

TUESDAY, APRIL 2, 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 5:00 p.m. by Mr. Laurell, Mayor.

CLOSED SESSION

Present- - - - Council Members Murphy, Ramos, Vander Borgh 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.

5:01 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 Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:34 p.m. by Mr. Laurell, Mayor.

4/2/02

Invocation The invocation was given by Reverend Tania Kleiman, Olive Branch Ministries.

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

ROLL CALL

Present- - - - Council Members Murphy, Ramos, Vander Borght and Laurell.

Absent - - - - Council Member Golonski.

Also Present - Ms. Alvord, Assistant City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

Reporting on
Closed Session Mr. Barlow reported on the items considered by the City Council during the Closed Session meeting.

406
Airport
Authority
Meeting Commissioner Brown reported on the following items from the regular meeting of the Airport Authority of April 1: Three items were approved, including the minutes of the March 21, 2002 meeting; an interfund transfer for \$8,058,789 for reimbursement to the Airport for projects previously paid for with Authority funds and eligible for reimbursement from the PFC Fund which holds the proceeds from a \$3.00 tax imposed on each ticketed passenger flying out of Burbank-Glendale-Pasadena Airport and approximately \$4,100,000 for noise installation projects previously approved by the Authority; and, lastly, staff was directed by the Authority to move forward with the Part 161 Public Outreach Program and Landrum and Brown has proposed a series of four public outreach meetings for the week of May 6, 2002 to update interested members of the public on the status of the Part 161 Study.

Mr. Brown noted that the update will include a discussion on the baseline forecast for future passenger and aircraft operations and a discussion of various restrictive and non-restrictive measures that could induce or eliminate night-time noise. He stated that the meetings will also offer the public the opportunity to make comments and suggestions prior to the commencement of Phase 2 of the study which includes the comprehensive economic analysis and the impact of the various measures that will be proposed. Mr. Brown noted approval was given to the mass mailing of a letter to the 147,000 households near the Airport which generate the majority of noise complaints regarding the Airport, including portions of Sun Valley, North Hollywood, Studio City, and every resident in the City of Burbank. He concluded by stating that this action will permit the execution of this mass mailing by mid-April which will be in time to encourage awareness of the four meetings scheduled for the week of May 6.

The Council received the report.

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 John Brady, representing the Burbank Human Relations Council, inviting everyone to attend "Burbank Neighbors in Dialog" to be held on Sunday, April 7, 2002 at 2:00 p.m. at the Burbank Family YMCA, noting that in the past, this program has brought together diverse members of the community to build a stronger Burbank; Esther Espinoza, encouraging a Sister City relationship between Burbank and Ramala, Palestine; R. C. "Chappy" Czapiewski, informing the Council that he will be undergoing medical treatment for prostate cancer until mid-May or June; Mark Barton, expressing a desire for second cars in Burbank households to be electric cars, and suggesting that Channel 6 be involved in promoting this program; and Howard Rothenbach, distributing an article he obtained from the internet about a security assessment done at Logan Airport, and inquiring whether Burbank Airport's security assessments have been completed and if so what the status is.

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 Marie Paino, supporting the agreement between Burbank and Glendale to implement the San Fernando Road Intelligent Transportation System Project, supporting the services of Dish Network if they can also televise Channel 6, and the format of Mayor Laurell's "Key to the City" program, and inquiring whether the budget can include the addition of more transportation vans; Esther Espinoza, opposing the restriction on campaigning during oral communications, opposing the formation of a task force comprised of the recent applicants to the position of Council Member, and opposing the format of the "Key to the City" show; Ted McConkey, opposing the restriction of campaigning

4/2/02

during oral communications, informing the Council of a recent initiative passed by the voters of Santa Monica to restrict gifts to public officials which was litigated in court, and informing the Council that the City had to file a Motion to Compel discovery information on the Part 161 Study; R. C. "Chappy" Czapiewski, on the Declaratory Relief lawsuit, on the Council voting to file it on the day it was voted into law, on the lawsuit filed by the Los Angeles Times against the Board of Supervisors for conducting business in closed sessions, and accusing the Council of violating the Brown Act when they voted to file the Declaratory Relief lawsuit; Mark Barton, on the Logan Airport security report, expressing his opinion that we are letting our guard down; Eden Rosen, supporting the "Key to the City" program format, and expressing interest in the information being presented on satellite dishes;

Howard Rothenbach, supporting staff's recommendation that no restrictions be imposed on campaigning by speakers during oral communications; Celeste Francis, inquiring about Internet options and available channels on satellite dishes, impacts of the Dish Network and DirecTV merger, inquiring about franchise fees paid to the City and the impact the loss of these fees would have on the budget, supporting alternative involvement for Council Member applicants, and inquiring about the rate change for the JAWS program; Michael Porco, supporting the Intelligent Transportation System program and inquiring whether this will synchronize traffic lights, and supporting different opportunities for cable service; and supporting the alternative involvement for Council Member applicants; C.L. Stack, supporting staff's recommendation against restricting campaigning during oral communications; and David Piroli, on items being taken away from airline passengers by screeners when passengers can purchase the very same items beyond the security checkpoint, such as Swiss Army knives, recommending that all concession stands be removed past the security checkpoints at the Airport, and supporting staff's recommendation against restricting campaigning during oral communications.

Staff
Response

Members of the Council and staff responded to questions raised.

7:32 P.M.
Jt. Mtg. with
Redev. Agency
1702
1102
Burbank Senior
Artists Colony

Mr. Herrmann, Assistant Community Development Director/ Transportation, indicated that staff requested this item be postponed indefinitely to give staff the opportunity to work with the applicant.

Implementation Agreement

Motion It was moved by Ms. Murphy and seconded by Mr. Vander Borgh that "this item be postponed indefinitely."

Carried The motion carried by the following vote:

Ayes: Council Members Murphy, Ramos, Vander Borgh and Laurell.

Noes: Council Members None.

Absent: Council Member Golonski.

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 adjourned meeting of January 31, 2002, and the regular meeting of February 5, 2002 were approved as submitted.

1502 RESOLUTION NO. 26,213:
 410 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
 405-2 APPROVING AN AGREEMENT BETWEEN THE CITY OF
 804-3 BURBANK AND THE CITY OF GLENDALE IMPLEMENTING THE
 San Fernando SAN FERNANDO INTELLIGENT TRANSPORTATION SYSTEM
 Road Intelligent PROJECT.
 Trans. Project

1301-3 RESOLUTION NO. 26,214:
 401-2 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
 801-2 AMENDING FISCAL YEAR 2001-2002 BUDGET FOR THE
 Assembly Bill PURPOSE OF APPROPRIATING ADDITIONAL FUNDS FOR BID
 2928 Street SCHEDULE 1089 – STREET IMPROVEMENT PROJECT.
 Imp. Project

1000 RESOLUTION NO. 26,215:
 404 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
 Juvenile Alt. APPROVING THE JUVENILE ALTERNATIVE WORK SERVICE
 Work Service (JAWS) PROGRAM AGREEMENT BETWEEN THE CITY OF
 Project BURBANK AND LOS ANGELES COUNTY.

4/2/02

804-3
801-2
907
403
Grant Funds
Received from
The State of
California

RESOLUTION NO. 26,216:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2001-2002 BUDGET FOR THE PURPOSE OF RECEIVING AND APPROPRIATING GRANT FUNDS FROM THE STATE OF CALIFORNIA.

804-3
404
703
South San
Fernando Park
Project

RESOLUTION NO. 26,217:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE COUNTY OF LOS ANGELES REGIONAL PARK AND OPEN SPACE DISTRICT EXCESS FUNDING FOR THE DEVELOPMENT OF THE SOUTH SAN FERNANDO PARK PROJECT.

Adopted The consent calendar was adopted by the following vote:

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

102-3
Using Satellite
Companies as a
Supplement to
Cable Television

Mr. McManus, Public Information Officer, stated that at the January 22, 2002 meeting, staff was directed to research potential satellite television companies and invite them to address the Council as an alternative or supplement to the existing cable television franchise. He said there are two major satellite programming providers, DirecTV and Dish Network, and added that Dish Network was in the process of purchasing DirecTV. Mr. McManus then introduced representatives from Dish Network, Mr. Chad Nordhagen, from the Marketing Division of corporate headquarters in Denver, Colorado, and Mr. Peter Zachmann, General Manager for Dish Network Service Corporation, who handles major installations for Dish Network.

Mr. Nordhagen expressed appreciation to the Council for the opportunity to address them, and stated that Dish Network is a direct broadcast satellite company which takes a signal from a programmer directly to homes, that they currently have over 7 million customers and are in acquisition talks with DirecTV, subject to Federal Communications Commission and Department of Justice approval, that their customer service standards are the same as for the City's current cable provider, and cited service awards for customer service and installation services. Mr. Nordhagen stated they offer customers the

option of either leasing or purchasing the necessary dish and receivers, with a 12-month commitment required for leasing, or the ownership of the dish and receivers with program purchasing on a month-to-month basis. He indicated they have a multiple dwelling unit package that addresses the issue of apartment houses receiving Dish Network, that they offer C-Span and C-Span2, that they are in negotiations for internet access via the satellite, that the satellite internet services are extremely fast and Dish Network is currently in research and development of receivers that have internet capability, that if their merger with DirecTV is approved they will be able to offer local channels throughout the country, and that their customer service centers worldwide are available 24-hours a day, seven days a week.

In response to a question from Ms. Murphy, Mr. Nordhagen outlined their three-tiered price structure noting that the premium channels could also be purchased as a package with the tiers, and Dish Network would in the future offer the opportunity to broadcast government channels.

Mr. Zachmann addressed the issue of reliability by stating very little affects the satellite, and that satellites eliminate the interruption of service to entire neighborhoods because each household is individual. In response to a question from Mr. Vander Borcht about internet access fees, Mr. Nordhagen stated internet services are currently unavailable but they are in negotiations with Earthlink. In response to a question from Mrs. Ramos about broadcasting local government channels, Mr. Nordhagen indicated they do not currently run local government channels, but this may change with their proposed merger. He concluded the presentation by stating Dish Network offers 100 percent digital quality, their customer service is first-rate because they don't contract out, their average call answer is 30 seconds 90 percent of the time, and their fees are comparable to, if not less than, the City's current cable provider.

Mr. Laurell requested that Mr. McManus and Mr. Nordhagen prepare a cost comparison chart for residents to use in deliberating their options and Mr. McManus responded that they had worked on this previously and discovered the rates were between \$1 and \$3 of each other.

Mrs. Ramos inquired as to the possibility of cable streaming through the computer and Mr. McManus responded they are looking at the technology. Mr. Vander Borcht inquired as to the potential loss of revenues to the City if we encourage another provider and in response Mr. McManus indicated that

Charter Communications pays \$25,000 annually for the operation of Channel 6, and Mr. Hanway added the franchise fee was five percent, so the City currently receives between \$800,000 and \$900,000 annually. Mr. Nordhagen indicated they would be happy to discuss such revenues. Mr. Barlow cautioned that staff should not promote a company under the auspices of the City, but if the City is investigating entering into an agreement with a private business that is financially beneficial to the City then staff can provide a cost comparison for residents. In response to a question from Mayor Laurell, Mr. Davis, Burbank Water and Power General Manager, addressed the issue of another provider using the City's fiber optic lines and indicated that no company is prepared to do the overbuilding required as the \$2,000 per house cost is prohibitive at this time.

The Council noted and filed the report.

801-2
FY 2002-03
Budget Study
Session
Schedule
Options

Mrs. Sarquiz, Deputy Financial Services Director, reported that at the March 26, 2002 Council meeting, Council Member Golonski requested staff to agendize an opportunity for the Council to consider various options on how the FY 2002-03 Budget Study Sessions should be conducted and, although Mr. Golonski was absent this evening, he had requested the Council proceed with consideration of this matter. She stated that over the years the budget study sessions had been handled in various ways, and that most recently the budget study sessions had been handled with additional meetings on three different nights. She added that calendar conflicts had already been brought to their attention by various Council Members, as had the fact that Council would be dark on May 14. Mrs. Sarquiz then outlined a list of possible alternatives for scheduling the budget study sessions, and added staff believed that the sessions could be accomplished by integrating them into the regular Tuesday night meetings, before moving into the budget hearing and adoption.

Motion

It was moved by Ms. Murphy and seconded by Mrs. Ramos that "staff be directed to integrate the Budget Study Sessions into the May 7 and May 21 Council meetings and have one Budget Study Session on a Monday, Wednesday or Thursday."

Carried

The motion carried by the following vote:

Ayes: Council Members Murphy, Ramos, Vander Borgh and Laurell.

Noes: Council Members None.
 Absent: Council Member Golonski.

201-1
 Campaigning
 During Oral
 Communications

Mr. Barlow stated the question arose several weeks ago about the possibility of restricting formal or informal campaigning during oral communications as does the city of Glendale. He indicated that a survey of local cities had been conducted and noted a League of California Cities' report highlights several issues which are brought in conflict by this practice such as the Brown Act issue, the right of people to address their elected bodies and the right of the electorate not to have public funds used for campaigning. He said the general consensus is that people who campaign for and against an issue or candidate are implicitly criticizing the local elected leaders, which they have a right to do. He stated it is staff's recommendation that the Council not impose a restriction on campaigning during Oral Communications, especially with reference to City candidates and issues.

The Council noted and filed the report.

1503
 1504
 Electric and
 Water
 Operations
 Update for
 March 2002

Mr. Davis, General Manager, Burbank Water and Power, reported that he would highlight pertinent issues which arose subsequent to the submittal of the current monthly report: testing for Chromium 6 at public facilities finds that Burbank continues to meet or exceed all state and federal drinking water standards and the administrative goals of the Council, and that Chromium 6 levels were at about 4 for all public facilities. He added that with respect to the Burbank Operable Unit and its negotiations with Lockheed Martin and the Environmental Protection Agency the discussions had gone well, and that because the City continues to obtain about 60 percent of water from groundwater, it is using up its credits of groundwater and within about three years it will be depleted, necessitating the purchase of about 80 percent of the water as opposed to the 40 percent the City currently buys. Mr. Davis added that staff intends to bring to the Council during the budget process a request to begin ramping up for the unavoidable increases.

He then reported on Electric Operations by highlighting the following projects: Lake Unit 1 is under major construction and is on schedule for July 2002; regarding the Magnolia Power Project, he reported that on March 27, 2002, the California Energy Commission asked the City that it remove itself from the six-month licensing process and in return they would help motivate the State Water Board to prepare a draft

National Pollutant Discharge Elimination System permit within 60 days of the City reaching data adequacy, and on the City's plans for the use of reclaimed water, that Anaheim, Glendale, and Colton have approved participation, that Pasadena will be considering participation this week and the project's economics continue to remain excellent; the Capon Station which will improve load capability in the Media Center District is expected to be completed August 15 and is on budget; the RSE upgrade will be finished this month; a portion of the Olive 1 and 2 projects will be dismantled and tested to determine the remaining life of the units, and if it is determined that it is feasible to retrofit them, staff will recommend to upgrade or retrofit the units to extend their life for 10-20 years.

The Council noted and filed the report.

306
Proposed "Key
To the City"
Show

Mr. McManus reported that in recent years it has been a tradition in Burbank that each new mayor has a television program which has taken on various forms, from a live call-in program to shows highlighting various City Departments, to the more recent "Mayor on the Street" highlighting City businesses. He stated that Mayor Laurell's show is proposed to be an interview program with the theme of "Key to the City," in both the ceremonial sense and in offering "key" insights into the City offered by people who are in influential positions affecting the lives of our residents in some significant way, and that the show would encompass a 30 minute program, with a new show being taped every two weeks primarily in City Hall.

Motion

It was moved by Mr. Vander Borcht and seconded by Mrs. Ramos that "the City Council approve the New Mayor's Show, "Key to the City".

Carried

The motion carried by the following vote:

Ayes: Council Members Murphy, Ramos, Vander Borcht and Laurell.

Noes: Council Members None.

Absent: Council Member Golonski.

201-2
Alternatives for
Involving Recent
City Council
Candidates in

Ms. Alvord, Assistant City Manager, stated that at the March 19, 2002 Council meeting, Council Member Golonski requested exploration of alternatives for involving the City Council Member applicants and that the purpose of the item this evening was the first of the two-step process to determine

- City Issues if there is Council consensus to bring the item back for additional exploration and discussion.
- Motion It was moved by Ms. Murphy and seconded by Mr. Vander Borgh that "this item be brought back for Council discussion."
- Carried The motion carried by the following vote:
- Ayes: Council Members Murphy, Ramos, Vander Borgh and Laurell.
- Noes: Council Members None.
- Absent: Council Member Golonski.
- 8:49 P.M.
Reconvene
Redev. Agency
Meeting The Redevelopment Agency meeting was 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 Marie Paino, supporting the "Key to the City" program, Town Hall meetings, and alternatives for participation by Council Member applicants; Eden Rosen, supporting the further development of affordable housing for everyone, on the onslaught of Alzheimer's victims in the future, and promoting her program scheduled at the Library on caregivers; and Richard Duggan, on satellite companies providing HDTV, inquiring as to noticing requirements by Charter Communications of rate increases to subscribers and expressing frustration with Charter's lack of customer service as he was put on hold for 45 minutes.
- 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 8:59 p.m.

Margarita Campos, City Clerk

APPROVED MAY 21, 2002
Mayor of the Council
of the City of Burbank