

TUESDAY, MARCH 12, 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 5:04 p.m. by Mr. Laurell, Mayor.

CLOSED SESSION

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

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

5:05 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
- 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 The regular meeting of the Council of the City of Burbank was reconvened at 6:39 p.m. by Mr. Laurell, Mayor.

Chambers Invocation	The invocation was given by Susie Peterson, Elder, Little White Chapel.
Flag Salute	The pledge of allegiance to the flag was led by Ms. Embree, Administrative Analyst.
ROLL CALL	
Present- - - -	Council Members Golonski, Murphy, Ramos and Laurell.
Absent - - - -	Council Members None.
Also Present -	Mr. Ovrom, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.
301-1 CREST Presentation	Ms. Embree, Administrative Analyst, gave a brief presentation on the CREST Program, and Youth Services Workers Lusine Arutyunyan and Aram Nadjarian shared their work experience while participating in the program. Mayor Laurell and Ms. Embree presented Certificates of Recognition to: Ivan Alvarez, Abraham Arce, Lusine Arutyunyan, Vahag Arutyunyan, Bo Bestenlehner, Megan Buena, Anik Charchyan, Supin Pearl Churattanatham, Sandy Dominguez, Kristen Mackey, Allison Mannos, Raul Morales, Crystal Murillo, Aram Nadjarian, Jennifer Rodriguez, Ruben Vigil, and Vladimir Zarian.
6:59 P.M. Hearing 1704-3 602 Appeal of CUP No. 2001-28 (500 N. Niagara St. – Pacific Bell)	Mayor Laurell stated that “this is the time and place for the hearing on Conditional Use Permit (CUP) No. 2001-28, a request by Pacific Bell Telephone Company to construct and operate a utility facility on the property located at 500 North Niagara Street. As noted in the staff report on this matter, the Applicant has withdrawn its request for the CUP, negating the need for this public hearing. No further Council action is necessary.”
Reporting on Closed Session	Mr. Barlow reported on the items considered by the City Council during the Closed Session meeting.
First Period of Oral Communications	Mr. Laurell called for speakers for the first period of oral communications at this time.
Citizen Comment	Appearing to comment was Esther Espinoza, commenting on constructive knowledge and on her decision to file a claim for being interrupted while speaking during the second period of oral communications because she was not addressing an agenda item.

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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, expressing displeasure at the Council providing financial assistance to the Burbank Unified School District, stating her opinion that staff's recommendation on this issue is biased and requesting money be given directly to the students; Ted McConkey, on a Brown Act complaint he filed last week because the public had no opportunity to speak before the closed session of March 5, 2002 and the vote was not reported, on a Public Records Request for details on Council action taken during closed session, on a Public Records Request on the status of Juli Scott, wife of the Glendale City Attorney, on his opinion that its wrong for Ms. Scott to be involved in any Airport issue due to this conflict, informing the Council that they are indemnified from wasting taxpayers money but that this doesn't mean Council Members are not personally liable for any criminal activity, on the time lapse until the legal audit of Airport bills takes place and the possibility that documents could be shredded in the meantime, and Howard Rothenbach, supporting a meeting between the Council and School Board Members to discuss and assess the District's financial situation, and expressing hope that discussions would include how to avoid these financial problems in the future.

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

7:12 P.M. Mr. Laurell Left the Meeting Mr. Laurell left the meeting at this time due to the fact that one of the proposed projects is within close proximity to his home.

Jt. Mtg. with Redev. Agency And YES Fund Board 804-3 1102 Mr. Lefmann, Administrative Officer, reported that this was an annual grant program administered by the Park, Recreation and Community Services Department (PRCS) and that solicitation for this grant program began in September 2001 with a filing deadline of November 2001. He stated that the Youth Endowment Services (YES) Advisory Board met in

- 811
Funding
Recommendations from the
YES Advisory
Committee
- December 2001 to consider these grants and at that time the two applications received were from John Burroughs High School (JBHS) and Burbank High School (BHS). He added that the JBHS application was for the purpose of resurfacing their eight tennis courts at a cost of \$22,800, and that the BHS application was for the purpose of extending the height of the current fence between the baseball field and the football field at a cost of \$15,000. He concluded by stating that the YES Advisory Board voted to forward these applications to the Council for consideration.
- Motion
- It was moved by Mrs. Ramos and seconded by Mr. Golonski that "the following resolution be passed and adopted:"
- 804-3
1102
811
Authorizing
Certain YES
Expenditures
- RESOLUTION NO. 26,204:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING CERTAIN YOUTH ENDOWMENT SERVICES EXPENDITURES.
- Adopted
- The resolution was adopted by the following vote:
- Ayes: Council Members Golonski, Murphy, and Ramos.
Noes: Council Members None.
Absent: Council Member Mr. Laurell.
- Redev. Agency
Reso. Adopted
- Redevelopment Agency Resolution No. R-2020 Authorizing Certain Youth Endowment Services Expenditures was adopted.
- YES Fund Board
Reso. Adopted
- Youth Endowment Services Fund Board Resolution No. Y-26 Approving a Grant Award and Amending Fiscal Year 2001-2002 Budget for the Purpose of Appropriating Funds for Grant Recipients of the YES Funds was adopted.
- 7:19 P.M.
Mr. Laurell
Returned to the
Meeting
- Mr. Laurell returned to the meeting at which time the Council directed staff to re-open the grant applications for YES Grant funds for an additional cycle prior to the end of the fiscal year and any still remaining funds after that cycle would be applied to the South San Fernando Park Project.

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

Minutes Approved The minutes for the regular meetings of December 18 and December 25, 2001, and January 1, 2002 were approved as submitted.

1205-2
Vacation of PUE
At 3120 Empire
Ave. (V-341) RESOLUTION NO. 26,205:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ORDERING THE SUMMARY VACATION OF A PUBLIC SERVICE EASEMENT LOCATED AT 3120 EMPIRE AVENUE, BURBANK, CALIFORNIA (V-341).

1204-1
Approval of
Final Tract Map
No. 53311 RESOLUTION NO. 26,206:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING FINAL MAP OF TRACT NO. 53311.

Adopted The consent calendar was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Members None.

1301-1
703
Valley Park
Renovation and
Skate Park
Facility (B.S. No.
1113) Mr. Flad, Park, Recreation and Community Services Director, reported that the purpose of this report is to recommend approval of the contract documents for Bid Schedule No. 1113, Valley Park Renovation and Skate Park Facility, and recommended bid award to TLD Construction, the lowest responsible bidder, in the amount of \$651,700.

Mr. Flad stated Valley Park was slated for renovation as a result of the 1985 Master Plan for all the City park facilities and that since that time, sports league fees have been used to improve and maintain the ballfield facility at this site, but the remainder of the park is in severe disrepair. He stated that the decline of the facility coincided with the demand for a skate park facility in the City, and in 1998 a temporary skate park, which is still in operation today, was constructed on the old tennis court. He said the need for a skate park in this community has been demonstrated by the use of the temporary skate park, and the use is compatible with Valley Park and the surrounding neighborhood.

Ms. Bartolo, Deputy Director of Park, Recreation and Community Services/Park Services, stated that based on the success of the temporary skate park facility, Valley Park's Master Plan was adjusted to accommodate a skate park and that to assist with the design of the skate park facility, three public meetings were held to solicit input from both the skateboarders and the adjacent residents of the area. She stated that the intent in the development of the Skate Park was to create a challenging, interesting facility which would appeal to both in-line skaters and skateboarders, and outlined the components of the proposed skate park facility.

Ms. Bartolo stated that part of the renovation at Valley Park would include new security lighting, a new irrigation system, new barbecues, picnic tables, benches, drinking fountains, trash enclosures, landscape renovation and the installation of a new children's play area. She added that the entire park would be renovated in sections and, with Council approval, the work would begin in mid-April with completion scheduled for the end of Summer 2002.

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

1301-1
703
Valley Park
Renovation and
Skate Park
Facility (B.S. No.
1113)

RESOLUTION NO. 26,207:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND ADOPTING CONTRACT DOCUMENTS, PLANS AND SPECIFICATIONS, AND DETERMINING THE LOWEST RESPONSIBLE BIDDER, ACCEPTING THE BID, AND AUTHORIZING EXECUTION OF A CONTRACT FOR VALLEY PARK RENOVATION AND SKATE PARK FACILITY, BID SCHEDULE NO. 1113.

Adopted The resolution was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Members None.

404
Update on
Court
Unification
And Courthouse
Consolidation
Plan

Mr. Barlow reported that it was previously brought to the City's attention that the Glendale Courthouse is extremely old and does not provide adequate lock-up facilities, and that the Court's original proposal to remedy the situation was to transfer all of the criminal cases to Burbank and all the civil cases to Glendale. He stated that Burbank was not pleased with the court unification plan and took steps to inform the

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Presiding Judge of the City's concerns. He said the City's concerns were considered and that Supervising Judge Mary House was assigned to resolve the issues. Judge House proposed to send to Burbank only the felonies which come from the Glendale Police Department and which are in custody, and that she would make every effort to ensure that local infraction and misdemeanor hearings and trials would remain in Burbank. Mr. Barlow indicated another meeting on this issue has been scheduled to provide an opportunity to convey staff's thoughts about the proposed plan to Judge House, and that this plan is much more acceptable than the original proposal. Mr. Ovrom added that Judge House assured Burbank that she would do her best to keep a civil courtroom open in Burbank, and that presently the civil cases are divided evenly between Burbank and Glendale.

After Council discussion, staff was directed to prepare a letter to be signed by Mayor Laurell to Judge House thanking her for her assistance throughout this process as she has gone out of her way to incorporate everyone's concerns into the final proposal, and that the letter be copied to Supervisor Michael Antonovich and Presiding Judge Basque.

The Council noted and filed the report.

7:48 P.M.
Mrs. Ramos
Left the Meeting

Mrs. Ramos left the meeting at this time due to a potential conflict with the following item.

405-1
L.A. Equestrian
Center Proposed
Neg. Dec. for
Non-Equestrian
Events

Mr. Baker, Deputy City Planner, stated that the Council had directed staff to revise the letter to Mayor Hahn which was presented at the March 5, 2002 meeting, and that the revisions had been made pursuant to Council direction, specifically to indicate that if the city of Los Angeles decided to approve the proposal for non-equestrian events that such approval be for a trial period, without waiving any of the objections made to the proposed Mitigated Negative Declaration.

8:04 P.M.
Mrs. Ramos
Returned to the

Following Council discussion, staff was directed to work with Mr. Golonski to revise the language in the letter and bring the letter back to a future agenda.

Mrs. Ramos returned to the meeting at this time.

Meeting

412
201-2
Financial
Resources for
BUSD

Mayor Laurell stated that this agenda item is being removed from the agenda pursuant to the request of Burbank Board of Education President Hubbell.

Motion

It was moved by Ms. Murphy, seconded by Mr. Golonski and carried that "this item be removed from the agenda."

8:05 P.M.
Reconvene
Redev. Agency
and YES
Meetings

The Redevelopment Agency and Youth Endowment Services Fund Board meetings were reconvened at this time.

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 Ted McConkey, citing a closed session to make the point that they are discussing existing litigation in closed session, and that Ms. Scott should not be involved in the closed session at all, that Mr. Barlow cannot assure anyone of the security of the Airport records as they are not all in his custody, on the need for a full-scale legal audit and not just a financial audit, and asking if Mr. Golonski recalled the hiring of Mr. Papillano and the cost being hidden in the Winner Wagner bills, and reiterating that the Council can be found personally liable if they participate in any action which results in criminal prosecution; Irma Loose, on her right of free speech being City business, on being accused by Will Rogers in his newspaper articles that her videoclips are edited and out of context, quoting Mr. Rogers' article, and on her concern that the Council did not defend her; Mike Nolan, inquiring whether any Council Members have looked at the parkway tree problems he has brought to their attention, on the Council requesting guidance from a Court to apply Measure A, on the Council decision to have an intervenor, on the decision to hire a public relations firm, and asking why the Council needs a public relations firm to explain their actions; and Howard Rothenbach, on the lack of an answer to inquiries about the scope of work and cost of hiring Laer Pearce and having to read the answers in the newspaper,

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inquiring why these answers were not given to the speakers but were given to reporters, on his reporting to the Police Department Watch Commander that work was being done on Saturday at the Graciela Hotel when they are only authorized to work from Monday through Friday, that no Building Inspector returned his call but that the Watch Commander sent a patrol car in response to his complaint.

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 8:32 p.m. in memory of Alvin Barlow.

Margarita Campos, City Clerk

APPROVED APRIL 30, 2002

Mayor of the Council
of the City of Burbank