

TUESDAY, DECEMBER 4, 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. Campos, City Clerk.

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

Citizen Comment Appearing to comment were Jay Adams, Chair of the Magnolia Park Citizen Advisory Committee, expressing concern for the impact of the Airport on Magnolia Park, and his desire for the City to offer some economic incentives for development of the old Thrifty Store property; and Carolyn Berlin, also expressing concern for development of the site of the old Thrifty Drug Store on the corner of Hollywood Way and Magnolia Boulevard.

5:14 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.
 - 3. **Name of Case:** McMurray v. City of Burbank.
Case No.: BC247304
Brief description and nature of case: Employment discrimination.

- b. Conference with Legal Counsel – Anticipated Litigation (City as possible plaintiff):
Pursuant to Govt. Code §54956.9(c)
Number of potential case(s): 1
- c. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):
Pursuant to Govt. Code §54956.9(b)(1)
Number of potential case(s): 1

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:36 p.m. by Mr. Kramer, Mayor.

Invocation The invocation was given by Dr. Kim Strutt, Bethany United Presbyterian Church.

Flag Salute The pledge of allegiance to the flag was led by Mr. Flad, Park, Recreation and Community 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. Campos, City Clerk.

301-1 Pearl Harbor Resolution Mayor Kramer presented a proclamation in honor of Pearl Harbor Day to Dusty Worthen, lifetime member of the Burbank Veterans Commemorative Committee.

301-1 Newly Appointed City Clerk Mayor Kramer swore in newly-appointed City Clerk, Margarita Campos. Mrs. Campos introduced the members of her family who were in the audience.

6:47 P.M. Continued Public Hearing 1704-3 602 Appeal of CUP No. 2001-17 (322 N. Pass) Mayor Kramer stated that “this is the time and place for the continued hearing on the appeal of the Planning Board’s decision on Conditional Use Permit No. 2001-17 applied for by Belvedere Hotels and Resorts LLC requesting authorization to sell alcoholic beverages at 322 Pass Avenue. This hearing was opened on November 13, 2001 and continued to today’s Council meeting in order to allow staff to gather certain additional information for the Council.”

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Mayor Kramer stated that he was "informed by the Community Development Director that the Applicant desires to ask for a continuance of this hearing. Would the Applicant or its representative step forward and address this issue?"

Mee Lee, Partner in Garcia, McCoy & Lee Consulting Group, appeared on behalf of the Applicant, and requested a continuance of this item to December 18, 2001 for the purpose of meeting with community members who expressed concern over this issue. She informed the Council that this meeting had been scheduled for the following Sunday, December 9 at 3:00 p.m. in the offices of the hotel located at 4001 West Alameda Avenue, Suite 107, Burbank.

Motion It was moved by Mrs. Murphy, seconded by Mr. Laurell and carried that pursuant to the Applicant's request, "this public hearing be continued to January 8, 2002."

Despite the fact that this public hearing was continued, Mayor Kramer invited those residents who were in attendance specifically to speak on this public hearing to do so during the second period of oral communications of the Council meeting. Mr. Ovrom stated that if anyone spoke to the issue of the public hearing this evening, their comments would be made a part of the permanent record as to the public hearing.

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

406 Airport Authority Meeting Burbank Airport Commissioner Bill Wiggins reported on the November 19, 2001 and December 3, 2001 Airport Authority meetings. He began by reporting on the following major items approved at the November 19th meeting: the take back of leased premises from the Airport barber shop for an office for police and security; a reduction in United Airlines' leasehold whereby United will give back 862 square feet of office space, and another 60 square feet of baggage claim area, which will be used for a rental car kiosk; an agreement with Pacific Bell, providing the Authority with a 25 percent commission on all pay telephone usage in the Airport. Pacific Bell will be giving the Airport a \$50,000 advance on this agreement; award of a residential acoustical treatment contract for 9 Burbank homes and 21 Los Angeles homes; and the fourth amendment to the Ace Parking Agreement which

requires that Ace add more people to inspect cars at the short-term lot in the garage pursuant to the 300-foot rule from the terminal re-instituted by the Federal Aviation Administration, and extended the valet parking contract with Valet Parking Services for seven months to make it come due concurrently with the Ace Parking Agreement in the hope that they can get competitive bids at the expiration of these contracts. He also said that Burbank Airport Commissioner Don Brown was appointed to the Finance Committee and he replaced Commissioner Lombardo on the Subcommittee for Security. Mr. Wiggins informed the Council that the Commissioners received an update on the Congressional action regarding airport security which mandates that the Airport Authority comply with certain requirements by the following specific dates: by January 18, 2002, all checked bags must be inspected by either dog, human or machine; by November 19, 2002, all employees doing screening must be Federal employees; and, by December 31, 2002 all checked bags must be inspected via explosion detector machines. He noted that a special closed session meeting was held on November 29, 2001. Lastly, he reported on the major items of the December 3, 2001, meeting which included approval of the following: the Treasurer's Report, indicating that the month of October ended with the Authority being \$800,000 in the black; the award of a residential acoustical treatment bid for 24 homes in Burbank and 6 homes in Los Angeles; the approval of a collection of off-site Airport access fees for shuttles as well as parking lots, similar to what they currently do with off-site car rental car agencies; and, the approval of a resolution accepting the standards and certification programs of the California Police Officer Standards and Training pursuant to the California Penal Code in preparation for bringing Airport Police Officers up to the P.O.S.T. category.

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 Don Elsmore, on the Toluca Lake Village holiday open house scheduled for December 7; Dr. Wendy Murawski, Lynee Hastings, Miss Teen Burbank, and Grace Calderon, Miss Burbank, regarding the Miss Burbank

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Pageant scheduled for December 9, 2001 at the Burbank Airport Hilton and Convention Center; Howard Rothenbach, on the Housing Authority and Redevelopment Agency closed session agendas, and requesting a copy of Mr. Ovrom's letter to Dios Marrero, Executive Director of the Airport Authority, on the appointment of Mike Post as the Airport Director of Public Safety; Frank Kaden, supporting the Pearl Harbor Proclamation, questioning who is paying the electrical bill for street lights in the Cayman project, and requesting the "STOP" sign at the driveway coming out of the property onto Lamer Street be moved; Esther Espinoza, alleging nepotism in Burbank; R. C. "Chappy" Czapiewski, on the Burbank Chorale's concert scheduled for the coming weekend at the First Presbyterian Church; and Ron Vanderford on a petition to stop the Platt Project (Burbank Media Center Project) which he opposes because of the additional traffic generated by the twin 18-story towers.

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 Ted McConkey, regarding the Council's decision to review applications for Airport projects as a result of Measure A, and asked what Council Members Ramos' and Laurell's approach will be when the Court rules on the Declaratory Relief suit; Mark Barton, on Measure A and security post- September 11; Suzanne Benoit, representing the Burbank Church of Religious Science, also known as Spirit Works, located at 260 Pass Avenue, voicing their objection to Conditional Use Permit No. 2001-17 due to the close proximity of the Graciela Hotel's proposed lobby bar to the church which provides programs for teens and children and on the possible lack of surface street parking; R. C. "Chappy" Czapiewski, illustrating the point that there's more than one solution to solving a problem as it relates to the Restore Our Airport Rights Measure, commenting on Mr. Ovrom's correspondence to Dios Marrero regarding the selection of Mike Post to Director of Public Safety, and on the Council's selection of Airport Authority Commissioners; Frank Kaden, on the Airport lawsuits, suggesting the City should file suit to abolish the Joint Powers Agreement so that profits generated

by the Airport can go directly to Burbank, suggesting a list of possible intervenors, and commenting on the Lombardo lawsuit; Esther Espinoza, in opposition to Conditional Use Permit No. 2001-17, and opposing the Parks, Recreation and Community Services Director administering the Natural Resources Infrastructure Fund Grant; Ron Vanderford, speaking on his petition to stop the Platt Project, and commenting on Mr. Ovrom's letter to Dios Marrero on the appointment of the Airport's Public Safety Director, the Graciela Hotel hearing, the Framework for Settlement Agreement, and the Declaratory Relief lawsuit; Howard Rothenbach, thanking staff for the copy of the letter regarding the appointment of Mike Post, questioning the City's intent with respect to the properties listed on the Agency/Authority closed session agenda, quoting from San Fernando Business Journal (Nov 26 issue) article including Mr. Ovrom's quote regarding Measure A, and commenting on the City's policy regarding Measure A; Mike Nolan, commenting on Mr. Ovrom's remarks regarding the Elks Lodge and the effects of those remarks on the negotiations to purchase the site, on Burbank's applicant for the Airport Public Safety Director position, the process of filling an administrative, exempt position, and supporting Dios Marrero's administrative decision to hire the Public Safety Director; David Piroli, requesting a copy of Mr. Ovrom's letter to Dios Marrero, and disagreeing with Victor Gill's quote indicating Measure A jeopardizes the soundproofing insulation program; Irma Loose, accusing the Council of not having the best interests of the public in mind regarding Measure A and the 21st Century Plan, and of not keeping their promises to their constituents; and Kevin Muldoon, speaking on the item regarding the policy on processing applications potentially affected by Measure A and the interpretation of Measure A.

Staff
Response

Members of the Council and staff responded to questions raised.

Motion

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

804-3
703
Grant Funds for
S. San Fernando

RESOLUTION NO. 26,137:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE SOUTH SAN FERNANDO PARK.

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Park
1602-1
1401
403
Traffic Signal
Maint. Agmt.
W/Caltrans

RESOLUTION NO. 26,138:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AN AGREEMENT WITH THE STATE OF CALIFORNIA FOR THE MAINTENANCE OF STATE HIGHWAYS IN THE CITY OF BURBANK.

1202-6
203
Changing
Representation
of Downtown
Parking Mgmt.
Committee

RESOLUTION NO. 26,139:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE PER-BLOCK REPRESENTATION REQUIREMENT FOR THE DOWNTOWN PARKING MANAGEMENT COMMITTEE.

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.

1503
1504
BWP Monthly
Electric & Water
Operating Report

Mr. Davis, General Manager, Burbank Water and Power (BWP) reported on power and water quality issues for November 2001.

He began by discussing the following issues related to electric operations: a second transformer was installed at Receiving Station E (RSE) through Los Angeles Water & Power and hence took Olive 1 and Olive 2 off-line last month. He added that due to increased performance requirements for emissions controls proposed by the South Coast Air Quality Management District (AQMD), the bids returned for Olive 1 and Olive 2 came back over budget and staff will be recommending that the Advisory Board reject all bids; the AQMD deadline was extended until the middle of February 2002, and staff is currently studying options; the Energy Market prices have remained stable and low, and BWP was able to save funds due to the Enron bankruptcy filing. He added that with respect to electric sales, year to date loads are down about 7.5 percent, estimating that about 4 percent is due to weather, and the balance is due to energy conservation by the community, and City Departments who led the way in energy reduction by saving 12 percent on their energy use.

Next, he introduced Fred Fletcher, Assistant General Manager, who reported the licensing of the Magnolia Power Plant is on a

six-month track, and preliminary endorsement is expected next week to be certified to begin construction on March 25, 2002. He added that construction has begun on the LM 6000 Power Plant, a new generator at the Public Works Yard, which is expected to be on line this summer.

Mr. Davis indicated that construction is continuing on schedule at the Capon Switching Station, construction of the Warner Station is almost complete, and the efforts at the Empire Center are progressing. He added that due to new Federal policies related to Regional Transmission Organizations (RTO), the Federal Energy Regulatory Commission has issued its intent that entities like Burbank will be mandated into the RTOs, and that while staff is currently studying possible exemptions, he anticipates a difficult process.

Mr. Davis then discussed the following on water operations issues: the City has met or exceeded all Federal and State drinking water standards, and well reports indicate markedly lower amounts of Chromium 6; due to the lack of power plant operations, water sales are down 55 percent, but the Water Division is operating within budget; and the Burbank Operable Unit continues to perform well; VO-1 has been in operation only for brief periods of time while being used to run all the wells and the two alternative wells have not been developed due to the fact that until Lockheed has their *force majeure* arguments resolved with the Environmental Protection Agency there is nothing to settle.

Mr. Davis reported the California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) announced on November 9, 2001 that it was withdrawing its Public Health Goal (PHG) for Chromium in drinking water, and he requested and was granted permission by the Council to run Well 1 as long as they can remain within the administrative goal set by the Council of five parts per billion in order to provide the most cost-effective drinking water.

Mr. Lantz concluded by reporting that the mechanical fabrication of the piping, turbine-generators and control valves for the Valley Plant Hydro was completed, noting they expect it to be generating by the end of March 2002, and it will pay for itself in about three years.

The Council noted and filed the report.

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406
Policy on
Processing
Applications
Affected by
Measure A

Mr. Barlow presented a report on the policy of processing applications affected by Measure A. He advised the Council that the Airport Authority had filed an Amended Demurrer to the City's Amended Complaint, which sets the hearing on the matter on January 14, 2002. He said that after careful consideration, and until the Court makes a determination, he believes the City should maintain a status quo and recommended that the Council adopt a policy which states that Measure A would apply only to projects or activities on land that is owned by the Airport or activities that are in any manner authorized or sponsored by the Airport regardless of their location.

Motion

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

406
Policy on
Processing
Applications
Affected by
Measure A

RESOLUTION NO. 26,140:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADOPTING A CITY POLICY REGARDING THE PROCESSING OF APPLICATIONS POTENTIALLY AFFECTED BY MEASURE A.

Adopted

The resolution was adopted by the following vote:

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

1300
Amendment to
Purchasing Code
(Senate Bill 974)

Mr. Hanway, Financial Services Director, reported on the request for City Council approval to amend the City's Purchasing Code to specifically exempt the City from the California Public Contract Code. He said this change was necessary due to the adoption of Senate Bill 974, effective January 1, 2002, which diminishes the long-standing doctrine of home rule that charter cities enjoy.

Ordinance
Introduced

It was moved by Mr. Laurell, seconded by Mrs. Ramos 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:

1300
Amendment to
Purchasing Code

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING CHAPTER 9 OF THE BURBANK MUNICIPAL CODE PROVIDING FOR AN EXEMPTION FROM THE CALIFORNIA

(Senate Bill 974) PUBLIC CONTRACT CODE.
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 Mark Barton, commenting on the lack of response by Council Members; Irma Loose, on the process and selection of the City Clerk; Fred Haas, promoting nuclear power plants and term limits for the City Council Members; Dink O'Neal, congratulating the newly-appointed City Clerk, expressing gratitude for the support given to the Buena Vista Library site, and expressing concern about the realignment of the Five-Point Intersection; Eden Rosen, supporting sensitivity training for landlords/tenants; and Mike Nolan, thanking Council Members Murphy and Kramer for their vote on the Measure A policy, requesting the names of applicants for the position of Airport Director of Public Safety and the position of Deputy Financial Services Director, and disagreeing with the voting process in the selection of City Clerk.

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 9:56 p.m.

s/Margarita Campos
Margarita Campos, City Clerk

APPROVED MARCH 5, 2002

s/Bob Kramer
Mayor of the Council
of the City of Burbank