, staffs, and various agency representatives. Pursuant to that authority, he noted that staff retained the firm of Copeland, Lowery & Jacquez, on a month to month basis. He noted that this agreement was effective on July 16, 2001, at a retainer of \$10,000 per month, and terminable by either the City or the firm upon 30 days notice.

Mr. Barlow then said that staff has discussed the retainer with the firm and noted that the Council has the following options with regard to the retainer: Cancel the Agreement; Continue the Agreement at \$10,000 per month and cancel it at a future date if the Council so decides; or, continue the Agreement at \$2,000 per month to monitor legislation and let the City know when issues arise. However, he said, there are currently many issues regarding airports and security and the City needs someone who understands and has access to legislators and can indicate our strong support of airport security matters, and also who understands that those agencies who surround airports should not bear the burden of airports to an extraordinary degree when they are used by many others.

Motion

It was moved by Mrs. Murphy, seconded by Mr. Laurell and carried that "the Council confirm the retention of Copeland, Lowery & Jacquez for \$10,000 per month with increased information from the firm being disseminated to the Council."

1501-1
801-2
804-3

Mr. Van Hazelen, Budget and Equipment Manager, reported on the request for City Council approval to do the following: solicit proposals for design, construction and 10-year

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902
403
1301-3
Apply for Grant
Funds for
Construction of
CNG Fuel
Station

operation of a compressed natural gas (CNG) fuel station; to appropriate \$60,000 from Transportation Fund 106 for this purpose; and, to apply for grant funds of \$125,000 from the California Energy Commission (CEC) and \$230,000 from the South Coast Air Quality Management District (SCAQMD) and execute agreements with each agency to use the grant funds toward construction of the CNG fuel station.

He explained that in order to maintain its commitment to clean air and to remain in compliance with increasingly stringent SCAQMD emission rules, the City will continue to add alternative fuel vehicles to its fleet. Due to the variety of acceptable factory-produced heavy equipment vehicles available, he said CNG is the most viable alternative-fuel technology for the City's fleet purchases, and the range and reliability is among the best available for alternative-fuel vehicles.

Mr. VanHazelen discussed that supporting a growing fleet of CNG vehicles requires the services of a CNG fuel provider and a CNG fuel station. Currently, he said the nearest natural gas fuel station is located in Glendale at the intersection of the 134 Freeway and San Fernando Road and refueling requires a six-mile round trip and often entails long waits due to high station usage.

In order to support Burbank's CNG vehicle growth, he said Burbank is proposing to build a CNG station at 810 North Lake Street that would be open to both public and private vehicles 24 hours per day, seven days per week. He noted that in return for Burbank being a "host" agency incurring the capital costs and providing the land for the station, the City will be able to purchase CNG fuel at a reduced price. Additionally, he noted the City will receive a percentage royalty of the additional amount charged to the public and other agencies' fleet vehicles for their fuel.

Mr. VanHazelen concluded by stating that funding for the proposed CNG station estimated at \$550,000, would come from the following sources: \$125,000 grant from the CEC; \$230,000 grant from SCAQMD; and, \$125,000 from the City for the required local matching funds. Of the remaining \$70,000 in estimated construction costs, he said \$45,000 will be paid by Burbank Water and Power and \$25,000 from the Vehicle Equipment Replacement Fund.

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

1501-1 RESOLUTION NO. 26,098:
 801-2 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
 902 AUTHORIZING THE CITY MANAGER TO SOLICIT PROPOSALS
 1301-3 FOR THE DESIGN, CONSTRUCTION AND TEN-YEAR
 Construction of OPERATION OF A COMPRESSED NATURAL GAS FUEL
 CNG Fuel STATION AND AMENDING THE FISCAL YEAR 2000-2001
 Station BUDGET.

1501-1 RESOLUTION NO. 26,099:
 804-3 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
 902 AUTHORIZING THE APPLICATION FOR A \$230,000 GRANT
 Grant from the FROM THE SOUTH COAST AIR QUALITY MANAGEMENT
 SCAQMD for DISTRICT FOR CONSTRUCTION OF A COMPRESSED
 CNG Fuel NATURAL GAS FUEL STATION.
 Station

1501-1 RESOLUTION NO. 26,100:
 804-3 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
 902 AUTHORIZING THE APPLICATION FOR A \$125,000 GRANT
 403 FROM THE CALIFORNIA ENERGY COMMISSION FOR
 Grant from the CONSTRUCTION OF A COMPRESSED NATURAL GAS FUEL
 Calif. Energy STATION.
 Commissions for
 Const. of CNG
 Fuel Station

Adopted The resolutions were adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Members None.

904-2 Mr. Feng, Public Works Director, reported on the request for
 804-3 City Council approval of an amendment to the May 2000
 405-2 contract agreement among the cities of Burbank, Glendale, and
 405 LaCanada-Flintridge to allow the continued use of the Glendale
 Household hazardous waste facility known as the Environment
 Hazardous Management Center (EMC) by Burbank residents.

Waste 8th Cycle He explained that the cities were awarded a \$178,291
 Grant Contract

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Bet. Burbank,
La Canada-
Flintridge and
Glendale for use
of the Glendale
Environ. Mgmt.
Center

discretionary grant from the California Integrated Waste Management Board for residential household hazardous waste (HHW) collection at the Glendale EMC from March 1, 2000 to March 31, 2002. Based on the population, he said Burbank received \$57,053 toward the \$50 per vehicle cost for an anticipated facility usage of 48 vehicles per month over the 25-month period. He noted that Burbank was also required to commit a minimum of \$20,000 annually to continue the HHW program.

Mr. Feng discussed that because Burbank residents embraced the program with an average use of 85 vehicles per month, grant funding was exhausted 10 months earlier than anticipated. He said staff was supportive of continuing the City's current level of participation in the successful program and budgeted \$45,000 instead of the required \$20,000 in the 2001-02 Refuse Fund budget. He said this increased funding commitment by the City will provide adequate funding for 75 vehicles per month. He then noted that staff will conduct other educational outreach programs including encouraging residents to more efficiently use the EMC by taking the maximum amount of HHW in one trip whenever possible and participating in the Los Angeles County roundups.

Motion

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

904-2
804-3
405-2
405
Household
Hazardous
Waste 8th Cycle
Grant Contract
Bet. Burbank,
La Canada-
Flintridge and
Glendale for use
of the Glendale
Environ. Mgmt.
Center

RESOLUTION NO. 26,101:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE FIRST AMENDMENT TO THE HOUSEHOLD HAZARDOUS WASTE AGREEMENT BETWEEN THE CITIES OF BURBANK, GLENDALE, AND LA CANADA FLINTRIDGE FOR CONTINUED USE OF THE GLENDALE ENVIRONMENT MANAGEMENT CENTER.

Adopted

The resolution was adopted by the following vote:

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

Noes: Council Members None.
Absent: Council Members None.

Ordinance Submitted It was moved by Mrs. Murphy and seconded by Mr. Laurell that "Ordinance No. 3585 be read for the second time by title only and be passed and adopted." The title to the following ordinance was read:

1702
1411-1
1411-2
1103
Burbank
Entertainment
Village (AMC)

ORDINANCE NO. 3585:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE AMENDED AND RESTATED PLANNED DEVELOPMENT NO. 98-2 AND A DEVELOPMENT AGREEMENT RELATED THERETO (Burbank Entertainment Village).

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.

10: 26 P.M.
Reconvene
Redev. Agency
Meeting

The Redevelopment Agency meeting was reconvened at this time.

Third Period of
Oral
Communication

Mr. Kramer called for the third period of oral communications at this time.

Citizen
Comment

Appearing to comment were Irma Loose, on concern with the actions of the Council related to the Airport, and supporting Measure A; Mark Barton, on concern with statements made by some of the public speakers during oral communications and noting that some of them even intimidate other public speakers; Mike Nolan, asking why there were 18 squad cars at a business near City Hall over the weekend; and David Piroli, supporting freedom of speech even when it is personally harmful.

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Staff
Response

Members of the Council and staff responded to questions raised.

Adjournment

There being no further business to come before the Council, the meeting was adjourned at 10:40 p.m.

Judie Sarquiz, City Clerk

APPROVED NOVEMBER 6, 2001

Mayor of the Council
of the City of Burbank