

TUESDAY, NOVEMBER 13, 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 5:02 p.m. by Mr. Kramer, Mayor.

CLOSED SESSION

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

5:03 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)
 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

- d. Conference with Labor Negotiator:
Pursuant to Govt. Code §54957.6
Agency Negotiator: Management Services Director/John Nicoll.
Employee Organizations: International Brotherhood of Electrical Workers and Burbank Firefighters 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 6:31 p.m. by Mr. Kramer, Mayor.

Invocation The invocation was given by Pastor Galen Goben, First Christian Church.

Flag Salute The pledge of allegiance to the flag was led by Mr. Fuchs, Library Services Director.

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. Moioffer, Acting City Clerk.

301-1 National Family Week Mayor Kramer presented a Proclamation in honor of National Family Week, November 19-25, 2001, to Burbank Family Service Board Treasurer George Mauney, Board Secretary Julia Larson, and Director Laurie Bleick.

6:42 P.M. Hearing 1704-3 602 Appeal of CUP 2001-17 (322 N. Pass) 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 (CUP) No. 2001-17 applied for by Belvedere Hotels and Resorts LLC requesting authorization to sell alcoholic beverages at 322 Pass Avenue. On October 8, 2001, CUP No. 2001-17 was approved by the Planning Board allowing the Applicant to serve alcohol from in-room self-service bars. However, the Planning Board denied the Applicant's request for all other types of alcohol service at the hotel."

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

two faxed communications had been received from Pillsbury Winthrop, dated November 8, 2001, representatives of the applicant; and Media Center Dental, dated November 13, 2001, both in support of the project.

Staff
Report

Mr. Forbes, Associate Planner, summarized the application and the action of the Planning Board. He stated that the request from Belvedere Hotels and Resorts, LLC is for a conditional use permit to sell alcoholic beverages in conjunction with hotel room service and food service at the Graciela Extended Stay Hotel currently under construction at 322 Pass Avenue. Mr. Forbes stated that the Planning Board denied a portion of the applicant's request and the applicant is appealing this decision to the City Council. He further stated that the applicant is requesting to sell beer, wine and distilled spirits from in-room self-service bars in conjunction with 24-hour room service throughout the hotel facility when requested, and with food in the lobby lounge area on the first floor of the hotel. Mr. Forbes stated that the lounge will have seating for approximately 25 people with a bar seating five patrons. He noted that the lounge is intended to serve only hotel guests and the proposed conditions of approval would restrict advertising the lounge outside of the hotel facility.

Mr. Forbes continued by stating that the Graciela Burbank was originally approved through the planned development process as an extended stay hotel with interior commercial uses but did not specifically allow or prohibit the service of alcoholic beverages. He stated that the Planning Board has approved the applicant's request to allow alcohol to be served from in-room self-service bars, but denied the remaining request which will prevent the hotel from the sale of alcoholic beverages entirely according to Alcoholic Beverage Control regulations; the Planning Board cited potential additional impacts on the surrounding areas resulting from serving alcoholic beverages, additional parking demand, and differences between the originally approved project and the Graciela Burbank that is now being constructed on the site; the Planning Board also added two conditions of approval limiting the operating hours of the lounge and restricting the use of another portion of the hotel relating to food and alcohol service and staff has added those two conditions to the proposed conditions of approval. He stated staff believes that the request is appropriate for a hotel use, that alcohol service is typical at a full service hotel, and that there will be no additional impacts on the surrounding neighborhood.

Mr. Forbes then stated that in addition to correspondence received, the Planning Division received a telephone call from Michael Walbrecht of Warner Bros. expressing concern over the close proximity of a bar to the Warner Bros. Day Care Center located across Pass Avenue, but noted that Mr. Walbrecht's stated concerns would be reduced if the hours of the lounge were further limited to hours after the day care center closed.

Applicant

Elizabeth Strahlstrom, of Pillsbury Winthrop, representing the applicant, stated that the applicant is requesting a lobby lounge offering a very limited menu rather than a full-service restaurant or nightclub. To operate as planned, she stated the Graciela Burbank needs the CUP that is being requested, noting that the service of alcohol in an upscale hotel such as this is an expected amenity.

Ms. Strahlstrom noted that the Planning Board found that the lobby lounge constitutes an additional use that was not within the original scope of approval granted in 1998; however, an extended stay hotel with incidental interior uses is permitted. She further stated that the lobby lounge will feature a living room atmosphere rather than a nightclub or restaurant, including a library, fireplace, overstuffed couches, afternoon tea, etc., and the service of alcohol fits within the incidental interior uses permitted under the zoning code and will not detrimentally affect adjacent uses. She noted the applicant is willing to accept the additional conditions of approval as outlined by the Planning staff; and, addressing the parking impact on surrounding neighbors, she also noted that the Graciela has six additional parking spaces beyond what is required as well as a valet parking operation.

Citizen
Comment

Appearing to comment were H. L. Chambers, President of Toluca Woods Voters Association, on concern that Council had previously agreed with residents on not serving alcohol in this hotel, and supporting denial of the appeal; Meg Staahl, on concern that Council previously agreed that no food or alcohol service will be available at this hotel, expressing concern regarding the lack of parking on Pass Avenue, and noting this request changes the Planned Development agreement; Lori McCaffery, member of Toluca Woods Homeowners Association, on concern about traffic on Pass Avenue and concern that the hotel is no longer an extended stay hotel, and supporting denial of the appeal; Philip Bradfield, speaking

in opposition to the project, noting that the residents submitted a letter to the Planning Board on October 8, 2001 expressing their concerns; Susan Bowers, Executive Director of the Burbank Chamber of Commerce, speaking on behalf of the applicant, and noting that businesses provide 66 percent of the revenue to the City, and supporting the appeal; Rick Ramirez, resident of the area, on concern with traffic and noise and parking impacts on the neighborhood as well as the impacts of serving alcohol; Don Elsmore, on concerns that the project has changed since its approval and expressing concern with the liberal conditions attached to the project; Bob Olson, expressing concern on the inappropriateness of the request and supporting denial of the appeal; Ted McConkey, expressing concern that the project is not as the Planned Development was originally approved, specifically that project included kitchenettes and typified an extended stay hotel, and suggesting withdrawing the Planned Development if necessary; Ron Vanderford, expressing concern that the project is different than originally approved and urging the Council to deny the appeal; Dr. Teresa Karam, requesting denial of the appeal, and expressing concern about serving alcohol at this location; Mike Nolan, expressing concern about the staff bending the rules in order to change the project from the approved Planned Development, noting that no alcoholic beverage license was included in this project; and Esther Espinoza, stating her belief in the improper existence of a double standard for projects.

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

Applicant Ms. Strahlstrom responded by stating that the approved project is not being changed and there were no restrictions imposed in 1998 to prohibit the sale or service of alcohol at this hotel and plans previously approved by the City depict a lobby lounge. She noted that this is simply an upgraded project from the original approval.

Mr. Laurell expressed his concern over the close proximity of the Warner Bros. Day Care Center and suggested a compromise of modifying condition number 7 to state that the service of food and alcoholic beverages in the lobby lounge area shall be restricted from 6:00 p.m. to 12 midnight, Sunday through Thursday, and from 6:00 p.m. to 1:00 a.m., Friday and Saturday, and that this request be reviewed again by the City

Council in six months. Mr. Robert Zarnigan, representing the hotel, stated that they would agree to some restriction to the hours after the close of the day care center and agreed to the six-month review of the restricted hours of alcohol service, but disagreed with the restriction on the weekend days since the day care center is closed.

Mr. Golonski stated he would support the concept of granting a CUP for a specified period of time and having it sunset each year, requiring review to assure that there is no negative impact on the neighborhood from the restaurant and bar.

In response to a question by Mrs. Murphy, Mr. James Seff, Pillsbury Winthrop LLP, a specialist in alcohol beverage law representing the developer, stated that the only license available to this hotel is a type 47 on-sale general, which means that by California Law it must be open to the public, and there is no specific license that restricts the sale of alcohol to hotel guests only.

Ms. Strahlstrom stated they would agree with the restrictions to the alcoholic beverage service for the test period, but want to have afternoon tea in the lobby lounge and the ability to have 24-hour room service.

Following discussion by the Council, it was decided to continue the public hearing and, in the meantime, make the video tape of the Council meeting of March 31, 1998 available to the Council Members and members of the public.

Motion It was moved by Ms. Murphy, seconded by Mr. Golonski and carried that "the hearing be continued to the meeting of December 4, 2001 to reopen the public hearing for new testimony and public comment, and the video tapes of the 1998 meeting be made available to the Council and public."

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

406 Airport Authority Meeting of Nov. 5, 2001 Airport Commissioner Charlie Lombardo reported on the Airport Authority regular meeting of November 5, 2001. He reported on the Treasurer's Report which is normally routine, however, in light of the events of September 11th, it appears that revenue will be down around 25-40 percent with a corresponding increase in expenses due to the cost of contracting police services at the Airport.

He noted that a contract was awarded for modifications to Terminal B for \$192,000 with a 30 percent contingency which includes new security doors at the check point and baggage claim area, interior modifications to gates B4 and B5, and the addition of two rental car kiosks. Mr. Lombardo stated that a Resolution was adopted approving a Memorandum of Understanding between the Airport Authority and the Burbank Unified School District regarding improvements to Mingay School and Luther Burbank Middle School from Airport Authority Revenue funds in the amount of \$250,000.

He stated that there was an amendment to a Ground Lease with Southwest Airlines and a facility access agreement between the Authority and Southwest for construction of a 12,000-gallon aboveground storage of diesel fuel near the new fuel farm which will be open to all airport users.

Mr. Lombardo reported that a one-month extension to November 30, 2001, of existing valet parking contract was approved. The contract is currently out to bid and should be coming before the Authority before the end of the month. Other items discussed were the voting results by precinct in the Measure A Election and a comparison of the difference in aviation security bills between the House and the Senate.

Mr. Golonski requested copies of the monthly financial statements of the Airport operation showing revenues and expenditures.

The 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 Alice O'Donnell, speaking on obstruction of justice by the Police Department; Alice Howell, expressing opposition to the Platt project with twin 18-story office buildings that block residents' views; Karen Leong, opposing the Platt project and requesting a limit of five stories on projects; R. C. Czapiewski, requesting a revised Public Records Act asking the date when the meeting was changed from the location of the Training Room to the Fire/Police Conference Room and when the Training Room was put out of

service due to the sewer problem and, asking when the problem was solved; Celeste Francis, asking why there are no communications cards available for citizens not wanting to participate in Oral Communications and asking the status of the town meetings that were to occur; Esther Espinoza, on being interrupted during oral communications; Ron Vanderford, opposing the Platt project with 18-story twin towers; Dr. Theresa Karam, speaking on Don Brown's appointment as Airport Commissioner at the last City Council meeting and on Mr. Brown not being available to be interviewed as Phil Berlin was, and requesting the procedure for appointments be discussed.

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 Mike Nolan, citing Planning Board minutes from 1998 about the Graciela Hotel and noting negative impacts, and asking when the Council authorized expending public funds to litigate Measure A; Don Elsmore, stating his belief that the Airport continues to do very well financially, and referring to a letter on the Desmond property which contains a suggestion that the Airport and City could enter into an agreement for use of that easement property; Ted McConkey, on his belief that Council had violated the Brown Act and California Law in regards to an Intervener in the Measure A lawsuit; Irma Loose, on the City paying for representation of Charlie Lombardo in a 1998 lawsuit and playing a videotape of a previous meeting, and on the Council spending taxpayer money on litigation of Measure A; and Claudia LaFrance, commending Council members on their reconsideration of the Measure A litigation.
8:53 P.M. Recess	The Council recessed at this time. The Council reconvened at 9:08 p.m. with all members present.

11/13/01

Citizen
Comment
Continued

R. C. Czapiewski, speaking on his public records request on the closed session of October 9, 2001 where the meeting location was changed and action was not reported; Esther Espinoza, concerning the amount of money being spent on Art in Public Places; Ron Vanderford, encouraging Council Members to stop the lawsuit against Measure A; Dr. Theresa Karam, speaking on Council decorum and supporting Measure A; Mark Barton, on the success of the Burbank Empire Center, and expressing hope that the City will continue working with Zelman Retail Partners; Howard Rothenbach, commenting on the agenda item on Ameriflight, noting that Ameriflight frequently violates its curfew, supporting reconsideration of the litigation on Measure A, and expressing his belief that the draft of the lawsuit is an assault on the voters and encouraging the Council to drop the lawsuit; and David Piroli, encouraging the Council to reconsider the airport litigation, and stating that the projects on this meeting's agenda should not be affected by Measure A.

Staff
Response

Members of the Council and staff responded to questions raised.

Motion

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

Minutes
Approved

The minutes for the regular meetings of October 2 and October 9, 2001 were approved as submitted.

1011-4
801-2
Approve MOU
with IBEW

RESOLUTION NO. 26,128:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BURBANK AND THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AND AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2001-2002.

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.

701
703
203-4
PSA w/ Wayne
Healy for Art
Piece at Buena
Vista Branch
Library and
Lincoln Park

Mr. Fuchs, Library Services Director, presented a report on the Professional Services Agreement with Wayne Healy for the fabrication and installation of the art piece for the Buena Vista Library and Abraham Lincoln Park. He outlined the procedures that were followed as required by the City's Art in Public Places Ordinance and established procedures. He noted that a site specific art committee was formed for the Buena Vista Library and park project and an initial meeting was held on January 10, 2000. The Committee selected Ms. Lesley Elwood as the art consultant for a fee of \$4,500.

He stated that the Committee then initiated an artist search, and over 100 requests for qualifications were sent to artists with 19 submittals received. The Committee selected Mr. Healy, the artist, to design, fabricate, and install a public art piece for the project. Mr. Healy proposed a sculpture of a child with raised arms holding a book above his or her head which was unanimously approved by the Committee and subsequently approved by the Art in Public Places Committee. Mr. Fuchs stated that Mr. Healy has been paid \$4,000 for the design concept and staff is requesting approval of the Professional Services Agreement for an additional \$36,500 for the fabrication and installation of the art piece.

Mr. Healy then displayed a model of the art piece and described the materials and effects of the sunlight on the sculpture. Mr. Steve Finney, Charles Walton Associates AIA, Inc., project architect, was also available to answer any questions.

Motion

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

701
703
203-4
PSA w/Wayne
Healy for Art
Piece at Buena
Vista Branch
Library and
Lincoln Park

RESOLUTION NO. 26,129:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH WAYNE HEALY FOR THE FABRICATION OF ARTWORK FOR THE BUENA VISTA BRANCH LIBRARY/ABRAHAM LINCOLN PARK.

11/13/01

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.

104
PSA with
Cook/Arthur for
Document
Imaging

Mrs. Hourany, Records Management Coordinator, presented a report on the Professional Services Agreement with Cook/Arthur Inc. for the purchase of a citywide Document Imaging/Management System and related services. Mrs. Hourany stated that in June 2000, the City Council appropriated \$285,000 for the purchase of an Electronic Document Imaging/Management system and approved a Professional Services Agreement with AEF Systems, Inc. to act as the City's consultant in determining the imaging needs of the City as a whole and leading staff through the procurement process.

She stated that requirements of the purchase of a document imaging system would include compatibility with existing computer systems currently in operation in the City; large enough to handle the records management needs of the City Clerk's Office and the Building Division which were the departments selected as pilot departments for the project; capable of expansion into a City-wide system handling the imaging needs of all City departments, and fall within the appropriated funding.

She stated that 100 Requests for Proposals were distributed and submittals were reviewed by a committee representing four departments, with the three finalists providing oral presentations. She stated that Cook/Arthur, Inc. meets the original set of criteria and has shown that it is a user-friendly system and works well in cities of similar size to Burbank.

She stated that the total cost of the agreement with Cook/Arthur, Inc. and the cost of the server to be purchased separately is \$146,000. Staff is also requesting approval of establishing an account with the remaining \$138,000 maintained for future document imaging needs.

Mrs. Sarquiz, Deputy Financial Services Director, stated that the original intent was that the City Clerk's Office would assume the responsibility for scanning documents; however, it

was determined that the best course would be to outsource those backfile conversions which would cost \$30,000 to \$40,000 per year for the City Clerk's Office alone until those documents are converted. She noted at least the same amount of money would be needed by the Building Division.

Mr. Golonski stated he would agree with the funding for the backfile conversion, he would not support maintaining the \$138,000 for future expenses, and that those on-going expenses should be budgeted by the departments each year as appropriate.

Motion It was moved by Mr. Golonski and seconded by Ms. Murphy that "the following resolution be passed and adopted and directed staff to set aside \$60,000 of the balance of appropriated funds in a separate account for document imaging backfile conversion:"

104 RESOLUTION NO. 26,130:
PSA with A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Cook/Arthur for APPROVING THE PROFESSIONAL SERVICES AGREEMENT FOR
Document A CITYWIDE DOCUMENT IMAGING/MANAGEMENT SYSTEM
Imaging BETWEEN THE CITY OF BURBANK AND COOK/ARTHUR, INC.

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. Barlow, City Attorney, reported on the continued item on
406 whether the City Council wished to reconsider the vote taken to
Reconsideration file the litigation in order to clarify and challenge portions of
of Airport Measure A. He stated that Mr. Kirsch, outside Counsel, made a
Litigation on presentation at the previous week's meeting to explain what
Measure A the purposes were and Council asked for an opinion as to
whether there could be funding to represent the position of the
proponents of Measure A.

Mr. Barlow stated that a proposed amendment to the Declaratory Judgement is before Council which they might want to authorize filing, as well as a letter seeking Proponents of Measure A and asking those interested to respond by November 26, 2001.

11/13/01

Motion It was moved by Mrs. Ramos and seconded by Mr. Golonski that "staff continue the lawsuit with the amended version of the complaint as currently before the Council."

Motion Carried The motion carried by the following vote:

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

Motion It was moved by Mrs. Ramos and seconded by Mr. Golonski that "the City fund the proponent side of Measure A in the initial amount of \$100,000 and staff directed to publish a display ad of the entire letter to community leaders requesting proposals to be submitted by noon, November 26, 2001."

Motion Carried The motion carried by the following vote:

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

406
1503
Ameriflight
Electrical Permit
(Measure A
Applicability)

Mrs. Georgino, Community Development Director, reported on the request of B & K Electric Co., Inc. for an electrical permit for the installation of an electrical service panel. She stated that the 200-amp service panel would replace an existing 100-amp panel and would be located at Ameriflight's Burbank Airport facility located at 4700 Empire Avenue and would provide electrical service for an air compressor to be used in a spray booth that was permitted, constructed, inspected, and approved prior to the passage of Measure A. Mrs. Georgino stated that the Community Development Department staff is unsure whether the Ameriflight facility would be considered an airport facility pursuant to Measure A since it is located on airport-owned property and performs functions directly related to the Airport and aircraft operations. Further, she said staff needs direction as to whether the replacement of an electrical service panel in an existing structure would constitute construction of any new, rebuilt, relocated, or expanded airport facility pursuant to Measure A; and, therefore, staff requested a legal opinion as to the applicability of Measure A from the City Attorney.

11/13/01

- Motion It was moved by Ms. Murphy, seconded by Mrs. Ramos and carried that "staff be directed to return this item to the Building Division for further processing."
- 604-1
Amending
Handbill Ord. Mr. Hirsch, License and Code Services Supervisor, reported on the proposed amendment to Burbank Municipal Code Sections 3-104, 3-30, and 3-308 pertaining to handbills. He stated that the current handbill ordinance for which valid constitutional challenges could be possible was brought to the staff's attention and needs to be amended. Mr. Hirsch stated that the handbill ordinance regulates two different types of protected speech unequally and the purpose of the proposed amendment is to rectify that inequality between commercial and non-commercial handbills. He stated that non-commercial handbill delivery is less restrictive than commercial handbills and, because of this different treatment, staff feels that the Code should be amended to allow for the same delivery hours of 9 a.m. through sunset. In addition, he stated, the amendment includes a typographical correction and a broadening of the hours of delivery to commercial locations as well as non-commercial locations.
- Ordinance
Introduced It was moved by Mr. Laurell, seconded by Ms. Murphy and carried that "the following ordinance be introduced and read for the first time by title only and be passed to the second reading." The ordinance was introduced and the title read:
- 604-1
Handbill
Ordinance AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING BURBANK MUNICIPAL CODE SECTIONS 3-104, 3-303 AND 3-308 PERTAINING TO HANDBILLS.
- 1502
410
Chandler Blvd.
Bikeway Project
Update Mrs. Forbes, Principal Planner with the Community Development Department, stated that the purpose of the report is to update the City Council and community on the Chandler Bikeway Project. She stated that the project has been delayed an additional three months, noting that construction will not start until April 2002. The reason for the delay is that the City had expected to have the license agreement with the Metropolitan Transit Authority (MTA) completed by this time and, although a redline version of the license agreement was sent to the MTA in June, comments were just received back last week. Mrs. Forbes stated that while the staff is pleased that many of the requested changes were made in the document, there were some comments that City staff has some issues with; for example, the MTA included in the license agreement a requirement that the City must reimburse MTA staff for reviewing the construction documents and inspecting the actual construction activities. She stated this was in the license agreement previously and the City deleted the clause,

but MTA has put it back in. Staff is hopeful that an agreement can be reached in order to maintain the April construction start date.

The Council noted and filed the report.

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, commenting on her freedom of speech being interrupted while playing a tape; Mark Barton, distributing information for Council to read; Ted McConkey, questioning Council's participation in the selection of an Intervener for Measure A, noting that the Bar Association would have to make the selection; and Howard Rothenbach, stating that the permits before the Council at this meeting were administrative issues and not legislative, noting Council acted correctly, and stating that the Council should respect the opinions of speakers.

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

301-2 Memorial Adjournment There being no further business to come before the Council, the meeting was adjourned at 11:04 p.m. in memory of Emma B. Capon.

Kay Moioffer, Acting City Clerk

APPROVED FEBRUARY 12, 2002

Mayor of the Council
of the City of Burbank