

TUESDAY, NOVEMBER 6, 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 Golonski, Laurell, Murphy, and Kramer.  
Absent - - - - Council Member Ramos.  
Also Present - Mr. Ovrom, City Manager; Mr. Barlow, City Attorney; Ms. Alvord, Assistant City Manager; and, Mrs. Moioffer, Acting City Clerk.

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

5:00 P.M. Recess The Council recessed at this time to the Training Room, 1<sup>st</sup> 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)
  - 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:** City of Burbank v. Burbank-Glendale-Pasadena Airport Authority.  
**Case No.:** BC259852  
**Brief description and nature of case:** Declaratory Relief.
- 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

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 Reverend Tania Kleiman, Olive Branch Ministries.
Flag Salute	The pledge of allegiance to the flag was led by Mickey DePalo, Recreation Program Coordinator.
ROLL CALL	
Present- - - -	Council Members Golonski, Laurell, Murphy, Ramos and Kramer.
Absent - - - -	Council Members None.
Also Present -	Mr. Ovrom, City Manager; Mr. Barlow, City Attorney; Ms. Alvord, Assistant City Manager; and, Mrs. Moioffer, Acting City Clerk.
301-1 New York City Presentation	<p>Police Officer Joe Dean thanked the Council and Chief Hoefel for the opportunity to travel to Washington DC and New York City on behalf of the City of Burbank following the tragedy of September 11. Officer Dean stated he presented a check for \$18,105, which was raised by the Burbank Police Department Officers and support staff, a condolence book, and a Council Proclamation to Police Commissioner Bernard Kerick of the New York Police Department. Officer Dean then presented a video documenting his experiences during his trip to the New York Police Department, Ground Zero at the World Trade Center, Saint Vincent's Medical Center, and the Wall of Remembrance.</p> <p>Mayor Kramer and Council Members thanked Officer Dean for representing the City of Burbank and for his presentation.</p>
7:06 P.M. Hearing 1701 IDCO Extension For Second Dwelling Units in R-1 Zone	Mayor Kramer stated that "this is the time and place for the hearing on the consideration of an extension of an Interim Development Control Ordinance pertaining to the issuance of new development or use permits for second dwelling units in R-1 zones."
Notice Given	The Acting 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, Community Development Department, presented a report on the request for extension of Interim Development Control Ordinance (IDCO) regarding

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second dwelling units in the R-1 Zone. He stated that on September 25, 2001, the Council adopted Ordinance No. 3586, an Interim Development Control Ordinance (IDCO), temporarily restricting development permits for new second units. He stated the IDCO was adopted as an urgency ordinance and, under California Government Code §65858, it expires in 45 days, unless the appropriate legislative authority extends it following a properly noticed public hearing. Mr. Bowler stated that the statute also requires that the City issue a report on what has been done to alleviate the situation that led to the IDCO and he requested that the City Council extend the IDCO to give staff time to formulate a properly revised or rewritten ordinance.

Citizen  
Comment

Appearing to comment was Esther Espinoza, stating her belief that the City is violating California Real Estate laws and purposefully delaying complying with the law.

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 and seconded by Mr. Laurell that "the following ordinance be introduced and adopted:"

1701  
IDCO Extension  
For Second  
Dwelling Units in  
R-1 Zones

ORDINANCE NO. 3589:  
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK EXTENDING AN INTERIM DEVELOPMENT CONTROL ORDINANCE WHICH TEMPORARILY LIMITS THE ISSUANCE OF ANY PERMIT FOR USE OR DEVELOPMENT OF SECOND DWELLING UNITS IN R-1 ZONES.

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.

Reporting on  
Closed Session

Mr. Barlow reported on the items considered by the City Council during the Closed Session meeting.

First Period of  
Oral  
Communications

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

Citizen Comment	<p>Appearing to comment were Reverend Tania Kleiman, commenting on the condition of sidewalks and the lack of sidewalks in various areas of the City as well as the lack of curb cuts, making it difficult for seniors and disabled citizens to walk; Marie Paino, urging reinstatement of Phil Berlin as Airport Commissioner; Frank Kaden, commenting on a fund raiser held to purchase an air filtration system at the Animal Shelter, noting the City should be able to fund these kinds of needs, and commenting on the shooting of a dog last week by Police; R. C. Czapiewski, stating he submitted a Brown Act challenge on October 23 and is awaiting a response; Ron Vanderford, on the Airport Authority Commissioner appointment, noting it appears that applicant Don Brown is involved in public voter registration fraud in that apparently he has family members unlawfully registered at his residence; Howard Rothenbach, asking what position Mr. Lombardo held when he was represented by the City in a lawsuit, and asking how much has been paid to the City's Airport Counsel Peter Kirsch in association with Measure A; Esther Espinoza, commenting on Police shooting of a dog; Dr. Jay Adams, Chair of the Magnolia Park Citizen Advisory Committee speaking on Holiday in the Park on November 16, inviting the City Council and community to attend, noting there is a great deal of construction going on in Magnolia Park, and asking if the construction will be completed or minimized prior to the event; Dr. Theresa Karam, supporting Phil Berlin's application as Commissioner to the Airport Authority; and Robby Shaw, supporting Phil Berlin for appointment to the Airport Authority.</p>
Staff Response	<p>Members of the Council and staff responded to questions raised.</p>
Second Period of Oral Communications	<p>Mr. Kramer called for speakers for the second period of oral communications at this time.</p>
Citizen Comment	<p>Appearing to comment were Robby Shaw, expressing concern on City's lawsuit against Measure A, referring to a letter from Chris Holden, Airport Authority President, noting that Mr. Holden expressed concern about Burbank's litigation, and expressing concern that the decision was made in closed session; Glenn Brown, on his application to the Metropolitan Water District Director position, noting his years of experience with water quality issues and water projects; R. C. Czapiewski, regarding a Public Records Request, stating that</p>

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on October 9, 2001 a closed session was held and he is requesting the name of the person who made the decision to move the closed session location from the City Hall Annex to the Police/Fire Facility; Kevin Muldoon, commenting on the vote on the Measure A lawsuit, and expressing hope that the vote on the lawsuit will be overturned and indicating that the citizens of Burbank have expressed their wishes and Council should respect those wishes; Don Elsmore, on the need for an approachable Commissioner on the Airport Authority, indicating his belief that Don Brown will not be approachable, and supporting Phil Berlin as Airport Authority Commissioner; C. L. Stack, on his concern that the City Council can overturn the vote of the people, urging the Council to vote to withdraw the litigation, and requesting the Council to take action on delaying the AMC groundbreaking until after the holidays; Ted McConkey, on letter sent to the Council regarding a misstatement of facts on quoting the Government Code in providing legal defense to a City official or public employee, stating his belief that Charlie Lombardo was not a public official or an employee at the time he was represented by counsel paid with taxpayer funds, and urging Council Member Ramos to reconsider her vote;

Molly Hyman, thanking Officer Dean and expressing her appreciation for his presentation, noting that the people have told the Council they want a cap on flights, a mandatory curfew, and urging Mrs. Ramos to keep her political promises; Dr. Jay Adams, noting Magnolia Park is the area most affected by airport noise and pollution, expressing his concern with the lawsuit against Measure A, and asking the Council to consider Mr. Berlin for appointment as Airport Authority Commissioner; Irma Loose, presenting a video tape on comments from previous Council meetings regarding Charlie Lombardo being represented by City funds, asking for a public records request of Government Code Section 825 cited in the agenda of November 6, 2001, and asking the cost of the October 25, 2001 Joint Council/Airport Authority meeting; Esther Espinoza, commenting on the appointment to the Airport Authority, and noting her lack of support for Don Brown; Stan Hyman, commenting on the lack of response by Council to the question on the Brown Act during first oral communications, and requesting the Council to instruct the City Manager to provide press releases to him noting he was not provided with Peter Kirsch's press release prior to the meeting; Mark Barton, on the criteria for security measures at airports and stating that the Airport has to respond to the Federal Aviation Administration, suggesting a Mayor on the

Street program be dedicated to the Airport and security measures, and noting there are more important issues than expansion of the Airport; Carolyn Berlin, expressing appreciation of Officer Joe Dean's presentation, thanking those present who spoke in support of Phil Berlin, stating the presence of the restored Council Chambers gives a sense of what this Country is about, stating her belief that Council Members should have the flexibility to add items to the agenda, and asking for consideration of taking a vote that night to add an item to the agenda noting that the system should move more quickly; Ron Vanderford, expressing his support of Phil Berlin for Airport Authority Commissioner, and also expressing his hope that Mrs. Ramos will reconsider her vote on the lawsuit; Frank Kaden, expressing belief that a suit should not have been filed against Measure A, asking what the internal costs have been for the City, requesting the Council to wait until the Airport sues the City, and expressing support for Phil Berlin for Airport Authority Commissioner;

Howard Rothenbach, opposing consideration of Don Brown for Airport Authority Commissioner and supporting Phil Berlin due to his expertise as an attorney and his understanding of day-to-day issues of the Airport, and commenting on the Measure A lawsuit; Dr. Theresa Karam, expressing her hope that the vote on Measure A litigation will be reconsidered, and supporting the appointment of Phil Berlin as Airport Authority Commissioner; Ken Hoaglund, noting his support of and respect for Phil Berlin as an Airport Authority Commissioner, and noting the vote on Measure A sends a message to voters that their vote doesn't count, especially first-time voters who he felt may not vote again; David Piroli, requesting that the item on using public funds for attorneys for private parties be continued to the next meeting because Mrs. Loose was unable to make her point due to a problem with her video tape, on supporting Phil Berlin for Airport Authority Commissioner, requesting an answer on aviation easements in the General Plan and how long the City has been requiring aviation easements, and encouraging the Council to reconsider the vote on the lawsuit against Measure A; Mike Nolan, on Board and Commission application appointments, commenting on the applicants and noting that the Chamber of Commerce was asked for a recommendation; and Mark Friedman, expressing his concern about the mail-in ballot election, asking the Council to support what the electorate has decided, and supporting Phil Berlin as Airport Authority Commissioner.

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8:47 P.M. At this time, a video tape from Mrs. Loose was replayed in its entirety.

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

9:00 P.M. Recess The Council recessed at this time. The meeting reconvened at 9:15 p.m. with all members present.

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 28, 2001, the adjourned meeting of August 30, 2001, and the regular meetings of September 4, September 11, September 18, and September 25, 2001 were approved as submitted.

804-2  
1504-1  
Amend WCAC  
Of Fee Reso. RESOLUTION NO. 26,126:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING ARTICLE XI (6)(A), OF RESOLUTION NO. 26,032, THE BURBANK FEE RESOLUTION, RELATING TO WATER RATES AND CHARGES.

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.

1207  
PSA with Widom  
Wein Cohen  
O'Leary  
Terasawa for  
DCSB Project A report was given by Mr. Clifford, Capital Projects Manager, requesting approval of a Professional Services Agreement with Widom Wein Cohen O'Leary Terasawa (WWCOT) for architectural design, specialty consulting, and engineering services for the Development and Community Services Building (DCSB) project. Mr. Clifford stated that in December 2000, the City Council directed the staff to proceed with the design and construction of the DCSB, a 56,000 square foot building which will house the Community Development Department, Public Works Department, and Park, Recreation, and Community Services Department. He stated that

construction is scheduled to begin in January 2003 with completion scheduled for June 2004.

Mr. Clifford stated that an Architectural-Engineering Selection Committee was formed to identify and select a qualified architectural firm to provide comprehensive design, specialty consulting, engineering, and master planning services for the DCSB. The Committee consisted of Mayor Kramer, Vice Mayor Laurell, Mr. Ovrom, City Manager; Ms. Alvord, Assistant City Manager; Mr. Feng, Public Works Director; Mr. Flad, Park, Recreation, and Community Services Director; Mrs. Georgino, Community Development Director; Ms Davidson-Guerra, Redevelopment Project Manager; Mr. Jef Vander Borcht, AIA, private architect; as well as Mr. Clifford. He stated that the Committee prepared a Request for Proposals (RFP) and distributed it to potential architectural-engineering firms, then invited selected firms to interview with the Committee.

Mr. Clifford stated the RFP process for the architect/engineer was specifically tailored to providers of professional architectural services rather than all generic professional services; increasing authority and sole judgment over the quality and acceptability of services performed by the architect; and providing specific responsibility for all costs to make the City whole that are incurred as a result of the architect's errors and/or omissions. He stated that after ranking and analyzing each firm, the Committee directed the Public Works staff to initiate contract negotiations with WWCOT.

Mr. Clifford then stated that the Professional Services Agreement negotiated for \$1,077,500 includes \$174,000 that represents master site planning and specialty consultant design services above and beyond the basic design fee of \$903,500 which is well within the industry-accepted range.

In response to a question by the Council on funding, Mr. Clifford stated that there is \$1.3 million currently available for this project. Mr. Hanway, Financial Services Director, stated that an important component of this project is to fund a certain amount of the project up front with the future intention of issuing bonds, but that will not happen until the guaranteed maximum price is determined. He stated that there are currently sufficient funds for this contract since \$1,475,000 was previously budgeted.



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

1207 RESOLUTION NO. 26,127:  
PSA with Widom A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
Wein Cohen APPROVING A PROFESSIONAL SERVICES AGREEMENT  
O'Leary BETWEEN THE CITY OF BURBANK AND WIDON, WEIN,  
Terasawa for COHEN, O'LEARY, AND TERASAWA FOR ARCHITECTURAL  
DCSB Project SERVICES FOR THE DEVELOPMENT AND COMMUNITY  
SERVICES BUILDING.

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.

208 Mr. Peter Kirsch, Akin, Gump, Strauss, Hauer, Feld, LLP, the  
406 City's Airport Counsel, described Council strategy and  
Reconsideration reasoning for filing the declaratory relief action and a summary  
of Airport of the discussions which have taken place in City Council  
Litigation on Closed Sessions over the last several months regarding the  
Measure A issue of legality of Measure A, adopted by the voters on  
October 9, 2001. He stated that the substance of these  
discussions is protected by the Attorney-Client privilege;  
however, the City Council has directed that he disclose this  
information in order for the public to have a full understanding  
of the considerations the Council went through in its decision  
to file the Measure A litigation.

Mr. Kirsch discussed the principal elements of Measure A, what the legal principles are that apply to Measure A and how it is interpreted, as well as the legal problems with the Measure. He then answered three basic questions that he feels are most asked by the residents including why a lawsuit is needed; why there was a need to hurry in filing the lawsuit; and why the City sued the Airport Authority?

Mr. Kirsch stated that one portion of the Measure A text states, "4. The City shall not consent to the acquisition or rezoning of any land for Airport use, nor consent to the financing or construction of any new, rebuilt, relocated, or expanded Airport facility, under any conditions or due to any circumstances, unless and until the Airport has complied with

all the following conditions." Mr. Kirsch then stated that when the Court looks at a Measure, it engages in a three-step process, going through each step only if the previous step is not successful. First, the Court looks at the plain language and if it is clear, the Court interprets it according to its plain language. If the language is not clear, the Court goes to the second step to examine the official evidence of intent looking at the language in the official ballot provided to the voters. If the Court still cannot determine the meaning of the initiative, it relies on expressed reason, practicality and common sense regardless of the intent of the framers of the Measure. He stated that the Court cannot rewrite the language and key provisions cannot be severed without jeopardizing the whole Measure. If one key provision is invalid, the whole Measure must fail.

Mr. Kirsch then noted that certain matters cannot be delegated to voters: the voters cannot take back powers from the City Council. If authority is a delegated power by the State Legislature, such as authority under PUC 21661, the voters, under California Law, cannot assume that authority. Except for constitutional amendments, Initiatives can only be adopted or amended by a majority vote not a two-thirds vote; and Initiatives cannot embrace administrative matters of the City, all of which Measure A does. He then stated that Measure A applies to any rebuilt or relocated airport facility under any circumstance according to the language of the Measure.

Mr. Kirsch stated that the lawsuit was necessary because the City could face liability for not enforcing Measure A after it was passed by the voters and certified by the City Clerk, and City staff could face liability for enforcing what they consider to be an unconstitutional law according to California constitutional provisions. He also noted that the City does not have the power to make the decision as to what portions of Measure A are legal and what portions are not. The City Council had debated all of these issues in detail prior to placing Measure A on the ballot and the Council decided not to file a pre-election challenge in Closed Session and to let the voters decide whether or not to adopt Measure A.

He stated that in order to insure that the litigation was cost effective, efficient, consolidated all the issues, and provided immediate guidance from the Court, a suit for Declaratory Judgement was filed in State Court prior to acting on the Airport-related applications before Council or staff incurred potential liability, which would also avoid the need for multiple

lawsuits each time the City staff or Council acts on an individual application.

He further stated that the options available to the City Council were to: Ignore Measure A; Uphold Measure A strictly; or, Interpret Measure A by deciding which elements are legal or illegal, which California Law prohibits. In noting the reasons the City sued the Airport Authority, Mr. Kirsch stated that pending applications need to be processed, and the City and Authority disagree on the effect of Measure A on City powers in that the City believes it has authority to regulate Airport land uses.

Mrs. Murphy stated that she voted against the lawsuit because it was done too quickly without considering the pros and cons of the issue, and she would support dismissing the lawsuit. Council Members Laurell, Ramos and Golonski stated their positions in voting for the lawsuit. In response to a question by Mr. Laurell asking if the Council voted to dismiss the lawsuit, how would the City staff go about processing the applications, Mr. Kirsch stated that the City Attorney and Community Development staffs will be preparing a report as to how to handle these decisions. Mr. Ovrom stated that if the Court has not made those decisions, the staff will bring each application involving certain Airport facilities to the Council for a decision as to whether Measure A applies.

Mr. Laurell then requested the City's Legal Counsel determine if the City can fund a defense for Measure A and suggested continuing the discussion to a future meeting.

Mr. Kramer opposed continuing with the lawsuit, stating that the voters passed the initiative, and it is the City's responsibility to implement Measure A to the best of its ability, and noting that the City should have assisted the ROAR Committee in writing a better Measure, incorporating Mr. Kirsch's prior analysis.

Mrs. Ramos supported amending the lawsuit and funding the proponent's side of the lawsuit. Mr. Kirsch stated that under California Law, if a party brings forth a lawsuit relating to an initiative and is successful, they are entitled to attorney's fees; therefore, if a citizen wanted to intervene in this litigation and take an opposing position to the City's, the award of attorney's fees would be a routine matter in most cases, but the City would have to institute a policy as to

selecting an intervener. Mr. Golonski stated that he supported bringing in outside Counsel with experience in supporting the citizens' side of the Initiative.

Motion It was moved by Mr. Laurell, seconded by Mr. Golonski and carried, with Mr. Kramer voting no, that "this item be continued to the Closed Session of Friday, November 9, 2001 at 9:00 a.m. in the City Hall Annex Training Room with additional outside Counsel to give the City Council input on other approaches to Measure A and a vehicle to provide ROAR with a defense, and discuss concerns with the existing complaint."

407 Mrs. Moioffer, Acting City Clerk, reported on the request to the  
202 City Council to make an appointment to the Metropolitan Water  
Appointment to District to fill the unexpired term of George E. Battey, Jr.,  
the MWD ending January 1, 2003.

Mrs. Moioffer stated that the City Clerk's Office began advertising and accepting applications for the vacancy of Burbank's sole Director position on October 12, 2001. As of the deadline of October 30, 2001, three applications had been received: Glenn Brown, Wendy James, and Scott Schaffer.

The City Clerk's Office conducted a random drawing to select the order that the applicants appear on the voting sheet. Mrs. Moioffer stated that the Council votes based on the number of vacancies on this Board; since there is one vacancy, each Council Member has one vote.

Following a vote of the Council, with Mrs. Murphy abstaining, Glenn Brown was appointed to fill the unexpired term, ending January 1, 2003.

406 Mrs. Moioffer, Acting City Clerk, reported on the request to the  
Appointment to City Council to make an appointment to the Burbank-Glendale-  
the Burbank- Airport Authority to fill a vacancy until June 1, 2005, due to  
Glendale- the resignation of Commissioner Dave Newsham.  
Pasadena Airport  
Authority

Mrs. Moioffer stated that the City Clerk's Office began advertising and accepting applications for the vacancy on October 17, 2001. As of the deadline of October 30, 2001, two applications had been received: Philip Berlin and Don Brown.

Pursuant to Council direction, the candidates were asked to

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give a two-minute statement, then each Council Member was given three minutes to interview each applicant with no standard or set questions. Mr. Berlin was the only applicant to appear for the interview.

Mrs. Moioffer then stated that the City Clerk's Office conducted a random drawing to select the order that the applicants appear on the voting sheet. Mrs. Moioffer stated that the Council votes based on the number of vacancies on this Board; since there is one vacancy, each Council Member has one vote.

Following a vote of the Council, Don Brown was appointed to fill the unexpired term, ending June 1, 2005.

201  
Vacancies of  
Elected Offices

Mr. Barlow, City Attorney, reported that there are two Charter provisions which address filling vacancies in the City: one is the regular vacancy provision in Section 26 of the Burbank Municipal Code and the second is the Recall provision. In each case, he stated, if there is a vacancy of the majority of the Council, the City Clerk and City Treasurer with the remainder of the Council would meet together and call an Election. He stated that a vacancy in the majority of the Council would prevent it from functioning until that Election occurs; therefore, the current practice of appointment has seemed to work well and no additional research has been done by the City Attorney's Office.

Mr. Laurell stated he would prefer to have the option of calling for a Special Election if the term remaining is significant, such as 3 1/2 years, and requested staff to explore options and survey other cities regarding this issue in addition to looking at the historical reasons for the current Code Section.

Motion

It was moved by Mr. Laurell, seconded by Mr. Golonski and carried that staff be directed to survey other Charter cities and research the State's requirement for General Law cities and prepare a report on filling vacancies for Elected Officials.

201-1  
Adding Items to  
the Agenda

Mr. Barlow, City Attorney, reported on the request by Council Member Ramos to discuss how Council Members may add items to the agenda. He said that the previously adopted policy, Resolution No. 26,029, which provides for adding items to the agenda, states that during a council meeting, a Council Member may bring an item up under Additional Agenda Items. He stated that the item is then placed on the agenda for the

subsequent week and, if the Council, by a majority vote, directs staff to conduct additional research, the item is brought back at the third meeting.

Following a discussion by the Council, it was determined that the Resolution should be amended to indicate an item should be returned to the Council at the next possible meeting date.

- Motion** It was moved by Mr. Golonski, seconded by Mrs. Murphy and carried that "Resolution No. 26,029 be amended to read that when an item is requested to be added to an agenda, it would be brought back at the next possible meeting with a date certain to guarantee there is no delay."
- 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, stating that Measure A is intended only to require the Council to enforce the requirements of a mandatory curfew, cap on flights, and noise restrictions and nothing else, and noting her belief that taxpayer money is being used to defend the Council's private lawsuit; Mark Barton, commenting on the lack of concern with security at airports which he felt was a far greater issue than lawsuits; Ted McConkey, commenting on the City Council not supporting Measure A and on past actions of the Council regarding the Airport Authority; and Mike Nolan, expressing concern that the City Council is not being given appropriate advice and is constantly being interrupted by staff.
- 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 11:13 p.m. to a Closed Session on Friday, November 9, 2001 at 9:00 a.m. in City Hall Annex Training Room, 301 East Olive Avenue, on the following:
- Conference with Legal Counsel – Existing Litigation:  
Pursuant to Govt. Code §54956.9(a)  
**Name of Case:** City of Burbank v. Burbank-Glendale-Pasadena Airport Authority.  
**Case No.:** BC259852  
**Brief description and nature of case:** Declaratory Relief.

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Kay Moioffer, Acting City Clerk

APPROVED JANUARY 22, 2002

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Mayor of the Council  
of the City of Burbank