

TUESDAY, DECEMBER 18, 2001

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

CLOSED SESSION

Present- - - - Council Members Golonski, Laurell (arrived at 5:02 p.m.), Mrs. Murphy (arrived at 5:03 p.m.), Ramos and Kramer.
Absent - - - - Council Members Laurell and Ramos.
Also Present - Mr. Ovrom, City Manager; Mr. Barlow, City Attorney; 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 Marie Paino, on the Council's decision regarding the first-time home buyers program, expressing concern on such program being offered only in specifically-targeted areas, and urging the Council to encourage the development of a Sam's Club and Wal-Mart; and Mike Nolan, requesting the exact location of properties on the closed session agenda, cautioning the Council to limit their closed session discussions to the actual sale of the property, and in opposition to the development of a Wal-Mart Store at the Five-Points Intersection due to traffic congestion.

5:10 P.M. Recess The Council recessed at this time to the City Hall Basement Lunch Room/Conference Room, to hold a Closed Session on the following:

- a. Conference with Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
 - 1. **Name of Case:** Wolfe v. City of Burbank
Case No.: BC213834
Brief description and nature of case: Employment discrimination.
 - 2. **Name of Case:** Forsythe v. City of Burbank.
Case No.: CV-98-1872 CBM (SHX)
Brief description and nature of case: Civil rights violation.
 - 3. **Name of Case:** McKee/Porco v. City of Burbank.
Case No.: BC177854
Brief description and nature of case: Slander and Civil rights violation.

4. **Name of Case:** In re Enron (Bankruptcy)
Case No.: USBC Case No. 01-16034-ajg (Southern District, New York).
Brief description and nature of case: Enron, a major energy marketer, filed a Chapter 11 bankruptcy on December 5, 2001.

- b. Conference with Real Property Negotiator:
Pursuant to Govt. Code §54956.8
Agency Negotiator: Community Development Director/
Susan Georgino
Property: 704-722 South San Fernando Boulevard (Lance Site)
Parties with Whom City is Negotiating: The Olson Company
Terms Under Negotiation: Property sale.
- c. Conference with Labor Negotiator:
Pursuant to Govt. Code §54957.6
Agency Negotiator: Management Services Director/John Nicoll.
Employee Organization: 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 6:45 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 Mrs. Georgino, Community Development 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 Civic Pride's Holiday Decorating Contest Winners Mayor Kramer, Ellie Myer, Civic Pride Committee Chair, and Committee Members Claudia La France, Mary Lou Wagner, Valene Rolon, Shelly Davies, Linda Silvas, and Louise Paziak, presented awards to the following winners of the 2001 Holiday Decorating contest: 1) Residential Category: Larry and Kay Newman - 430 North Bel Aire Drive, Richard and

Marjorie Irvin - 2007-2009 West Chandler Boulevard, Chuck and Cyndi Douglas and William Spang – 3500 Viewcrest Drive, Ed and E.J. Pape – 1142 North Catalina Street, and Linda and Rick Viebahn - 2934 Remy Place. 2) Youth Category: Trevor and Blaine Rush – 824 Bethany Road, and Ryan Kelly - 1231 North Fairview Street. 3) Commercial Category: Pacific Manor Senior Apartments - 609 North Glenoaks Boulevard.

301-1
Burbank Youth
for Youth

Mr. Flad, Park, Recreation and Community Services Director, introduced the students who participated in Burbank Youth for Youth and organized the Youth Summit, and thanked the Council for their vision and trust in the students. He also thanked the Mayor's Youth Task Force, Julie Flad, Teri Stein and Sommer Embree of the Park, Recreation and Community Services staff, and Vida Wolfe, City Manager's Office; Linda Maxwell, Jose Quintanara, Joe Dijon and Maryanne Galindo, of We Care For Youth; and finally the parents of the participating students. Crystal Rachal, Burbank Youth For Youth, recapped the history as follows: in 1993 then-Mayor George Battey and the Burbank Unified School District (BUSD) commissioned a survey to get input from Burbank youth, noting the results of the initial survey indicated the need for youth employment and transportation, and, as a result, the City created the Youth Employment Program and Got Wheels, both of which are still in operation today. She added that the Mayor's Youth Task Force was created in 1998 and, together with the Burbank Unified School District, coordinated a survey in the spring of 2001 to determine current needs. She said that based on findings of that survey, the Mayor's Youth Task Force decided to hold a youth solution summit. As a result, 26 students from all middle and high schools, public and private, submitted application essays to participate in Burbank Youth for Youth, and ultimately planned, designed and organized the youth summit for 200 Burbank youth, entitled "Take A Stand – Its Youth Choice" which was held at the Burbank Airport Hilton in October 2001.

Selina Hartonians, Burbank Youth For Youth, discussed the process used to accomplish the task of creating the conference and thanked the Council for trusting them and their vision.

Christopher Olin, Burbank Youth For Youth, discussed the solutions reached at the conclusion of the conference and he reported that the two themes the youth identified which can be used to define their major solutions are counseling and

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relevant education.

Mayor Kramer and Mr. Flad presented certificates of recognition to the Burbank Youth for Youth participants and expressed appreciation to the youth for their service to the community.

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
December 17,
2001

Burbank Airport Commissioner Don Brown reported on the major items of the regular Airport Authority meeting of December 17, 2001 as follows: the application of Southwest Airlines to enlarge its ticket counter area to create space for the baggage screening function mandated by President Bush; a policy which would support augmenting the salary/benefits of firefighters employed at the Airport who have been called to active duty; and three letters sent on December 7, 2001 to America West Airlines (regarding daily departure flight #231 at 8:42 a.m.), American Airlines (regarding daily departure flight #1474 at 6:45 a.m.) and United Airlines (regarding daily departure flight #1602 at 6:45 a.m.), and indicated that to date the Authority had not received a schedule analysis report because staff asked the noise consultant to validate the information, and that they expect to receive a report at their next meeting, scheduled for January 7, 2002.

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 R. C. Czapiewski, on the first flight of the SR 71 Blackbird built by Lockheed in Burbank; Ellie Knapp, on the Third Annual Pet Adoption Center and expressing appreciation to the Council and to all the volunteers for their support; Bea Wainwright, expressing appreciation for the Council's continued support of Burbank youth and requesting assistance with lodging 100 cadets from West Point who will marching in the Rose Parade on January 1, 2002 in celebration of West Point's Bicentennial; Esther Espinoza, on obtaining a sister city in the Palestine area; Ron

Vanderford, on a petition to stop the Platt Project across the street from NBC; and Howard Rothenbach, encouraging the Council to proceed with an all-mail ballot election for a Council election, and inquiring how the item regarding the application of Southwest Airlines was placed on the closed session agenda.

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 R. C. Czapiewski, on closed session items regarding slander and civil rights violations, inquiring what the Human Relations Council did at the time the slander station was in operation, and opposing the Declaratory Relief lawsuit; Ted McConkey, on the application of Southwest Airlines, stating that in the opinion of the writers of Measure A this modification does not fall within the guidelines of Measure A, stating the Council violated the Brown Act by discussing the Front Street property in closed session because the property was not clearly identified, and thanking Mayor Kramer and Council Member Murphy for their vote to discuss the Southwest Airlines application in open session; Howard Rothenbach, commenting on the Southwest Airlines application; Esther Espinoza, on the Council interrupting her at prior oral communication; Ron Vanderford, on an all-mail ballot, and expressing displeasure at the Council's decision on the Southwest Airlines application for modifications to comply with the Federal mandate, the Framework for Settlement, Measure A, and Enron's bankruptcy filing; Dr. Theresa Karam, commenting on Council meeting decorum, on Airport Commissioner Brown, on Tom LaBonge, new Los Angeles 4th District Council Member, wanting accountability and responsibility for the 10 percent of the Airport that sits within Los Angeles city limits; David Piroli, in opposition to all mail-ballot elections, the Measure A declaratory relief lawsuit and Burbank-Glendale-Pasadena Airport Authority President Chris Holden's letter to Mayor Kramer regarding Resolution 26,140; Mark Barton, on the Southwest Airlines application and security at the Airport; Mike Nolan, acknowledging receipt of the map depicting the Front Street property closed session item and his request for clarification on the description of the property, and quoting from Chris Holden's letter regarding the Southwest Airlines application.

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

9:03 P.M.
Mr. Golonski
Left the Meeting Mr. Golonski left the meeting at this time.

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

804-1
Development
Impact Fee
Schedule
Increase A report was received from John Cheng, Building Official, requesting City Council review of mandated adjustments to the Development Impact Fee Schedule based on the Cost of Construction Index. The report stated that the Council approved a program in March 1993 which was designed to carry the City through the year 2010 and to assure a means for paying for improvements for transportation, libraries, parks, police and fire through the use of fees imposed on new development (Development Impact Fee Ordinance, No. 3340). The report further stated that the Ordinance provides that the fees will be adjusted annually by a percentage equal to the inflation rate for the prior year for construction costs as determined by the Building Official on December 1 of each calendar year. The report noted the basis for determining the inflation rate for construction costs shall be the Engineering New Record Construction Cost index publish each year in November. The increase, to be effective January 18, 2002, in the existing Development Impact Fees will be 2.3 percent.

The report was noted and filed.

802-4
Submission of
the CAFR A report was received from Derek Hanway, Financial Services Director, formally submitting the Fiscal Year End 2000-2-001 Comprehensive Annual Financial Statement (CAFR) to the City Council for review. The report further stated that the Council, through the Council's Audit Committee, appointed KPMG, an independent certified public account firm, to perform an annual audit of the City of Burbank and its component units. The CAFR includes the results of the audit and will be submitted for a national achievement award to the Government Finance Officers Association, which the City has received for 17 consecutive years. The report concluded by stating that CAFR

is sent to numerous financial institutions in order to comply with various financial and subsequent bond disclosure requirements.

The report was noted and filed.

Adopted

The consent calendar was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Member Golonski.

411
916
801-2
804-3
BWP
Conservation
and Renewable
Energy Efforts

Mrs. Meyer, Marketing Manager, Burbank Water and Power (BWP), reported the successes enjoyed by BWP encompass the issues of energy conservation, renewable resources and money, as BWP applied for and received close to \$1 million in grants during 2001.

She began by reporting on electric conservation programs and stated that going into the summer of 2001, the utility had established electric conservation goals, including holding the peak usage to 260 MW, but usage peaked at 246 MW. She added that Governor Davis asked municipalities to pledge a 7 percent reduction in energy use in City facilities, and Burbank actually reduced energy consumption by 12 percent, largely due to the efforts of City employees. She stated that overall our energy consumption in summer went down by 2 percent, despite the development of Costco and the Burbank Empire Center, and acknowledged the contribution of a reduction of 8 percent by residential customers, and of 5 percent by small businesses.

She stated that BWP created programs to help customers meet the challenge of the energy crisis and mentioned that the 530 Bonus Plan refunded \$673,000 to the community in bonuses for energy reduction. She discussed a residential rebate program for customers who install energy efficient appliances called the Home Rewards Program, and stated that over 600 rebates have been issued, averaging about \$200 per rebate. She indicated that due to the success of this program, the \$90,000 originally budgeted for the program has been spent, and staff would like to use grant dollars to continue the program, as recommended. She continued by discussing the program which distributed compact florescent lights (CFL) to Burbank households, indicated about 3,000 CFLs remain and BWP would like to distribute them to the 2,400 lifeline

customers, with the remainder going to community-based organizations until the supply is depleted.

She reported on another program designed to reduce peak demand called the "Splash into Savings" Program offering a monthly \$5 billing credit to pool owners who agree to run their pumps during off peak hours.

She discussed the development of a Shade Tree Program in cooperation with the Parks, Recreation and Community Services Department and, lastly, the LED Traffic Light Program which will be accomplished in conjunction with the Public Works Department.

She continued by reporting on Renewable Energy Projects which included: the installation of microturbines at the landfill which produce 300 kilowatts of green energy which services 200-250 Burbank homes, and for which we received \$250,000 this year in a matching grant funds from the California Energy Commission; the Clean Green Support Program for residents who wish to support green energy; the installation of Micro-Hydro generators at the Valley Pumping Plant in late March of 2002; a passive solar water heating project for the McCambridge Park swimming pool; contract with a solar energy consultant to review City government facilities for potential photovoltaic installations; and the installation of solar panels at reservoirs to power the controls for the Water Division's SCADA Center.

Lastly, she reported that funding has been received in the following forms: \$250,000 has been received in grant money from the state; \$630,000 to support load reduction programs pursuant to SB5X; and \$31,000 in funds to be used for the purchase and installation of interval data recording meters pursuant to AB29X, and requested the SB5X funding be used as follows: \$200,000 to the Home Rewards Program, \$300,000 for the LED Traffic Light Program and the balance of \$129,000 to fund a Shade Tree Program.

Motion

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

411
916
801-2
804-3
Authorizing
Grants through

RESOLUTION NO. 26,150:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE APPLICATION FOR GRANTS THROUGH THE SOUTHERN CALIFORNIA PUBLIC POWER ASSOCIATION (SCPPA) FROM THE STATE OF CALIFORNIA FOR CONSERVATION PROJECTS AND AMENDING THE 2001-2002

SCPPA for
Conservation
Projects
Adopted

FISCAL YEAR BUDGET.

The resolution was adopted by the following vote:

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

1301-1
915
804-3
801-2
Water Rec. Plant
Biological
Nutrient
Removal Imp.
(B.S. 1100)

Mr. Andersen, Senior Civil Engineer, Public Works Department, stated that this item requests the Council award construction improvements at the Burbank Water Reclamation Plant, a Professional Service Agreement for construction management services and the acceptance of a California Energy Commission Grant in the amount of \$33,000.

He reported that the Burbank Water Reclamation Plant is a tertiary wastewater treatment plant with an average design flow of nine million gallons per day and produces a high-quality effluent. He said that previous upgrades have improved the reduction of biochemical oxygen demand and suspended solids which is the primary purpose of a reclamation plant. He stated that due to increasingly stringent discharge requirements from the California Regional Water Quality Control Board, further upgrades to the plant are necessary at this time, and discussed details of the construction project.

Motion

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

1301-1
915
804-3
801-2
Water Rec. Plant
Biological
Nutrient
Removal Imp.
(B.S. 1100)

RESOLUTION NO. 26,151:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE PUBLIC WORKS DEPARTMENT TO APPLY FOR GRANT FUNDS AND EXECUTE A GRANT AGREEMENT WITH THE CALIFORNIA ENERGY COMMISSION FOR A PORTION OF THE WORK ON THE BURBANK WATER RECLAMATION PLANT BIOLOGICAL NUTRIENT REMOVAL IMPROVEMENTS, BID SCHEDULE 1100 AND AMENDING THE CITY'S FISCAL YEAR 2001-2002 BUDGET.

1301-1
915
PSA w/Kennedy/
Jenks

RESOLUTION NO. 26,152:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE PROFESSIONAL SERVICES AGREEMENT FOR CONSTRUCTION MANAGEMENT BETWEEN THE CITY OF

the ultimate goal was to process the refunding, issue the new money and roughly maintain the same level of debt service as we currently have without adding an additional debt service to the refuse and collection funds. He stated that the proposed finance team would include: Peter Ross of Ross Financial as Financial Advisor, Rich DeProspero of E.J. De La Rosa & Co., Inc. as Underwriter and Brian Quint of Quint & Thimmig, LLP as Bond Counsel.

Motion It was moved by Ms. Murphy, seconded by Mrs. Ramos and carried with Mr. Golonski absent that "the City Council authorize staff to form the finance team made up of Peter Ross, Ross Financial, as the Financial Advisor; Rich DeProspero, E.J., De La Rosa & Co., Inc. as the Underwriter; and Brian Quint, Quint & Thimmig, LLP, as the Bond Counsel; and proceed with the potential bond refund for the Refuse & Collection Disposal Fund and secure additional bond financing to fund the partial closure of the landfill."

Ordinance Submitted It was moved by Ms. Murphy and seconded by Mrs. Ramos that "Ordinance No. 3592 be read for the second time by title only and be passed and adopted." The title to the following ordinance was read:

901 Control of Animals (Leash Law) ORDINANCE NO. 3592:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTION 6-1001 OF CHAPTER 6, ARTICLE 10 OF THE BURBANK MUNICIPAL CODE RELATING TO CONTROL OF ANIMALS.

Adopted The ordinance was adopted by the following vote:

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

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 Meg Staahl, who played a videotape on past decisions by the Planning Board and City Council on the Graciela Hotel development; Eden Rosen, suggesting sensitivity training for City staff, thanking staff

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member JoAnn Koch for good customer service by providing her with a copy of the Housing Profile, and requesting an apology from Mr. Barlow for earlier comments; Mark Barton, echoing displeasure with offensive comments; Rick Hyman, commenting that he voted for Measure A and is dismayed to hear the authors of Measure A tell the Council to do exactly what the Measure tells them, and agreeing with the Council's decision on the Southwest Airlines application; and Mike Nolan, stating his belief that mistakes made by the City are covered up, noting the Planning staff treats the public badly, and noting that staff interfered with his attempts to get the Council a transcript of the first Graciela review.

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 10:13 p.m. in memory of Shirley Nelson.

s/Margarita Campos
Margarita Campos, City Clerk

APPROVED MARCH 12, 2002

s/Bob Kramer

Mayor of the Council
of the City of Burbank