TUESDAY, JULY 9, 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. Mrs. Moioffer, Deputy City Clerk, called the roll at 5:30 p.m.

CLOSED SESSION

Present- - - - Council Members None.

Absent - - - Council Members Golonski, Murphy, Ramos, Vander Borght

and Laurell.

Also Present - Mrs. Moioffer, Deputy City Clerk.

Closed Session

Meeting Not

Held

In the absence of all Council Members and therefore no

quorum, the Closed Session meeting was not held.

Regular Meeting Reconvened in

Council Chambers The regular meeting of the Council of the City of Burbank was

reconvened at 6:38 p.m. by Mr. Laurell, Mayor.

Invocation The invocation was given by Council Member Ramos.

Flag Salute The pledge of allegiance to the flag was led by Elizabeth

Handler, Secretary of the Park, Recreation, and Community

Services Board.

ROLL CALL

Present- - - - Council Members Golonski, Murphy, Ramos, Vander Borght

and Laurell.

Absent - - - Council Members None.

Also Present - Mr. Ovrom, City Manager; Mr. Barlow, City Attorney; and, Mrs.

Campos, City Clerk.

301-1

Park & Rec.

Month

Mayor Laurell presented a proclamation in honor of Park & Recreation Month to Elisabeth Handler, Secretary, Park, Recreation, and Community Services Board, who highlighted

the many events sponsored by the Parks, Recreation and

Community Services Department during the month of July.

406 Airport Authority Report Mr. Brown, Burbank Airport Commissioner, reported on the Airport Authority meeting of July 1, 2002, including approval of minutes of May 6, and June 17, 2002, and the Treasurer's Report for April and May 2002. Mr. Brown reported on the issuance of the contract for self-parking and valet parking at

the Airport, which have been combined under Central Parking Systems and Valet Parking Systems and will now operate as CPS/VPS-Burbank. The Authority believes that the management of this facility will be improved as well as the shuttle bus service from the remote parking lots to the Airport. He stated that the contract proposal of \$470,000 over a period of three years, with a one-year option and additional savings if the extension of the contract is granted. Mr. Brown then reported that the current officers were re-elected for a second term as follows: Chris Holden, Pasadena, President; Charlie Lombardo, Burbank, Vice President; Joyce Streator, Pasadena, Treasurer; and, Carl Povilitas, Glendale, Secretary.

Mr. Brown then commented on the article which appeared in the Daily News, stating that the writer did not speak with anyone at the Airport before he wrote the article, and refuted the statements in the article that the security enhancements at the Airport are not necessary. He concluded by stating that he can be reached through the Airport Authority office or his FAX line.

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 William Rowland, in support of the view protection ordinance; Gloria O'Donohoe, reminding everyone about the ink jet and laser cartridge recycling program conducted by the Friends of the Burbank Library and encouraging everyone to participate in this fundraising program; R. C. "Chappy" Czapiewski, on terrorism not being a new problem; Steve Bucell, thanking the Council for the work done in the alley behind his house; Esther Espinoza, on being denied access to a Police report and the Police Chief refusing to speak to her about the denial; Marie Paino, requesting tram service within the Burbank Empire Center and on the lack of department stores in Burbank; Dr. Theresa Karam, showing a videotape; Danny Grossman, stating that canopies don't burn, and thanking the Council for voting for they melt, reconsideration of the Ordinance; David Piroli, on the lack of communication about Monday night's Plan Evaluation and Review Committee (PERC) meeting, and on the confusion about the change of venue for the meeting; Micheal Cunningham, on the loss of his wife, Mayme, and thanking the Council and community for honoring her; and Mark Barton, illustrating a model of his design for a wild animal "Signtuary" using the letters in the word "Burbank."

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

Second Period of Oral

Communications

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

Citizen Comment

Appearing to comment were Donna Jepsen, resident since 1963, in support of a view protection ordinance; Alexis Dellar Hanson, in support of viewshed guidelines, on views driving the value of hillside properties, and requesting the City assist their neighborhood with view protection; Dave Hanson, in support of a view protection ordinance, and construction in the area ruining the views for established neighborhoods; R. C. "Chappy" Czapiewski, on the Council becoming like the Airport Authority, that Resolution No. 26,116 came about because of the Measure A election, that no protests were filed to the election, that Mr. Barlow approved the resolution, and reading from articles in the Burbank Leader and Los Angeles Times on Measure A; Todd Campbell, Policy Director for the Coalition for Clean Air, urging the Council to deny the waiver to the Airport Authority, on the lack of protection from air pollution in the past, and that the Council will be in violation of Measure A if they approve the improvements and they are not exclusively for security purposes; Irma Loose, on the PERC committee being formed to give the Council a balanced cross section of the community, that this cannot happen with the participation of Mr. Ovrom and Mr. Kirsch, on the voluminous reading material foisted upon the PERC members by the City, and on her belief that a curfew already exists at the Airport;

Esther Espinoza, on the Kennedy Jenks Professional Services Agreement being corrupt and a waste of taxpayers' money, and speaking in opposition to awarding a contract for Bid Schedule 1122; Dr. Theresa Karam, thanking Todd Campbell for his comments, on the increase of negative air quality impacts, and in support of a view protection ordinance; Howard Rothenbach, on the Airport Outreach Plan, on the lack of communication about the change of venue for the PERC meeting, and in support of the view protection ordinance; Mark Barton, in opposition to the Court decision declaring the Pledge of Allegiance to be unconstitutional; Ron Vanderford, on the Council voting to challenge Measure A on the eve of the election, on Mr. Ovrom's comment that the City is trying to get the Court to invalidate Measure A, while Mayor Laurell and Mr. Golonski are stating the City is simply seeking clarification on Measure A, on the failure of the Framework for Settlement, and on the Federal government not having jurisdiction on land use decisions in Burbank; Bob Etter, on the PERC members not being knowledgeable on Airport matters,

on the membership not being qualified, and on Southwest Airlines discriminating against overweight people; David Piroli, questioning the hallway expansion at the Airport for security purposes, suggesting people be lined up outside the terminal rather than inside for security screening, and on a smaller terminal being easier to contain than a larger one; Mike Nolan, questioning the process for installation of light emitting diode vehicle in traffic signals, asking if the PERC meeting held at the Airport was given priority airing on Channel 6, on incorrect information given regarding Jane Garvey being reappointed as Federal Aviation Authority head, and requesting the PERC be given adequate time to achieve their goal; and Oliver Glenn, on view obstruction in the hillside on Via Alta, requesting that the Council take action to abate the trees to a reasonable height and submitting photos of the area.

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 meeting of May 21, 2002 were approved as submitted.

1007-1

RESOLUTION NO. 26,270:

Permit

Coordinator

Revise Spec. for A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SPECIFICATIONS OF PERMIT COORDINATOR CTC NO. 0604.

1007-1 Revise Spec. for

Lifeguard

RESOLUTION NO. 26,271:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SPECIFICATIONS OF LIFEGUARD CTC NO.

0507 (SEASONAL/EXEMPT).

915

RESOLUTION NO.26,272:

1301-1

Jenks for Biological

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK PSA w/Kennedy/ FOR APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH KENNEDY/JENKS CONSULTING ENGINEERS FOR THE OF BIOLOGICAL DESIGN NUTRIENT REMOVAL Nutrient Removal at Water Rec. Plant IMPROVEMENTS - PHASE B AND DISINFECTION UPGRADES TO THE WATER RECLAMATION PLANT.

1301-1

RESOLUTION NO. 26,273:

Install LED Veh. and Ped. Heads (B.S. 1122) 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 THE INSTALLATION OF LIGHT EMITTING DIODE (LED) VEHICLE AND PEDESTRIAN HEADS, BID SCHEDULE NO. 1122.

1202-6 BID Reso. of Intent to Levy Assessments RESOLUTION NO. 26,274:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK OF THE INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE FISCAL YEAR 2002-03, PRELIMINARILY APPROVING ASSESSMENT REPORT, PROVIDING FOR NOTICE OF HEARING, AND CALLING FOR THE APPOINTMENT OF AN ADVISORY BOARD FOR DOWNTOWN BURBANK BUSINESS IMPROVEMENT DISTRICT NO. 1 ANNUAL ASSESSMENT.

213 801-2 RESOLUTION NO. 26,275:

202-2 Aamt w/Jor

Adopted

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AN AGREEMENT WITH JONES AND MAYER AND AMENDING THE FY 2002-03 ANNUAL BUDGET.

Agmt. w/Jones and Mayer for Legal Services

The consent calendar was adopted by the following vote:

Ayes: Council Members Golonski, Murphy, Ramos, Vander

Borght and Laurell.

Noes: Council Members None. Absent: Council Members None.

203
204
Charter Review
Committee
Appt.
and Election
Process
Timelines

Mrs. Campos stated that at the June 9, 2002 meeting, the Council directed staff to advertise for an eleven-member Charter Review Committee who would initially be charged with preparation of a ballot measure on filling vacancies of elected officials, and thereafter with an overall review of the Charter. She added that in addition Council directed staff to prepare a timeline of election deadlines for the proposed Charter amendment for filling vacancies for elective offices for both the 2003 Primary Nominating and General Municipal Elections, and that such timelines had been provided in the staff report. With regard to formation of the Committee, she stated that the City Clerk's Office had advertised for members, including specifically notifying applicants for the recent

Council Member vacancy at the direction of Council, that the application period had closed on June 28, 2002, and applications were received from seven residents: Hagop Jack Hergelian, Paul Krekorian, Michael Porco, Rick Edward Ramirez, Howard Rothenbach, Karl Schulz, and Garen V. Yegparian.

She noted that staff had provided the Council with several options and requested direction from the Council in order that the process can move forward to comply with time constraints involved with the election cycle.

Mr. Golonski stated he would like staff to continue to advertise for the broader goal of reviewing the Charter, as this is a very significant commitment, and that the issue of filling vacancies of elected officials be dealt with separately. Ms. Murphy agreed with Mr. Golonski, expressing her disappointment that more applications were not received. Mr. Vander Borght and Mrs. Ramos concurred.

In response to Mr. Vander Borght's comment on the need to review the Charter and assure it adapts to the changing environment and reiterated that staff had already researched what some other cities have done in their efforts with Charter Review Committees, Mr. Barlow stated that he would bring that information back to the Council.

Motion

It was moved by Mr. Golonski and seconded by Mr. Vander Borght that "the application deadline be extended and delay Committee appointments until Fall, and to direct staff to provide options for a Charter Amendment on filling vacancies of elected officials."

Carried

The motion carried by the following vote:

Ayes: Council Members Golonski, Murphy, Ramos, Vander

Borght and Laurell.

Noes: Council Members None. Absent: Council Members None.

406 BGPA Outreach Plan Update

Mr. Young, Administrative Assistant, stated that on June 11, 2002, the Council declared their desire to build a strong and united local consensus on the acceptable terms for a replacement terminal and directed staff to develop a public outreach program. He stated that the Airport Outreach Program was developed and presented to the Council at their June 18 meeting. Mr. Young further stated that goal of the

plan is to provide several forums in order to gather a broad range of views from various segments of the community on the issue surrounding the development of a replacement terminal on the B-6 Property. He noted that the Outreach Plan consists of a variety of public engagements including the newly-formed Plan Evaluation and Review Committee (PERC), community organization presentations, and various methods of general public outreach.

Mr. Young then stated that Laer Pierce and Associates, under contract with the City's Special Airport Counsel, helped the City design the initial outreach effort and have concluded their current scope work with staff implementing the Outreach Plan. He then identified the various tracks of the Plan, noting the mission and progress to date of PERC; breakfast meetings with Council members and local business and labor union representatives at the Castaway Restaurant; a town hall meeting on July 31, 2002; announcements at Council meetings; information on the City's web site and Channel 6 newspaper advertisements; and, public announcements.

He stated that staff recommends that the City conduct a statistically valid survey to measure public sentiment on a range of airport terminal replacement values, issues, and choices, noting that conducting a valid survey in a timeline defined in the initial Outreach Plan would necessitate immediate action.

The consensus of the Council was not to conduct a survey, but was supportive of the Outreach Plan and an extension of the timeline for the PERC.

Motion

It was moved by Mr. Vander Borght, seconded by Ms. Murphy and carried that "staff continue with the previously approved Outreach Plan with the exception that the PERC should establish a deadline based on their progress and task they have in place and postpone any action on the survey at this time, and to bring a report back to Council on a timeline."

9:16 P.M. Recess

The Council recessed at this time. The meeting reconvened at 9:32 with all members present.

406 Permit Apps. For Security BGPA

Mayor Laurell announced that the Airport Authority requested this item be removed from agenda; however, Mr. Golonski requested that a discussion be held on the matter. Improvements at Golonski stated that this issue, with the application for a 40,000 square foot remodel, will potentially be back before the Council prior to a decision by the Court. He inquired whether the City can request the Court for an expedited review of the lawsuit relating to Measure A, and whether there are any other requests the City can make to the Court regarding projects with deadlines set by the Transportation Security Administration (TSA).

Mr. Kirsch, Special Airport Counsel for the City, stated that with regard to this agenda item, the Airport Authority has not withdrawn their application, but only requested this item be withdrawn from tonight's agenda and understand that they intend to combine this 1100 square foot application with a request for the larger project. With regard to the Court, Mr. Kirsch stated that the City would need to demonstrate an immediate need, and the need is the Airport Authority's not the City's; therefore, in order for the City to seek emergency relief, the City would need the Authority to join in that request. He said the Authority has voluntarily defaulted in the litigation, and without the Authority's participation in the lawsuit, there is no formal vehicle for the City to request an earlier hearing. Mr. Kirsch then provided a history of the litigation regarding Measure A. He concluded by stating that absent a demonstration of an emergency situation by the City and Authority together, the best the City can hope for is that the Court will put this back on the calendar but it is not likely the matter will be heard prior to August 23, 2002.

Mr. Golonski stated his opinion that the City should approach the Authority to participate in a request to expedite the Court's review, and that the City should respond to the letter sent by the Airport Authority on July 2, 2002 to the TSA accusing the City of being responsible for not allowing the Authority to meet the deadlines that have been promulgated by the TSA. Mr. Kirsch stated this letter, which was also sent to the Federal Aviation Administration (FAA) and the Secretary of Transportation, has many inaccuracies with respect to the City's role and it is important to relay to those agencies that the Council has not imposed a moratorium on applications of this nature, but the City is obligated to turn down applications that do not meet the criteria of Measure A. He noted that the Council adopted a policy to assure that permit applicants are not prejudiced in the event Measure A is struck down; Council directed staff to hold permit applications in abeyance pending a resolution of whether or not Measure A is upheld.

Mrs. Ramos concurred, noting the letter should also be sent to the Director of Intergovernmental Affairs. She then asked Mrs. Georgino when the application would be ready for Council action. Mrs. Georgino stated she has requested the Authority provide five additional copies of the plans in order for each department to simultaneously review them and that the application requires development review which can also be done simultaneously with the building permit process. She stated that the project timeline is dependant upon how quickly the Authority responds to the City's concerns and when the permits are requested.

Mr. Kirsch stated that the deadline for the Authority to comply with the new security requirements is December 31, 2002, however, most large airports have notified the Department of Transportation and congressional leadership indicating that the deadline is not realistic and they do not expect to able to meet that deadline. He stated that the Authority cannot complete the project they are planning by December 31 and if Congress and the TSA hold to the deadline, it is anticipated there will be some stop-gap measures to the safety situation.

Mr. Ovrom stated alternatives to this project mentioned earlier such as using trailers in the parking lot or expanding the second floor would also be subject to Measure A. Mr. Kirsch concurred, stating that the only solution is to get a court decision on the legality of Measure A.

Mr. Kirsch was directed by the Council to draft a letter to the Airport Authority in response to their letter to the TSA, with copies to the TSA, the Director of Intergovernmental Affairs, the Glendale City Council, the Secretary of Transportation, the FAA, and the Pasadena City Council, including in the letter that the most effective way to expedite review is for the Authority to join with City in making such a request to the Court. Due to the urgency of this matter, the Council appointed a sub-committee of Mayor Laurell and Council Member Golonski to review the letter and authorized it to be signed by the Mayor.

Mr. Ovrom clarified that the Council desired to reach out to the Airport Authority to communicate the suggestion that the City and Authority work together. Mr. Kirsch suggested that the Mayor contact the President of the Airport Authority in writing indicating the City would be willing to file whatever papers are necessary in the Superior Court to expedite the hearing if the Authority desires to join in such a joint effort. Mr. Golonski requested that the Burbank Airport Commissioners be asked to agendize discussion as to how to work together to resolve these issues.

10:10 P.M. Mr. Ovrom Left The Meeting Mr. Ovrom left the meeting at this time.

1701 View Protection Ordinances

Mr. Bowler, Assistant Planner, presented a report on view protection and view preservation ordinances. He stated that the City has received a number of inquiries from private property owners over the years primarily in the hillside areas regarding protection provided in the City codes for the views from their property, and the report before the Council includes view protection and preservation policies contained in the General Plan Land Use and Open Space Elements, which discuss view protections in the context of the City in general, not as it affects private properties; the Conservation Element, which contains language directed toward preserving the hillside as a visual amenity; Burbank Municipal Code, which includes the City's mansionization ordinance (size and height restrictions) but does not appear to protect views as such; Hillside Ordinance, which contains a section stating that when a development is approved, the City should consider the existing development but does not include standards and applies only to a limited number of lots with over 20 percent slope and no building pads.

Mr. Bowler then stated that staff has reviewed other cities' view protection policies and how they are enforced and that this issue has potential for controversy and conflict since it involves property owner rights and values of property on both sides. He noted that staff received approximately 60 letters from property owners on this issue. He concluded by stating that staff is seeking guidance as to whether to proceed with the ordinance and insure a process for including property owners for input.

Mrs. Ramos requested assurance that the estimated \$100,000 for a consultant would include a number of opportunities for public input, and added that she would want input from homeowner's associations.

Mr. Vander Borght stated he would support beginning the process to establish a very limited ordinance that would allow property owners to utilize their property and yet protect other property owners' views, either by adding to the current standards or developing a new ordinance with respect to views.

Mr. Golonski agreed with the staff recommendation that the Council systematically solicit additional input from property owners on both sides of the issue. He requested clarification from staff on the policy direction required and asked what the subsequent steps would be.

Mrs. Georgino, Community Development Director, responded that two policy issues have been suggested: 1) If the Council wants to proceed with drafting an ordinance, staff is recommending entering into an agreement for outside assistance, including an outreach program to the public. Staff can bring back to Council a Request for Proposal (RFP) for a consultant along with the scope of work; or, 2) If the Council desires that staff proceed without a consultant, staff has completed some of the research but feels it is very complicated, both as to land use and legality.

Mr. Golonski suggested that staff prepare options and a plan for systematically soliciting input from the public for Council consideration.

The Council directed staff to solicit costs for using a consultant and at the same time prepare a draft of the process required, and bring that back to be reviewed by the Council.

1301-3 Empire Ave. Improvements Frederic to Maria (B.S. 1086) Mr. King, Principal Civil Engineer with the Public Works Department, presented an overview of the Empire Avenue transportation, utility, and landscape improvement project, also known as the Empire Beautification Project. He stated that, in addition to the overview, Public Works is requesting the Council to award a construction contract for a portion of this capital improvement project.

Mr. King stated the goal of the project is to upgrade the function and appearance of the Empire Avenue corridor, which has been largely industrial use, but new developments such as the Burbank Empire Center and Media Studios North are creating office, hospitality, and retail centers. He noted that the overall project elements include street resurfacing, decorative-stamped asphalt crosswalks, landscape medians and street trees, and underground street lighting system.

Mr. King further stated that the project will be constructed in the following five segments in order to coordinate with improvements by private development and Burbank Water and Power:

Segment 1) Avon Street/Hollywood Way Connector (BS 1042 – currently under construction); Segment 2) Improvement of Empire Avenue, Frederic Street to Maria Street (BS 1086); Segment 3) Robert Gross Park Security and Visual improvements; Segment 4) Improvement of Empire Avenue, Hollywood Way to Clybourn Street; and, Segment 5)

Improvement of Empire Avenue, Frederic Street to Hollywood Way.

Mr. King stated that staff is requesting the Council to award a contruction contract for the second of the five project segments, Bid Schedule No. 1086, which was advertised for construction bids on April 13 and 17, 2002. He stated a bid opening was held on May 21, 2002, and five contractors' submitted bids ranging from \$495,137.40 to \$515,484.00, Seguel Contractors Inc. of Downey, California, submitting the lowest bid, which is 14 percent below the engineer's estimate of \$600,000. Mr. King stated that Public Works staff investigated Sequel's references and received favorable comments, and have addressed concerns by the Police and Fire Departments and property owners regarding the raised medians in this segment; therefore, construction could be completed by the end of November.

Mr. Vander Borght asked if improvements in the area of Robert Gross Park would include widening the driveway access into the parking area as he felt a difficulty exists with the narrow driveway. Ms. Alvord stated that staff would look into the problem and see if it is possible to widen the driveway during this improvement project.

Motion

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

1301-3 Empire Ave. Improvements (B.S. 1086)

RESOLUTION NO. 26,276:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND ADOPTING CONTRACT DOCUMENTS, Frederic to Maria PLANS AND SPECIFICATIONS, AND DETERMINING THE LOWEST RESPONSIBLE BIDDER, ACCEPTING THE BID, AND AUTHORIZING EXECUTION OF A CONTRACT FOR EMPIRE AVENUE IMPROVEMENTS FROM FREDERIC STREET TO MARIA STREET PROJECT, BID SCHEDULE NO. 1086.

Adopted

The resolution was adopted by the following vote:

Ayes: Council Members Golonski, Murphy, Ramos, Vander

Borght and Laurell.

Noes: Council Members None. Absent: Council Members None.

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 her belief that since the Airport has accepted a voluntary curfew for all these years it should be law, commenting on not receiving a response to her previous Public Records requests, and reissuing those requests; Robert Magid, commenting on participation on PERC and their mission, and commenting on repair to sidewalks in his neighborhood and street lights that need replacing on Lima Street; Bob Etter, asking the purpose of Ms. Murphy's meeting with the FAA and the cost of the trip, and asking how PERC members were selected; Eden Rosen, commenting renters pay for trash twice since they pay it on the utility bill and also when they pay their rent, and on the condition of Angeleno Street sidewalks with tree roots coming up through the sidewalk; Howard Rothenbach, acknowledging the work of the PERC members, requesting a schedule of PERC meetings airing on Channel 6, and further information on meetings with the Council to be held at the Castaway Restaurant which were mentioned earlier; and Mike Nolan, requesting clarification of the title of agenda item number 11, particularly instructing staff not to apply Measure A when Measure A is a law in the City of Burbank.

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 11:09 p.m. in memory of Mayme Cunningham.

Margarita Campos, City Clerk

APPROVED AUGUST 27, 2002

Mayor of the Council of the City of Burbank