

TUESDAY, OCTOBER 16, 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, Murphy, and Kramer.
Absent - - - - Council Members Golonski and Ramos.
Also Present - Mr. Ovrom, City Manager; Mr. Barlow, City Attorney; and, Mrs. Moioffer, Deputy City Clerk.

Measure A Mr. Barlow read the following statement: The City today filed a lawsuit in Los Angeles County Superior Court against the Airport Authority. The lawsuit asks the Court to determine whether the City is required to enforce the Measure A initiative and to what extent. The City Council authorized this litigation in closed session on October 9, 2001 by a vote of 3 in favor with Council member Murphy voting no, and Mayor Kramer abstaining.

The City Council wanted to make clear that they support the principles that led to adoption of Measure A. The Council concluded, however, that it had no choice but to file this litigation. California law places the City in an impossible position. The City is required to enforce all laws – including initiatives that are adopted by the voters. At the same time, the City is not allowed to enforce laws that the Council has been advised is illegal. If the City refused to enforce Measure, A, the City would be making a decision that only the courts should make. The City Council concluded that the only responsible option was to seek a declaration from the Court on the legality of Measure A.

The timing for this litigation was triggered by several actions that the City will need to take almost immediately that are affected by Measure A. Among those actions is a City Council decision on the Airport Authority's application to move two parking lots adjacent to the Airport, approvals for the Zelman Partners' development of parking on the former A-1 North site, relocation of Desmond's parking lot for studio trailers, and routine building permit approvals for Airport maintenance projects. Measure A does not, by its express language, exclude such routine matters.

The City Council recognizes that many people have views on the legality of Measure A. In order to ensure that interested residents have an opportunity to express their views, the City Council has instructed the City's lawyers not to oppose efforts by responsible representatives of interested groups to intervene in the lawsuit.

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

Citizen Comment Appearing to comment was Mike Nolan, asking when the Council voted to file the lawsuit on Measure A, and on concern with the treatment of the public in this regard.

5:06 P.M. Recess The Council recessed at this time to the Training Room, 1st Floor of City Hall Annex, 301 East Olive Avenue, 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): 3
- d. Conference with Real Property Negotiator:
Pursuant to Govt. Code §54956.8
Agency Negotiator: Community Development Director/ Susan Georgino
Property: 140-144 East Providencia Avenue
Parties with Whom City is Negotiating: Lester D. and Karen J. Meek
Terms Under Negotiation: Possible purchase of property.
- e. Conference with Real Property Negotiator:
Pursuant to Govt. Code §54956.8
Agency Negotiator: Public Works Director/Bruce Feng
Property: That portion of the Metropolitan Transportation Authority (MTA) owned rail right-of-way commonly referred to as the MTA's Valley Subdivision located along both sides of the railroad tracks, with frontage on both portions of North San Fernando Boulevard lying on either

side of the MTA's Valley Subdivision rail right-of-way, and lying approximately between the North Buena Vista Street crossing and the Hollywood Way overpass.

Parties with Whom City is Negotiating: Metropolitan Transportation Authority Real Estate Duncan Robb.

Terms Under Negotiation: Directions to negotiate for lease with the Metropolitan Transportation Authority.

- f. Conference with Labor Negotiator:
Pursuant to Govt. Code §54957.6
Agency Negotiator: Management Services Director/John Nicoll
Employee Organization: Burbank City Employees Association and Burbank Management Association.
Terms Under Negotiation: Contracts 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 6:45 p.m. by Mr. Kramer, Mayor.

Invocation The invocation was given by Dr. Jerry Jones, Pastor, Burbank Community Church.

Flag Salute The pledge of allegiance to the flag was led by William Pettibone Hernandez, Boy Scout Troop 209.

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; and, Mrs. Sarquiz, City Clerk.

301-1 Crossing Guards Mayor Kramer, Lieutenant Wade Taylor, Sergeant Pat Lynch and Cheryl Panikowski, Parking Control Supervisor, presented commendations to the following Burbank Crossing Guards to express the City's sincere gratitude to them for their work and dedication in safeguarding the children of the City to and from school: Nabil Hourany, Gina Baitman, Charlene Hooper, Shirley Brady, Ofelia Chavez, Tonya Lincoln, Maria Moya, Marvin Cothran, Marylou Crawford, Charles Trapani, Helen Cunning, Russell Blackwood, Julieta McKay, Claudette Costes, Kamillia Attalla, Elaine Grow, Frederick McDermott, Clotilde Iacobellis, Grazia Brunetti, Eleanor Parker, Marie Eakin,

Naida Schweigert, Sally Galati, Consuelo Wilson, and Catherine Frascatore.

301-1
Make a
Difference Day

Mayor Kramer announced that the Burbank Civic Pride Committee will be sponsoring a food drive at all local markets in Burbank on Saturday, October 27, 2001, in recognition of the annual celebration of Make A Difference Day.

7:02 P.M.
Hearing
1704-3
602
CUP 2001-9
Texaco Food
Mart & Foam
Brite Wash
(400 N. Victory
Blvd.)

Mayor Kramer stated that "this is the time and place for the hearing on the appeal of the Planning Board's decision on Conditional Use Permit No. 2001-9 requested by Steve Yang, which would allow the sale of beer and wine for off-site consumption at the existing Texaco gasoline station and food mart at 400 North Victory Boulevard. The CUP was denied by the Planning Board on August 13, 2001."

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. Montes de Oca, Assistant Planner, reported that the applicant and appellant, Steve Yang, submitted a request on August 13, 2001 requesting a reversal of the Planning Board's decision to deny Conditional Use Permit (CUP) No. 2001-19, a request by Mr. Yang to allow the sale of beer and wine for off-premises consumption at the existing Texaco gasoline station food market located at 400 North Victory Boulevard.

He explained that on August 13, 2001, the Planning Board conducted a public hearing on the subject CUP and denied the application. He said the property is located in a Census Tract that the Department of Alcoholic Beverage Control (ABC) has determined to have an over-concentration of alcoholic retailers. Therefore, he said that in addition to the findings required by the Burbank Municipal Code to grant a CUP, ABC requires that the City find that the sale of alcoholic beverages at the subject location will serve a public convenience or necessity. He then noted that the Planning Board was unable to make this finding.

Mr. Montes de Oca said that it is staff's assessment that all of

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the findings required to grant the appeal and approve the subject CUP can be made. He noted that because the subject property is centrally located in the City and is served by two major thoroughfares (Magnolia and Victory Boulevards), staff believes the sale of beer and wine would serve a public convenience, and thus a funding to that effect can be made.

Applicant

Mr. Yang, applicant and appellant, apologized for not being able to attend the Planning Board hearing noting he was represented by his store manager who had a number of misunderstandings regarding the process. He said that the property has no residents nearby and is in a commercial area. He said that he operates three Shell stations in addition to this Texaco station, and noted that all three of his Shell stations have beer and wine licenses.

He said that he has been in business for 10 years and understands that a beer and wine license increases the profitability of a convenience store business noting customers expect this type of offering at this type of store. He said that currently he has liquor licenses in Laguna Niguel and Orange County which are both in areas of over concentration with residential homes surrounding the business.

Mr. Yang stated his belief that the approval of the license will provide extra tax dollars to the City, and improve the success of his business. He then noted that he will commit to fully train the store manager and employees to adhere to the laws related to alcohol sales, similar to what they do for tobacco sales.

He explained that the site is in a commercial/industrial area, and receives lots of business during the day. He said that he will commit to the following if the appeal is upheld: using only one cooler door space for the sale of wine and beer; all transactions conducted in the store; no walk-up sales; and, obeying all City policies including a willingness to restrict sales during the evenings and weekends if requested and will not conduct heavy advertising for the sale,

He concluded by referring to a packet of information he submitted to the Council on the matter and referring to a letter in the packet from the Chamber of Commerce which recognizes him as a business member in good standing who runs two businesses in the City that are an asset to the economy.

- Citizen Comment Appearing to comment were Susan Bowers, Executive Director of the Burbank Chamber of the Commerce, asking the Council to look favorably upon this request by Mr. Yang, noting his service stations are full-service and both stations are clean and well staffed and he is the kind of business person that will responsibly manage a liquor license, and noting the business is in a commercial area and no residents will be impacted; Esther Espinoza, supporting the applicant's request and asking the Council to overturn the Planning Board decision; and Frank Kaden, stating the City has enough liquor stores and this additional station is not needed.
- Applicant Mr. Yang said that the Texaco station conducts 300 to 400 transactions per day and noted that he has a business plan of increasing his business, stating this license will offer more convenience to the customer and will be of benefit to the community.
- 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 Mrs. Murphy, seconded by Mr. Golonski and carried with Mr. Laurell voting no that "staff be directed to prepare a resolution upholding the Planning Board's decision to deny Conditional Use Permit No. 2001-9."
- Reporting on Closed Session Mr. Barlow reported on the items considered by the City Council and Redevelopment Agency during the Closed Session meetings and read the following statement on the Measure A lawsuit:
- The City today filed a lawsuit in Los Angeles County Superior Court against the Airport Authority. The lawsuit asks the Court to determine whether the City is required to enforce the Measure A initiative and to what extent. The City Council authorized this litigation in closed session on October 9, 2001 by a vote of 3 in favor with Council Member Murphy voting no, and Mayor Kramer abstaining.
- The City Council wanted to make clear that they support the principles that led to adoption of Measure A. The Council concluded, however, that it had no choice but to file this litigation. California law places the City in an impossible position. The City is required to enforce all laws – including initiatives that are adopted by the voters. At the same time,

the City is not allowed to enforce laws that are unconstitutional or illegal. If the City were to enforce Measure A, it would be enforcing a law that the Council has been advise is illegal. If the City refused to enforce Measure A, the City would be making a decision that only the courts should make. The City Council concluded that the only responsible option was to seek a declaration from the Court on the legality of Measure A.

The timing for this litigation was triggered by several actions that the City will need to take almost immediately that are affected by Measure A. Among those actions is a City Council decision on the Airport Authority's application to move two parking lots adjacent to the Airport, approvals for the Zelman Partners' development of parking on the former A-1 North site, relocation of Desmond's parking lot for studio trailers, and routine building permit approvals for Airport maintenance projects. Measure A does not, by its express language, exclude such routine matters.

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406
Airport Authority
Meeting of
October 15,
2001

Airport Commissioner Charles Lombardo reported on the items that were on the October 15, 2001 Airport Authority meeting agenda. He stated that the Authority approved the following matters: partial take back of property (office space) from Metropolitan Culinary Services for airline office relocation; Eller Media name change to Clear Channel Outdoor Inc.; second amendment to the operating agreement with Scenic Airlines (Eagle Airlines); operating agreement with Mesa Airlines (subsidiary of America West); a leasehold reduction of the Paradies Shops; and, award of a contract for Bid Schedule 2001-13 for the east concourse hardstand modifications.

Next, he said that due to the resignation of Burbank Commissioner Dave Newsham, he was appointed to the Ad Hoc Safety Committee.

Mr. Lombardo then said that following the Closed Session meeting the Airport Authority reported the following actions: the authorization for the President to enter into lease amendments with signatory tenants for insurance related to war risk insurance coverage; and, approval of increased public safety measures at the Airport including: 1) Consolidation of

the police and fire operation; 2) Establishment of a Director of Public Safety position to oversee police and fire services; 3) Enhancement of training standards for existing and future police personnel; 4) Adjustments to the salary range of the police and sergeant positions to be negotiated with the labor union; and 5) Immediate recruitment of additional positions to enhance the Airport's police presence.

Lastly, he said the Commission received an update on the Part 161 Study project status update.

The City Council received the report.

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 Gloria O'Donohoe, stating she was the Inspector for the Absentee Processing Board for the Special All-Mail Ballot Election and thanking the entire City Clerk's Office for their professionalism; Bob Olson, Vice Chair of the Burbank Water and Power Board, stating the Board unanimously supports the approval of the new revenue bonds; C. L. Stack, stating the City Clerk should not leave her post until her term is complete and putting his name in for consideration of the vacancy; Esther Espinoza, on concern with discrimination in the City's employment practices; Frank Kaden, on concern with the status of the debris basins in the hillside and noting his opposition to the Santa Monica Mountains Conservancy's desire to purchase the property; Mr. Gukas, inviting the community to attend a fundraiser at Gitana to help homeless kids in Burbank noting in order to attend they need to register on his website; Molly Hyman, asking for a weekly report from the City's Airport lobbyist, and asking for an update on the Lipinski bill regarding airports; Ron Vanderford, on concern with the vacancy on the Airport Authority Commission, and supporting the reappointment of Phil Berlin as suggested by Mayor Kramer in the newspaper; Elaine Jones, on concern with an October 11, 2001 letter from the Airport Authority suggesting the City enter into litigation on Measure A, asking whether any litigation has been filed against the City from another entity regarding Measure A, and asking if a City Council Member can serve on the Airport Authority without it being a conflict; David Scully, Jr., on concern with the All-Mail Ballot election process and the ballot measure language; R. C. "Chappy" Czapiewski,

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asking for public records regarding actions from Council action taken in Closed Session on October 2 and 9, 2001; Dr. Theresa Karam, thanking the Community for supporting Measure A but noting concern with the City Council filing a lawsuit against the Measure; and David Piroli, on concern with the Council filing a lawsuit against Measure A and asking whether the City asked the Airport Authority to submit a letter requesting litigation on 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 of oral communications at this time.

Citizen
Comment

Appearing to comment were Irma Loose, thanking the community for supporting Measure A, asking whether the City will obey Measure A, and asking that Bill Wiggins and Charlie Lombardo be removed from the Airport Authority Commission due to their opposition to Measure A; Howard Rothenbach, reading portions of a letter he submitted to the City yesterday regarding the intent of Measure A to only apply to a new expanded Airport Terminal and not any existing facilities;

Esther Espinoza, on concern with minority representation in the City government; Mark Barton, on concern with the City Attorney interrupting public speakers, stating the City should not pursue litigation in Measure A stating the Restore Our Airport Rights (ROAR) supporters should work with the Federal Aviation Administration (FAA) to solve the matter at the Airport, and noting his belief that Measure A should not even be discussed at this point stating security is the main concern at the Airport; Ted McConkey, opposing the City Council taking action to pursue litigation on Measure A and stating the City should not waste taxpayers money to litigate the matter noting any such litigation should have been brought about by an entity who has been harmed with standing; Robert Ross, opposing the City pursuing litigation on Measure A, and on concern with the court system; R. C. "Chappy" Czapiewski, opposing the City pursuing litigation on Measure A; Molly Hyman, stating there is no record that a change has been made in the Lipinski bill and asking the City Attorney to address this matter and asking why the Council knows nothing about a Brownback bill, and opposing the City

pursuing litigation in Measure A; Ron Vanderford, opposing the City pursuing litigation in Measure A, stating the election process was held in a fair manner, and asking whether the City will take action to update the City's voter records due to the 9,000 plus election material envelopes that were returned during the all-mail ballot election process; Rose Prouser, stating her belief that the passage of Measure A was a victory for all parties involved in the Airport dispute and noting her belief that the Council should now use their energy to encourage and empower the Airport Authority to feel like winners in this matter also, opposing the Council taking any action to appoint a Council Member to the Airport Authority, and on concern with the Council entering into litigation on Measure A; Brett Loutensock, stating his belief that many of the comments discussed this evening during the 2nd period of oral communications were not related to the agenda and asking the Council to reevaluate their policy on oral communications and enforce the policy fairly; Dr. Theresa Karam, stating 11,000 people supported Measure A and opposing the City's action to file a lawsuit in this matter; David Piroli, opposing the Council taking action to pursue litigation in Measure A, asking whether the City considered hiring a land use attorney to review the Measure, and opposing the Council taking any action to appoint a Council Member to replace Airport Commissioner Dave Newsham and recommending the reappointment of Phil Berlin; Elaine Jones, asking whether any entity has filed in court or threatened litigation against the City over Measure A, and asking whether the City will provide funding for ROAR supporters to participate in the lawsuit; and Mike Nolan, on the two bid schedules on sidewalk repairs as a result of claims against the City and asking the Council to address the effectiveness of such repairs, and on concern with the Council taking action to pursue litigation in Measure A.

Staff Response	Members of the Council and staff responded to questions raised.
9:08 P.M. Recess	The Council recessed at this time. The meeting reconvened at 9:23 p.m. with all members present except Mrs. Ramos.
9:23 P.M. Recess	The Council recessed to permit the Redevelopment Agency and Parking Authority to hold their meetings. The Council reconvened at 9:24 p.m. with all members present.
9:25 P.M.	Mrs. Ramos returned to the meeting at this time.

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Mrs. Ramos
Returned to
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."

Minutes
Approved

The minutes for the regular meeting of August 21, 2001 were approved as submitted.

1205-2
Vacate a Portion
Of the PUE at
362 S. Myers
St. (V-338)

RESOLUTION NO. 26,106:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ORDERING THE SUMMARY VACATION OF THE SOUTHWESTERLY TWO AND ONE-HALF FEET OF A PUBLIC UTILITY EASEMENT LOCATED AT 362 SOUTH MYERS STREET IN BURBANK, CALIFORNIA (V-338).

804-4
1102
1107
Approval of
Bond Trustee
Successorship

RESOLUTION NO. 26,107:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPOINTING A SUCCESSOR TRUSTEE IN CONJUNCTION WITH CERTAIN BONDS.

1301-3
Change Order
For 2001 City-
Wide Sidewalk
Repair – Phase 2
(B.S. 1088)

RESOLUTION NO. 26,108:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER PURSUANT TO THE CONTRACT WITH KALBAN, INC. FOR CITYWIDE SIDEWALK REPAIR, PHASE 2, BID SCHEDULE NO. 1088.

1301-3
Change Order
For 2001 City-
Wide Sidewalk
Repair (B.S.
1080)

RESOLUTION NO. 26, 109:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER PURSUANT TO THE CONTRACT WITH C.J. CONSTRUCTION COMPANY FOR CITYWIDE SIDEWALK REPAIRS, BID SCHEDULE NO. 1080.

1106-1
403
Update
Population
Figures

RESOLUTION NO. 26,110:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE MAYOR TO REQUEST NEW CITY LIMIT ROAD SIGNS TO REFLECT THE 2000 CENSUS POPULATION FIGURES.

She then briefly discussed some of the following community policing programs the Department has created in the past two years: Community Information and Intervention Programs – Community Academy Classes, Crime Stoppers Program, New Neighborhood Watch, Youth Academy, Dispute Intervention, Neighborhood Meetings, Annual Open House, and microchip identification system for pets; and, Youth Related Programs – Youth Academy, Cadet Program, traffic safety program, motorized scooter informational video and pamphlets, and participation in the School District Safety/Security Committee.

Lieutenant Lowers concluded by stating that some of the goals in this year's Work Program fall into the area of community policing, including the monitoring of parolees, increasing domestic violence intervention, formulating a tactical plan for the schools, and targeting diversity in recruiting. She then noted that some of the community policing plans for the future include: computer aided directed patrol to more effectively target crime and quality of life problems; creation of lead officers on patrol shifts to assist in problem solving; participating in the National Night Out Program which encourages citizens to interact with their officers; and, a school valet drop off program at elementary schools.

The City Council noted and ordered the report filed.

913
Adopt-A-Storm
Drain Program

Ms. Teaford, Assistant Public Works Director, reported that since 1990, the City has been coping with the increasing challenges presented by the Federal stormwater regulations and by leveraging the City's resources in related environmental programs, the City has been able to achieve compliance with Federal laws. She said that in November 2001, the Los Angeles Regional Water Quality Control Board is expected to issue a new Los Angeles County Municipal Stormwater Permit as required by Federal law. She noted that the proposed new Permit promises to increase the requirements to a new level that will require resources beyond the City's current capabilities.

She explained that identifying new funding sources to meet the new Federal requirements will be a priority for the City and said that as such, staff was requesting the Council to consider looking into a new program called Adopt-A-Stormdrain. She noted that this program is modeled after the well-known California Department of Transportation's (Caltrans) Adopt-A-

Highway Program. Under this program, she said the City would enter into an agreement with the Adopt-A-Stormdrain, a California non-profit public benefit corporation that was founded in 2000 to help cities tap into corporate resources to fund needed stormwater programs. She noted that the Adopt-A-Stormdrain organization would then solicit corporations or other organizations for funds to be used in a variety of City stormwater pollution prevention activities and in exchange, the corporations would be recognized for their contributions through visible displays of the corporate logo on signs, banners etc.

Ms. Teaford said that the Adopt-A-Stormdrain organization would retain 20 percent of the solicited revenue to cover the costs of operating the program. She said the City would retain 80 percent of the revenue to be used for its stormwater pollution prevention programs.

She concluded by stating that if the City Council is supportive of the program, staff will return to the Council with a more detailed program including potential sponsors, contracts, anticipated revenue, and advertising recommendations. She then noted that it was staff's goal to have the program implemented by the end of the 2001-02 Fiscal Year.

The City Council stated their support for the program.

804-6
804-4
1503
BWP Electric
Revenue Bonds

Mr. Corbi, Assistant General Manager, Burbank Water and Power, reported on the request for City Council approval of a proposed resolution that would authorize staff to do the following: Proceed with the issuance and sale of Electric Rate Revenue Bonds, Series 2001, to be used primarily to finance all of the costs of the acquisition and installation of a 47-megawatt (MW) General Electric LM-6000 gas-fired simple cycle combustion turbine; Finance with the 2001 Bonds other electric system capital improvements, including improvements to the Olive 1 and 2 steam Units, and the retrofitting of the Sylmar Converter Station; Refund all outstanding Burbank Water and Power (BWP) Senior Revenue Bonds, Series of 1993; Fund a Bond Debt Service Reserve for the 2001 Bonds, as required by the master indenture; Pay the costs of issuance and capitalized interest of the 2001 Bonds; and, Reimburse BWP funds used for certain expenditures and deposits made in connection with the acquisition, construction, financing and equipping of the LM-6000, and certain other capital improvements, from the 2001 Bonds.

Court
Reorganization

Carl West, Supervising Judge of the Los Angeles Superior Court, North Central District, made a presentation to the City Council relating to the challenges facing the Court and outlined his proposal to resolve these challenges. He said that the challenges identified by the Judge included court consolidation, the imposition of "one day/one trial" for jury service, and an aging courthouse in Glendale, with inadequate parking and juror assembly facilities. To meet these changing circumstances, he said that Judge West proposed to move all criminal cases arising in Glendale and Burbank to the Burbank Courthouse, and virtually all civil cases arising in the district to the Glendale Courthouse.

He explained that the Council discussed the proposal, expressed appreciation for Judge West meeting with City staff and agreeing to appear before the Council, but unanimously voted to oppose the proposal, and directed staff to prepare a resolution to that effect. He noted that the Council also directed staff to continue to work with the Court in an attempt to resolve the difficult challenges facing the Court, but taking into account the concerns of the affected cities and other affected agencies and parties.

Motion

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

404
Court
Reorganization

RESOLUTION NO. 26,112:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK OPPOSING THE CURRENT PLAN OF THE SUPERIOR COURT TO REASSIGN ALL CRIMINAL CASES ARISING FROM GLENDALE AND BURBANK TO THE BURBANK COURTHOUSE AND VIRTUALLY ALL CIVIL CASES ARISING FROM THE TWO COMMUNITIES TO THE GLENDALE COURTHOUSE, AND DIRECTING THE CITY MANAGER AND THE CITY ATTORNEY TO CONTINUE WORKING WITH THE COURT TO ASSIST IN RESOLVING THE CHALLENGES FACING THE COURT.

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.

10:25 P.M.

The Redevelopment Agency and Parking Authority meetings

10/16/01

Reconvene
Redev. Agency
and Parking
Authority
Meetings

were reconvened at this time.

Third Period of
Oral
Communication

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

Citizen
Comment

Appearing to comment were Irma Loose, opposing the City's action to pursue litigation in Measure A and suggesting a preemptory challenge should have been made by the City prior to the people voting on the Measure; Mark Barton, on concern that the Burbank Airport is not secure and noting that should be the focal point in the Airport matter; Robert Juarez, opposing the City's action to pursue litigation in Measure A, and requesting minutes, reports etc, from the October 9, 2001 Closed Session meeting; Howard Rothenbach, asking why Measure B is different from Measure A regarding the delegation of power to the people in this matter; Mack Dugger, opposing the City's action to pursue litigation in Measure A, and stating the City's job was to find a way to enforce the law not litigate it; Eden Rosen, on concern with the City appealing the Irv Rubin decision related to invocations at Council meetings noting the money could be used for other programs, and on concern with just-cause evictions and noting concern with landlords in the City; and Mike Nolan, stating Council Member Ramos could ask the Council to reconsider their vote to pursue the litigation in Measure A, stating his appreciation for the Council's approval of the Burbank Water and Power Bonds, asking the Council to pay more attention to the Magnolia Park area, and asking when the area behind City Hall will be paved to provide parking.

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 10:58 p.m.

Judie Sarquiz, City Clerk

APPROVED DECEMBER 11, 2001

Mayor of the Council
of the City of Burbank