

TUESDAY, JUNE 4, 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 5:05 p.m. by Mr. Laurell, Mayor.

CLOSED SESSION

Present- - - - Council Members Golonski, Murphy, Vander Borgh and Laurell.

Absent - - - - Council Member Ramos.

Also Present - Mr. Ovrom, City Manager; Ms. Alvord, Assistant 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. L2001-110412
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 6:41 p.m. by Mr. Laurell, Mayor.

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Chambers
Invocation The invocation was given by Pastor Ron White, American Lutheran Church.

Flag Salute The pledge of allegiance to the flag was led by Michelle McEldredy, a student at St. Francis Xavier School

ROLL CALL

Present- - - - Council Members Golonski, Murphy, Ramos, Vander Borgh and Laurell.

Absent - - - - Council Members None.

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

301-1
BWP Lineman's
Rodeo Mayor Laurell and Mr. Simay, Asst. General Manager, presented Certificates of Recognition to the following participants of the 2002 Lineman's Rodeo: **(Journeyman Team – 2nd Place in Disconnect Changeout)** Glenn Harrison, Tom Robideaux, Gene Stoddard; **(Apprentice Team – 3rd Place in Hurt Man Rescue)** Lonnie Maybin, Matt Daugherty; **(Apprentice Team – 3rd Place in Pole Climbing)** Chris Vilchis, Jason Edwards; **(Apprentice Team – 2nd Place in Pole Climbing, 2nd Place in Hurt Man Rescue and 1st Place Overall)** John McKaskle, Marco Jimenez.

Reporting on
Council Liaison
Committees Mrs. Ramos reported on the Pride & Serenity Rehabilitation Facility meeting and stated that: Assemblyman Frommer and Senator Scott met with the Director of the State Department of Alcohol and Drug Rehabilitation Programs, but prior to this meeting representatives from their respective offices met with City staff who prepared a list of 50 questions to be presented to the Director; and it was subsequently reported that the facility has received their license, but the Department of Alcohol and Drug Rehabilitation Programs is currently reviewing enforcement policies and has agreed to meet with the residents of the Grinnell neighborhood to answer questions at a meeting scheduled for June 29. In addition, Mrs. Ramos stated she has requested assistance from the League of California Cities who have informed her of a current bill (AB 2281) which would add sections to the Health and Safety Code relating to drug treatment programs in proximity to children. She stated this bill is pending a hearing in the Assembly Health Committee, and the League took a position to support it and is conducting further inquiries to other cities on this issue. In conclusion, she noted this issue has also been brought up for discussion before the Southern California Association of Governments Community Housing & Economic

Development Committee on a future agenda.

Mayor Laurell reported that, at a meeting of the Downtown Committee, focus groups have been seated who will give input on key issues regarding the downtown area, discussed events for the Village area such as film festivals and farmer's markets, discussed holiday events, decorations and lighting and vacancies.

7:00 P.M.
Jt. Hrg. w/Redev
Agency
1702
709
1102
1st Amend to
DDA for
Childcare Center
Demo Project

Mayor Laurell stated that "this is the time and place for the continued joint public hearing of the Redevelopment Agency and the Council of the City of Burbank regarding the Housing and Childcare Demonstration Project proposed by M. David Paul and Associates. The item that requires Council and Agency consideration is a First Amendment to the Disposition and Development Agreement. This hearing has been continued from the joint meeting of May 28, 2002."

Notice
Given

The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that no written communications had been received.

Staff
Report

Mrs. Evans, Assistant Community Development Director, Housing and Redevelopment, stated that on July 12, 2002, the Council and Agency approved a Disposition and Development Agreement (DDA) with M. David Paul (Developer) for the construction of twenty small-lot, single family homes and an 8600 square foot childcare center, and that ten of the units were to be sold at market-rate and the remaining ten units must be sold at a restricted sales price to moderate-income families. She discussed that, because this was a new housing product for the neighborhood, both the Developer and staff were uncertain about the ultimately achievable sales price, and therefore the terms of the DDA included a sharing formula for the market-rate units which stated the proceeds of the units which sold in excess of \$240,000 would be split 50/50 between the Agency and Developer.

Mrs. Evans discussed that upon completion of construction drawings, Developer obtained construction bids and the necessary insurance in preparation for closing escrow, it was determined that construction costs had increased considerably from the original pro forma from \$55 per square foot to \$72 per square foot, insurance costs had also increased, and the increase in the size of the units affected total development

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cost. She stated that the Developer subsequently requested the sharing formula be changed from \$240,000 per unit to \$290,000 per unit, and noted that at the Joint Hearing on Tuesday, May 28, 2002, staff presented Developer's proposal with a recommendation that sharing commence at \$273,000 which, when combined with an increase in the price of the restricted units to \$205,000, would allow the Developer to realize the 10.6 percent return that is considered reasonable for this degree of risk. During Council deliberations, a further modification was suggested that put the profit sharing at \$255,000, which when combined with an increase in the restricted units from \$190,000 to \$205,000, gives the Developer an 8.7 percent return, which is acceptable to the Developer.

Applicant

Paul Krueger, representing M. David Paul and Associates, stated the Developer is in complete agreement with the proposal to modify the adjustment to the sales price. In response to a question from Mrs. Ramos, Mr. Krueger confirmed that the proposed increase in square footage of the units would be maintained.

Citizen
Comment

Appearing to comment were Mike Nolan, on the deal being structured so that the money for the Agency comes from the last unit sold, excluding upgrades, on the Developer's obligation to provide child care, and on the parking rental agreement requiring parking across the street from the development; Howard Rothenbach, on the rise of mortgage payments to purchasers of the moderate-income units, and inquiring how much the median income has risen in the County of Los Angeles since the project was first proposed; Mark Barton, in agreement with the modifications recommended by staff; and David Piroli, on changes in the economy and the housing market since the inception of the project.

Applicant

Mr. Krueger addressed the issue of profit sharing on proceeds from upgrade options by stating that the Developer and staff agreed it was appropriate, and that the moderate income levels have increased to about \$54,000 for a moderate-income family, that market demand is very strong, and that the Developer is committed to delivering a quality project, even with the reduced return margin. In response to a question by Mr. Golonski, Mr. Krueger stated that in order to achieve their original profit market, Developer would need to exceed the \$255,000 price level, and that there is no specific control in place to keep Developer from selling options. Mrs. Evans

stated that due to the fact that this was a new housing product for the neighborhood, staff was also concerned with windfall profits, and for this reason instituted the sharing formula, and that staff's recommendation is with regard to the pro forma price, not the price of upgrade options. Mrs. Georgino stated that the nature of the transaction was structured to prevent any undue profit to Developer, and suggested adding a provision to the agreement that any overhead or profit that the Developer attaches to any upgrade would be added to the total sale price which would then become part of the 50/50 split over the base purchase price, and that Developer agrees to such a provision.

Hearing Closed	There being no further response to the Mayor's invitation for oral comment, the hearing was declared closed.
Motion	It was moved by Ms. Murphy and seconded by Mr. Vander Borgh that "the following resolution be adopted with the provision to the agreement that the Developer's profit for the upgrades would be shared with the Agency on a 50 percent basis after deduction of the Developer's cost and overhead:"
1702 709 1102 1 st Amend to DDA for Childcare Center Demo Project	<u>RESOLUTION NO. 26,247:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE FIRST AMENDMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK AND BURBANK COTTAGES, L.P.
Adopted	The resolution was adopted by the following vote: Ayes: Council Members Golonski, Murphy, Ramos, Vander Borgh and Laurell. Noes: Council Members None. Absent: Council Members None.
Redev. Agency Reso. Adopted	Redevelopment Agency Resolution No. R-2024 Approving the First Amendment to the Disposition and Development Agreement by and Between the Redevelopment Agency of the City of Burbank and Burbank Cottages, L.P.
Reporting on Closed Session	Mr. Barlow reported on the items considered by the City Council and Redevelopment Agency during the Closed Session

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meetings, stated that the Council continued the closed session items to further discussion in closed session on June 5, 2002 at 4:00 p.m. in the City Hall Basement Lunch Room/Conference Room.

406
Airport
Authority
Meeting Report

Commissioner Lombardo reported on the Airport Authority meeting of June 3, 2002. He stated the following items were approved on a 9-0 vote: extension of the Concession Agreement with JC Decaux for the signs, artwork and advertisements on a month-to-month basis not to exceed a period of two years, predicated upon the proposed security enhancement project; consent to assignment on non-exclusive wireless internet license agreement with Mobile Star Network Corporation; forms of agreement for interim leases associated with the take-back of the Media Aviation leasehold interest; a formal award to fixed-base management agreement to Million Aire Inc.; and extension of the valet and self-park contracts until July 31, 2002. Commissioner Lombardo also advised that in a closed session, the Authority voted 9-0 to file one or more unlawful detainers against Media Aviation. He concluded by stating the Authority also had a presentation by The Parsons Company Project Manager of the Lindberg Field project on TSA security requirements, and that the Airport will hold two terminal security project meetings in the Skyroom on Monday, June 10, at 6:00 p.m., and Wednesday, June 19, at 6:00 p.m., and requested that those wishing to attend please reserve a seat by calling the Airport Authority office ahead of time.

Mr. Ovrom clarified that Media Aviation is giving the property back because they have been evicted from Hangars 4 and 5 so the Authority can build a new Police-Fire Headquarters at that site and to relocate the automobile terminal, which affected the critical mass of their business, forcing Media to turn back the entire leasehold.

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 Bob Beck, representing the Road Kings, inviting everyone to the annual charity car show on Sunday, June 9, 2002, at Johnny Carson Park; Howard Rothenbach, requesting that the Airport Commissioner remain after delivering his report through the first period of Oral

Communications to answer any possible questions on Airport matters, inquiring as to the last day to file written comments on the Negative Declaration for the Airport's security enhancement project, and submitting a list of flights over the hillside; Mark Barton, on the vacant property at the former site of the Bombay Bicycle Club, asking the Council to inquire of Marriott what their plans are relative to this property; Esther Espinoza, making offensive racial remarks; David Piroli, supporting Mr. Rothenbach's request for the Airport Commissioners to remain in the Chamber until after Oral Communications; and Dr. Theresa Karam, on a fundraiser sponsored by the Lions Club on July 13, 2002, at the Sportsmen's Lodge, to benefit the blind.

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 Mark Barton, requesting that the Council help the Airport Authority as much as possible with regard to the security enhancements, on facial recognition systems available for security purposes, on the electric car contributing to the reduction of air pollution, on the fight against terrorism and on helping the economy; Irma Loose, on the response provided by the City Attorney to her Public Records request of March 26, 2002, and on the response to her request as to the cost of Measure B from the Los Angeles County Registrar-Recorder; Howard Rothenbach, on the Council meeting being a proper venue for his requests for Airport information, on the fact that he asks questions at public meetings so that the answer is made available to the public, on the list he turned in of commercial flights going over the hillside, and on the Airport Commissioners' telephone numbers being made available to the public; Dr. Theresa Karam, stating the Federal Bureau of Investigation is looking into Burbank's involvement in the Enron issue, and inquiring what the issues are with regard to this investigation; David Piroli, requesting clarification of a comment made by the Mayor about questioning Airport Commissioners at a Council meeting, on the public not having the Commissioners' phone numbers, on the Commissioners choosing not to remain in the Chamber after their report to answer questions during Oral Communications, and requesting the Council give out the Commissioner's home telephone numbers to the public; Mike

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Nolan, on the Commissioners working for the City, not the Airport, on the SR 134 ramp improvement project, on the cost involved in the project, on the Barham Corridor improvements which are needed, in opposition to any sole source contract, on the Council meeting being the proper forum to raise Airport issues; and Esther Espinoza, inquiring who the childcare center will be serving, on the lack of sidewalk in front to her house, and on her high water bill.

Staff
Response

Members of the Council and staff responded to questions raised.

8:24 P.M.
Recess

The Council recessed to permit the Redevelopment Agency to hold its meeting. The Council reconvened at 8:25 p.m. with all members present.

Motion

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

1209
801-2
PSA w/Clifford
Development
Group

RESOLUTION NO. 26,248:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING FIRST AMENDMENTS TO THE PROFESSIONAL SERVICES AGREEMENTS BETWEEN THE CITY OF BURBANK AND CLIFFORD DEVELOPMENT GROUP, INC. AND AMENDING THE FISCAL YEAR 2001-2002 BUDGET FOR THE PURPOSE OF APPROPRIATING FUNDS FOR ADDITIONAL PROJECT MANAGEMENT COSTS.

403
1300
Disadvantage
Enterprise
Program

RESOLUTION NO. 26,249:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADOPTING THE CITY OF BURBANK DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM FOR U.S. DEPARTMENT OF TRANSPORTATION ASSISTED PROJECTS.

804-3
1602-1
Traffic Signal
Power Back-Up
System Grant
Adopted

RESOLUTION NO. 26,250:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE PUBLIC WORKS DEPARTMENT TO APPLY FOR A TRAFFIC SIGNAL BATTERY BACKUP SYSTEM GRANT FROM THE CALIFORNIA ENERGY COMMISSION.
The consent calendar was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Members None.

802-3
Audit/Review of
City Treasurer's
Office Policies

Ms. Anderson, City Treasurer, requested direction from the Council on a request by Mr. Golonski for an audit review of the City Treasurer's Office policies. Mr. Golonski stated he believes the Treasurer's Office is doing an excellent job, and the purpose of this request is due to a heightened awareness since the financial problems which occurred in Orange County. He clarified he did not request an audit but rather a professional review of the investment policies in the Treasurer's Office. Ms. Anderson informed the Council that the Treasurer's Office is already audited on the policy side by Peat-Marwick, but this is not an audit of whether policy is being followed, and the Council's request involved a review of the risks involved in the City's portfolio. Mrs. Ramos inquired as to the role of the Treasurer's Oversight Committee, and suggested incorporating the members of the Treasurer's Oversight and Review Committee (TORC), and bringing in additional expertise.

After Council deliberation, staff was directed to bring back a report containing recommendations for a professional review of the City's investment policies.

1503-1
801-2
BWP Design-
Build Contract
for New Electric
Substation

Mr. Simay, Burbank Water and Power Assistant General Manager, requested the Council waive competitive bidding and authorize the General Manager of Burbank Water and Power (BWP) to negotiate the price, terms, and conditions of a design-build contract for the construction of a new Hollywood Way Distributing Station. He indicated that authorizing the funds for the contract and awarding the contract will be a separate Council action. He emphasized that it was necessary to approve the design-build contract and to select the vendor in this way in order to meet the April 2004 deadline imposed by Caltrans for completion of the electrical substation prior to construction of the SR 134 ramp improvement project.

Mr. Simay discussed that from BWP's experience, the design-build contract is the quickest way to build the station, and compared the time schedule for a design-build contract with the Request For Proposals (RFP) process, and noted the RFP process would be too slow to accommodate the building schedule set for the Hollywood Way station. Mr. Simay indicated that BWP's strategy would be to negotiate with the vendor for the Capon station, and if agreement cannot be reached, BWP would negotiate with the second place vendor.

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In addition, Mr. Simay explained the "open book" incentive in the design-build contract would provide some guarantee that the costs and profit margins are reasonable, and stated BWP is confident that if done on a negotiated basis, a competitive contract can be reached in time for Council consideration in July 2002 to be on target for the April 2004 projected completion date.

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

1503-1 RESOLUTION NO. 26,251:
801-2 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
BWP Design- AUTHORIZING THE GENERAL MANAGER OF BURBANK
Build Contract WATER AND POWER TO NEGOTIATE PRICE, TERMS AND
for New Electric CONDITIONS OF A DESIGN-BUILD CONTRACT FOR
Substation CONSTRUCTION OF THE HOLLYWOOD WAY ELECTRICAL
DISTRIBUTING STATION IN CONJUNCTION WITH THE SR-134
RAMP IMPROVEMENT PROJECT.

Adopted The resolution was adopted by the following vote:

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

8:50 P.M. The Council recessed at this time. The meeting reconvened at
Recess 9:05 p.m. with all members present.

1207 Mr. Clifford, Capital Project Manager, presented an overview
701 and progress report on the Buena Vista Branch Library and
703 Lincoln Park Project.

Progress Report Next, Mr. Clifford addressed specific components of the
For Buena Vista project which he described as a single-story, 1930's Art Deco,
Branch Library Spanish style motif consisting of 28,200 square feet to
and Lincoln Park accommodate a 120,000 volume collection, which contains a
Project 200-seat Community Room with kitchen facilities; a children's
library with storytelling room and life-size oak tree, and nursing
room; a young adult library and adult library containing
reference, audio-visual, fiction and non-fiction collections; 46
internet-ready personal computers for the public, 160
reader/study seats, data ports and power at study carrels for
laptop use with Internet access; public group study rooms and
quiet reading alcoves, staff work areas, lounge and exterior

patio facilities; a bookstore operated by "Friends of the Library"; an exterior water fountain, art piece, drive-through outdoor book and audio/visual returns; on-grade parking for 153 vehicles, including two electrical vehicle stations, night lighting, landscaping and decorative hardscape; and a two-acre neighborhood passive park containing extensive tree and shrub planting, Abraham Lincoln Bust tot lot with play equipment, small storytelling area, meandering walks, night lighting, decorative walls and benches.

Mr. Clifford outlined specifics of the current status of construction activities on the library facility and park facilities. He indicated City-related contract and procurement activities include the design and fabrication of the Children's Library tree; library, office systems and Community Room furniture procurement, development of a Scope and Issue Contract for the interior wall mural; and, coordination of the library transition and actual move. Mr. Clifford discussed the primary library activities currently underway such as coordinating recruitment efforts to fill new staff positions, developing an "opening day collection" with a book vendor, coordinating procurement efforts for data systems, developing Community, Meeting and Study room use policies, obtaining a cost proposal from a library book collection mover, matching the book collection with the new shelving locations and planning the Grand Opening event in conjunction with the Park, Recreation and Community Services Department.

Mr. Clifford added that the Park, Recreation and Community Services Department is currently providing oversight of the park landscape and irrigation system installation, managing completion of the Art In Public Places art element with artist Wayne Healy, and planning the refurbishment for the Abraham Lincoln bust at the Central Library considering its relocation to the new Abraham Lincoln Park.

In conclusion, Mr. Clifford stated the project is currently ahead of schedule and within budget and projected the existing library would be closed to the public on October 31, 2002, the library would commence move-in transition on November 1, 2002, and the Grand Opening of the Library and Park is scheduled for December 7, 2002, and that the ceremony would include appropriate recognition of Pearl Harbor Day.

Mr. Vander Borcht suggested a newsletter be sent to all library users to inform them of the status of construction, and of the possibility of Sunday hours being switched from Central to the Buena Vista Branch. Mr. Laurell suggested that Mr. Fuchs, Mr. Clifford and some Library Board members could be guests on the "Key to the City" program to inform the residents of the

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latest news about the Buena Vista Branch.

The Council noted and filed the report.

9:34 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 Irma Loose, on the response to her request for the total cost of the all mail ballot on Measure A for the special election being \$125,980, objecting to City Clerk staff overtime costs, temporary office assistance costs, office supplies and predicting that the City Attorney will trap her into seeking legal advice in the future, and inquiring why the City has no itemized statement as to the costs of the 21st Century Plan; Marilyn Zielinski, inquiring why McCambridge pool is not open to the public yet although the pool has been filled, commenting on the time allotted to adult lap swimming, inquiring why the City administers the pools as if children are the only users, requesting that consideration be given to opening and closing the pool in accordance with the weather, rather than with the opening and closing of school, and stating that each pool should have designated adult lap swim time; Eden Rosen, stating Burbank residents don't have access to do a public access show, that she will be speaking at Joslyn on July 18 on the subject of being prepared to deal with elderly parents who may be cognitively impaired, and on Fair Housing Council Laws regarding children; Claudia LaFrance, stating she is impressed with the Buena Vista Branch Library and supports its opening on Sunday, especially with the Park amenities on site; Stan Hyman, on the SR-134 freeway ramp construction project and on the lack of an alternative plan which would not require construction of a new electrical distributing station, on the Nacano bill being passed and supported by Assemblyman Frommer, that the bill provides for the Southern California Association of Governments (SCAG) to set the passenger projections, and inquiring why Burbank is not taking action to challenge SCAG's projections; and Mike Nolan, on the City Attorney's objection to the subject of a previous speaker's comments being incorrect, and on the intersection of Buena Vista and Vanowen Streets.

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 10:06 p.m. to Wednesday, June 5, 2002, at 4:00 p.m. in the City Hall Basement Lunch Room/ Conference Room for a Closed Session on the following and to 6:00 p.m. in the Council Chamber for a Budget Study Session to discuss the Budget Overflow Items, Discussion Paper Items, State Budget Issues and Final Recommendations on the Proposed Budget:

- 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. L2001-110412
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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

Margarita Campos, City Clerk

APPROVED JULY 23, 2002

Mayor of the Council
of the City of Burbank