

TUESDAY, MARCH 5, 2002

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 5:03 p.m. by Mr. Laurell, Vice Mayor.

CLOSED SESSION

Present- - - - Council Members Golonski, Murphy, Ramos, and Laurell .
Absent - - - - Council Members None.
Also Present - Mr. Ovrom, City Manager; Ms. Scott, Chief Assistant City Attorney; Ms. Alvord, Assistant City Manager; and, Mrs. Campos, City Clerk.

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

Citizen Comment Appearing to comment was Marie Paino, in support of rent control, on the recent cable television rate increases to the second tier of Basic Service by Charter Communications, and inquiring about the possibility of another cable company serving Burbank.

5:09 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:** 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

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- 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
- d. Public Employee Performance Evaluation :
Pursuant to Govt. Code §54957
Title of Employee’s Position: City Manager.

Regular Meeting
Reconvened in
Council
Chambers

The regular meeting of the Council of the City of Burbank was reconvened at 6:35 p.m. by Mr. Laurell, Vice 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 Ms. Cohen, Library Services Manager.

ROLL CALL

Present- - - -

Council Members Golonski, Murphy, Ramos and Laurell.

Absent - - - -

Council Members None.

Also Present -

Mr. Ovrom, City Manager; Ms. Scott, Chief Assistant City Attorney; Ms. Alvord, Assistant City Manager; and, Mrs. Campos, City Clerk.

301-1
Arbor Day

Acting Mayor Laurell presented a proclamation in honor of Arbor Day to Susan McFarland and Valene Rolon, Co-Chairs of the Civic Pride Committee’s Plant-A-Tree Subcommittee.

406
Airport
Authority
Meeting

Airport Authority Commissioner Charlie Lombardo reported on the Airport Authority meeting of Monday, March 4, stating the Authority unanimously approved two quitclaim deeds for avigation easements which will now be returned to the residents, and that the next scheduled meeting is a night meeting on Thursday, March 21 at 6:30 p.m.

The City Council received the report.

Reporting on
Closed Session

Ms. Scott reported on the items considered by the City Council during the Closed Session meeting, and the Council’s decision to authorize Akin, Gump, Strauss, Hauer & Feld, the City’s outside Counsel on the Airport litigation to hire Laer

Pearce and Associates to help communicate the City's position on airport issues to the public and to pursue new ways to facilitate public participation in the on-going Airport dialog. She stated the City will be reporting publicly on their efforts from time-to-time as necessary.

First Period of
Oral
Communications

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

Citizen
Comment

Appearing to comment were Emily Gabel, opposing the Los Angeles Equestrian Center's (LAEC) proposed Mitigated Negative Declaration (MND), crediting their new General Manager with positive changes, stating that one of the mitigation measures should be that all non-equestrian events should be conducted in a fully enclosed permanent structure on the grounds, and suggesting the establishment of a neighborhood council to provide input; Scott Dunlevie, President of the Parkside Equestrian Estates Board of Directors which borders the LAEC, expressing concern with the MND, citing problems with noise and lights from the Equestrian Center, stating the LAEC is unable to manage the events they have currently, and that additional events would compound the problems; John Canavan, on the LAEC MND, stating the USGS map used in the document is 30 years out of date, that non-equestrian events are not allowed without the consent of the City per the current lease, and on unsafe carnival rides adjacent to the trails; Esther Espinoza, on the upcoming appointment of City Council Member, and on filling City positions; R. C. Czapiewski, on the Burbank Empire Center airplane signage; Debra Price, opposing non-equestrian events being held at the LAEC, on the potential decrease in her property value, and potential vandalism; Lynn Brown, Vice President of Corral 38 Equestrian Trails, Inc., stating her concern is for safety on the horse trails, and asking that a citizens' committee be formed to give input on non-equestrian events; Jeff Hobson, opposing non-equestrian events at the LAEC, citing traffic concerns; Ted McConkey, on the Council's decision to place an item on the agenda for action next week, and on Mr. Golonski deciding beforehand that the Council would be giving a specific amount of money to the Burbank Unified School District; Michael Scandiffio, on the soundwall along the 134 Freeway through the Rancho Area between Keystone and Buena Vista, stating two years ago he requested assistance in getting CalTrans to continue the soundwall, but that this section of the soundwall is on the bottom of the priority list and the cost of this section is estimated to be \$300,000, and that if the City contributes \$100,000, the

continuation of the sound wall would be part of Phase I; Floran Frank, noting that the process for permission to hold non-equestrian events at the LAEC is the same as before, and on Burbank's safety services being required to respond to the LAEC with no reimbursement to the City; Howard Rothenbach, reading a letter printed in the Daily News regarding the severe pruning of trees and bushes along the freeway to enable a better view of the Burbank Empire Center; Mark Barton, on the tree and bush removal along the freeway improving the clean look of the entire area; and C.L. Stack, on the selection process for the City Council Member vacancy, on the City Manager appointing elected officials to City positions and requesting that the replacements be elected.

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

Second Period of Oral Communications Mr. Laurell called for speakers for the second period of oral communications at this time.

Citizen Comment Appearing to comment were Esther Espinoza, on the appointment of the new Mayor and Vice Mayor, urging that the new Mayor be a Latino, and supporting SB 680; R. C. Czapiewski, on Airport litigation, reading from a letter dated April 12, 2001 from the legal firm of Moskowitz, Brestoff, Winston and Binderman, requesting the record of work done, samples of work done and amount of money paid by the City for the work, expressing his opinion that \$100,000 is not enough money to fund the intervenor, and on the need to fund an appeal as well; Emily Gabel, commenting on the LAEC MND, stating her opinion that non-equestrian events should only take place in the fully enclosed permanent structures, that an advisory council be appointed to make recommendations to the Los Angeles City Recreation and Parks Department prior to the approval of any slate of events, on factual errors contained in the document, and disagreeing with the LAEC's goal to be a multi-purpose facility, stating the center should remain as an equestrian facility with only incidental non-equestrian events; Irma Loose, on the City v. Airport Authority and the cost of legal fees, and on the Final Order of Condemnation between the Airport and Lockheed, and requesting the amount of the relinquished legal fees on the condemnation; Scott Dunlevie, opposing the LAEC's proposed mitigated negative declaration, citing decreased property values, the fact that the facility was not meant to be anything more than an equestrian facility, the vagueness of the proposal, and expressing gratitude to the

Council and staff for their work on this matter; Floran Frank, reiterating the contract clearly states "no non-equestrian events" are to be held at the LAEC and inquiring how the LAEC can propose non-equestrian events; Michael Scandiffio, on behalf of the Burbank Rancho Homeowners, opposing the LAEC proposal and supporting the City's draft letter to Mayor Hahn, and stating the EIR is the same as the one submitted two years ago; John Canavan, opposing the LAEC's proposal, outlining the items in the MND that no longer apply, disagreeing with the daily peak number, the vague definition of proposed "trade shows," the incorrect map, the lack of mentioning the safety of horses and riders along the trail, and on noise levels; Mark Barton, on the noise levels of trains traveling through areas adjacent to residential areas in the Airport area, and on the Southwest Airlines security measures at the Airport;

George Chatigny, stating he has been at the LAEC for 20 years and General Manager for the past 20 months, thanking the speakers who addressed the Council regarding the LAEC, expressing their desire to be neighborly and run careful events, stating he has made it his priority to be available to residents at all times to assist with any problems, on the need to work together with the City to resolve differences, noting their main goal is to take care of horses and their need for funds made from non-equestrian events to run the facility, stating they have met with neighbors and the cities of Burbank and Los Angeles, and stating items which had been requested be removed from the list of non-equestrian events had in fact been removed; Michael Hastings, representing LAEC, on the prior negative declaration presented by Los Angeles being deficient, stating the current MND reduces the non-equestrian events list from the proposal down to one-half of those previously suggested, reduces the number of event days, on the support of the MND by trainers at the LAEC, on their desire to reach an equitable solution, and on being in agreement with the formation of a citizens advisory group; Ted McConkey, opposing non-equestrian events at the LAEC and expressing confidence that the staff is competent to deal with this issue, on the LAEC being established as an equestrian facility and having become a controversial topic, on the increase of traffic on Riverside Drive and Main Street and unsafe situations with horses on Riverside Drive due to careless drivers, on the proposed audit of the Airport legal bills and the need to solicit legal audit specialists; David Piroli, supporting the City's opposition to SB 680, on gifting the BUSD because of their budget shortfalls, on the upcoming State budget cuts and how the City plans to adjust, and on the decision in closed session to hire a public relations firm; Howard Rothenbach, agreeing with staff's recommendation

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that the LAEC should remain for equestrian events only, and noting the many other venues in Los Angeles for non-equestrian events, inquiring what Assemblyman Frommer's vote was on SB 680 and what Senator Scott's position is on the bill, on the closed session items not being properly reported on, and inquiring as to the scope, cost and the purpose of hiring the firm; and Mike Nolan, on SB 680, inquiring why we have no car dealerships in Burbank, on the Council's lack of response to his concerns about parkway tree problems, and on the lawn furniture which overhangs into the right-of-way in Magnolia Park.

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

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

Minutes Approved The minutes for the regular meetings of November 27, December 4, and December 11, 2001 were approved as submitted.

202-10 Youth Board Appointments A report was received from Mr. Flad, Park, Recreation and Community Services Director, recommending the approval of one middle school and two high school representatives as submitted for mid-term appointments to the Youth Board. The students appointed were: Selin Petrosian, John Muir Middle School; Sara Rebman, John Burroughs High School; and, Elisabeth Coleman, Monterey High School.

1007-1
1009-1
Instrument Tech. to Instrument Controls Tech. RESOLUTION NO. 26,200:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING AND RE-TITLING THE SPECIFICATION OF INSTRUMENT TECHNICIAN (CTC NO. 0418) TO INSTRUMENT CONTROLS TECHNICIAN (CTC NO. 0424).

1007-1
1009-1
Establish Title Of Power Plant Maintenance Trainee RESOLUTION NO. 26,201:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF POWER PLANT MAINTENANCE TRAINEE (CTC NO. 0659) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.

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He stated a similar proposal was received two years ago, and at that time a letter outlining the City's concerns for that Mitigated Declaration was sent to the City of Los Angeles, as well as a letter from the Mayor of Burbank to the Mayor of Los Angeles also expressing the City's concerns. He said that the City of Los Angeles had distributed a notice of intent to adopt the proposed MND to the residents surrounding the LAEC, and since Burbank City staff was not aware of the exact number of residents notified by Los Angeles, the City sent another notice to 2,200 residents surrounding the LAEC, advising them of the intent of the City of Los Angeles and who to contact to express their comments.

Mr. Baker briefly detailed the history of the development of the LAEC in 1976, stating the Environmental Impact Report prepared at that time identified it as an equestrian facility and that, ten years later, a supplemental report was prepared for an expansion of those facilities which also identified the need for a second point of access. He further stated that the City's final comments regarding the funding of a feasibility study for building a bridge for an alternate access was sent to Los Angeles on October 3, 2001.

Following Council discussion, staff was directed to respond to the LAEC's Mitigated Negative Declaration in a letter to David Attaway, Environmental Supervisor, Los Angeles Department of Recreation and Parks, listing the City's comments and concerns, including a request for a list of non-equestrian events proposed, and to revise the letter to Los Angeles Mayor Hahn and return it to the Council at the next meeting for final approval.

8:54 P.M. The Council recessed at this time. The meeting reconvened at
Recess 9:09 p.m. with all members present.

9:09 P.M. Mr. Ovrom left the meeting at this time.
Mr. Ovrom left
the Meeting

1503 Mr. Lantz, Assistant General Manager, Burbank Water and
1504 Power, reported that water quality in January throughout the
BWP Electric system met or exceeded State and Federal drinking water
and standards. He stated that Lockheed-Martin has assigned new
Water Update staff to resolve long-standing issues on the Burbank Operable
Unit pending before the Environmental Protection Agency,
who denied the *force majeure* requiring Lockheed-Martin to
perform various fixes and additions to the plant, and that this

work is proceeding in good faith. He discussed recent news reports regarding Perchlorate, a residual chemical found in rocket fuel, being found in drinking water in the Los Angeles County area, and emphasized that all the wells have been tested, and only one of the ten wells tested slightly above the action level, but that when combined with the other wells and after the blending process, the water which reaches the customer is at an undetectable level. He stated that the City is not receiving Metropolitan Water District treated water and instead has been receiving water primarily from the State Water Project, and it has been determined that Burbank does not have a Perchlorate problem. He indicated 1, 4 Dioxane had been detected in Orange County wells, and once again emphasized no detectable levels of 1, 4 Dioxane had been found in Burbank wells. Mr. Lantz reported that the WCAC balancing account is at about \$1 million, that after major repairs which will be made in the spring, and it is anticipated that the balance should be drawn down to about \$500,000 before the end of Fiscal Year 2001-2002.

With regard to electric operations, he stated that Lake Street 1, the LM6000 Project, is moving along very well, with three of the super loads coming in from Houston this week, including the 747 engine component. He added that Burbank Water and Power staff was making a presentation to the Anaheim City Council meeting that evening as Anaheim was considering participation in the Magnolia Power Plant Project. He reported that the California Energy Commission (CEC) permit is proceeding well and that CEC staff is expected to issue its report to the Commission at the end of February. He stated the Federal Energy Regulatory Commission has made rulings regarding the establishment of mandatory regional transmission organizations that all power utilities must join, that BWP staff is seeking a favorable approach to this issue since Burbank has significant transmission resources and takes great interest in which proposals would be best implemented. He concluded by stating that BWP staff is currently working on preparation of their annual budget.

The Council noted and filed the report.

201-2
FY 2001-02
Mid-Year Work
Program

Mr. Feng, Public Works Director, thanked his staff for their work on the progress of the work program items, and also recognized the contributions of all Public Works Department staff who work diligently to provide City services. He began by stating the construction of Abraham Lincoln Neighborhood Park and new Buena Vista Library has been a successful multi-departmental project, the project is 20 percent complete and on budget. He reported that the Household Hazardous Waste

Program has grown from 550 to 1,020 drop-offs per year, that the current refuse rates will absorb the \$45,000 which the Public Works Department will be requesting as part of the budget process to conduct the program, that the program also reduces potential fire hazards, illegal disposing into the storm drain and minimizes stormwater as well as sewer contamination, thereby reducing overall costs. Next, he detailed infrastructure projects consisting of various street, alley and sidewalk maintenance projects within the City which are either completed or currently in progress. He stated work completed in municipal facilities included the City Hall Council Chamber renovation, City Hall murals restoration, construction of a 66-space parking lot on the previous site of the old Municipal Services Building, that work in the City Hall Annex includes re-roofing and externally sealing the building, replacing the HVAC condenser, removing the exterior metal shutters and installing awnings. Mr. Feng stated screens are being installed at McCambridge Park to shield the roof-top HVAC equipment, and that emergency exit lighting had been added at five City park buildings.

Reporting on the Development and Community Services Building (DCSB), he said this item includes the selection of the architect and engineering team, and added that staff is working on a master plan with the architect which includes the DCSB, the Central Library and the parking structure between Olive Avenue, Glenoaks Avenue, Orange Grove Avenue and Third Street, and has hired Turner Construction to assist in the project estimating. He stated the traffic infrastructure project system is designed to enhance safety, reduce traffic congestion and keep cars on the major arterials, that the projects are inter-related to create the overall system, and he detailed various projects within the City. He reported that work is in progress for the design and building of the Traffic Management Center in the City Hall Annex which will allow for real-time traffic data through the fiber optic system through cameras at the intersections, for the installation of the Advanced Traveler Information System (ATIS) detection for which a Prop C grant in the amount of \$800,000 was secured by the Arroyo Verdugo Coalition, and the Regional Information Management System (RIMS), another tri-city program which allows the traffic management centers of the three cities to communicate with each other in real-time to create easier access and less congestion. He highlighted the installation of 1,300 energy-saving green Light Emitting Diode lamps at 179 signalized intersections, that they have a three-year payback period, that Burbank Water and Power secured a \$200,000 grant with no match from the California Energy Commission allowing for a payback in a period of only one year, and that the energy savings from the amount of money invested will

give us the next nine years of almost free green lights.

Mr. Feng stated the \$4.1 million upgrade of the Burbank Water Reclamation Plant to achieve biological nutrient removal is going smoothly, will continue until September and will not reflect the rates, that the City Hall basement lunchroom/conference room has been completed, that the three-phase remodel of seven offices in the Information Technology Department is almost complete, that the conversion of the City Attorney's Office conference into office space is almost complete, that new security keypads have been installed at City Hall, the Annex, the modular buildings and the Old Wells Fargo Building, along with replacing 450 padlocks Citywide for security purposes, that the \$550,000 Compressed Natural Gas Station public/private endeavor for which \$435,000 in grant funds have been secured is being constructed near Lake and Chestnut, that bids have been sent out for the construction of the Verdugo Recreation Center elevator which is CDBG funded, that contract negotiations are ongoing with Los Angeles and Glendale to investigate mutually beneficial strategies on wastewater treatment and disposal as the City is operating under the 1942 contract, that the City has participated in the five-year renewal of the municipal stormwater National Pollution Discharge Elimination System permit which includes over 30 new requirements and are currently evaluating the impacts of the new permit on various City departments, and that he doesn't anticipate a major financial impact due to the City's proactive in environmental protection programs which are usable to meet their requirements. He concluded by reporting on the progress of the fifth and final phase of the FEMA sewer line refurbishment project.

Third Period of
Oral
Communication

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

Citizen
Comment

Appearing to comment were Irma Loose, on Will Rogers' articles criticizing her, on the retirement of a former employee, and on alleged legal costs involved in the condemnation action; Eden Rosen, on the consequences of rent control, on the cost of moving, and on the lack of ethics and customer service between landlords and tenants; James Schad, supporting the Council's comments on the LAEC's MND, on the lights being out at the Defenders of the Constitution memorial at Johnny Carson Park, on the street monument at Gaylord Drive being installed without notifying residents, and stating his opinion that the left-turn at Gaylord Drive is unsafe;

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and Mike Nolan, on Council meeting decorum, on Mr. Schad's concerns not being addressed for the past two weeks, and on the scope and cost of the public relations company hired by the City's Airport attorneys.

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 10:06 p.m. in memory of Leticia Blanca Jette.

Margarita Campos, City Clerk

APPROVED APRIL 30, 2002

Mayor of the Council
of the City of Burbank