

TUESDAY, AUGUST 27, 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 5:06 p.m. by Mr. Laurell, Mayor.

CLOSED SESSION

Present- - - - Council Members Ramos, Vander Borgh and Laurell.  
Absent - - - - Council Members Golonski and Murphy.  
Also Present - Mr. Ovrom, City Manager; Ms. Alvord, Assistant City Manager;  
Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

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

Citizen Comment Appearing to comment was Marie Paino, asking what the City's next step will be on Airport matters now that Measure A has been invalidated by the Court.

5:09 P.M. Recess The Council recessed at this time to the City Hall Basement Lunch Room/Conference Room to hold a Closed Session on the following:

- a. Conference with Legal Counsel – Existing Litigation:  
Pursuant to Govt. Code §54956.9(a)
1. **Name of Case:** City of Burbank v. Burbank-Glendale-Pasadena Airport Authority.  
**Case No.:** BC259852  
**Brief description and nature of case:** Declaratory Relief.
  2. **Name of Case:** Communities for a Better Environment, et al v. City of Burbank, et al.  
**Case No.:** 02-02021DT (FMOx)  
**Brief description and nature of case:** Complaint alleging Clean Air Act violations.
  3. **Name of Case:** In re Pacific Gas & Electric  
**Case No.:** SF 01-30923 (USBC, Northern District of CA)  
**Brief description and nature of case:** Bankruptcy case in which the City is a party..
  4. **Name of Case:** In re California Power Exchange  
**Case No.:** LA 01-16577 (USBC, Central District of CA)  
**Brief description and nature of case:** Bankruptcy case in which the City is a party.

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5. **Name of Case:** McMurray et al. v. City of Burbank, et al.  
**Case No.:** BC247304  
**Brief description and nature of case:** Alleged Employment Discrimination.

b. Conference with Legal Counsel – Anticipated Litigation (City as possible plaintiff):  
Pursuant to Govt. Code §54956.9(c)  
**Number of potential case(s):** 2

c. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):  
Pursuant to Govt. Code §54956.9(b)(1)  
**Number of potential case(s):** 2

Regular Meeting Reconvened in Council Chambers      The regular meeting of the Council of the City of Burbank was reconvened at 6:35 p.m. by Mr. Laurell, Mayor.

Invocation      The invocation was given by Reverend Ron Degges, Little White Chapel.

Flag Salute      The pledge of allegiance to the flag was led by Mr. Solomon, Housing Development Manager.

**ROLL CALL**

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

301-1  
Congressman Schiff  
Presentation on Runaway Production, Rim Of the Valley Corridor Study Act & Federal Initiatives of Importance to Burbank      Congressman Schiff began his presentation with comments regarding reapportionment, assuring the Council that although Burbank is being divided, he will do all he can to consider Burbank as a whole, and will be happy to work with Congressman Brad Sherman on issues concerning Burbank. Congressman Schiff addressed efforts to create the Department of Homeland Security, facilitating a seamless web against terrorist threats to this country, and that he believes Congress will conclude a bill this year to that end. He stated the other major issue is the economy and its impacts on citizens, that the federal government is creating a larger national debt, which will ultimately drive up interest rates. Congressman Schiff stated he believes it is prudent to develop mid-term and long-term strategies to balance the federal

budget.

With regard to runaway production, Congressman Schiff noted this issue presents a significant threat to a large number of jobs in Burbank as productions move out of the state and out of the country. He stated legislation is currently pending in both the State legislature and in Congress to match some of the tax incentives that other countries are offering to entice the film industry, and to that end he is co-sponsoring a bill with Congressmen David Dryer and Howard Berman that would establish a federal tax credit against wages. Congressman Schiff also updated the status of Senator Scott's runaway production bill in the State Senate, which is supported by the Governor.

Next, Congressman Schiff discussed the environment, noting he has introduced a bill to expand the Santa Monica Mountains Recreation Area to include the Rim of the Valley Corridor to preserve hillside and open-space areas and encouraging Council support of the bill, as it has received wide support in Congress. He informed the Council that Senator Feinstein introduced the companion measure in the Senate and it has already been heard.

Congressman Schiff discussed theft of intellectual property, another issue impacting jobs in the area, which is crippling to the entertainment industry, especially the music industry where multi-billion dollar losses have already occurred, and stating it will soon affect the film industry as broad band is expanded and individuals can easily download films. In conclusion, Congressman Schiff extended an offer to the Council to assist in resolution of the Airport matters, noting he has already met with Mr. Mineta, Secretary of Transportation, who is amenable to working with Burbank on the curfew issue.

Council  
Comments

Mr. Vander Borcht discussed correspondence received from residents with regard to the West Nile Virus and the proliferation of handbills.

7:00 P.M.  
Hearing  
410  
404  
Congestion  
Management  
Program  
Notice  
Given

Mayor Laurell stated that "this is the time and place for the hearing on the City's conformance with the Metropolitan Transportation Authority's Congestion Management Program and the adoption of the 2002 Local Implementation Report."

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

Mr. Kriske, Assistant Transportation Manager, stated the purpose of this hearing was to request Council approval of the proposed resolution certifying that the City is in compliance with the Los Angeles County Metropolitan Transportation Authority's (MTA) Congestion Management Program (CMP) and adopting a Local Implementation Report (LIR) for the 2001-2002 reporting period as required by the CMP. He discussed that continued eligibility for Proposition 111 State Gas Tax revenues requires the City to conform with CMP requirements, including submitting an annual report documenting new commercial and residential development impacting the transportation system (debits) versus transportation-related capital improvements, changes in transit systems, and transportation demand management (TDM) programs that help to offset these impacts (credits). He noted this debit-to-credit balance is maintained as a cumulative balance from year to year to show long-term trends in the transportation system.

Mr. Kriske stated that for the 2001-2002 reporting period, the City accrued a negative balance of 13,438 points primarily due to building permits issued for the remaining portion of the Empire Center, and that transportation credits for the same year were primarily in the area of signal and intersection improvements related to the Empire Center development, in addition to other areas throughout the City. Mr. Kriske reported that the City's substantial balance of credits from prior years more than compensates for the current shortfall, and that if approved by the MTA, the City's overall surplus total will be 102,513, thus assuring the City will maintain its Proposition 111 State Gas Tax eligibility.

Citizen  
Comment

Appearing to comment were Mark Barton, on traffic congestion at the former 5-points intersection, and requesting an overpass be constructed at this intersection; and Mike Nolan, asking an explanation be given to the public of how credits are earned and what the City's priorities are with respect to traffic management efforts.

Hearing  
Closed  
Motion

There being no further response to the Mayor's invitation for oral comment, the hearing was declared closed. It was moved by Ms. Murphy and seconded by Mrs. Ramos that "the following resolution be passed and adopted:"

410

RESOLUTION NO. 26,305:

404 Congestion Management Program	A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM AND ADOPTING THE LOCAL IMPLEMENTATION REPORT.
Adopted	The resolution was adopted by the following vote:  Ayes: Council Members Murphy, Ramos, Vander Borght and Laurell. Noes: Council Members None. Absent: Council Member Golonski.
Reporting on Closed Session	Mr. Barlow reported on the items considered by the City Council and Redevelopment Agency during the Closed Session meetings.
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 R. C. "Chappy" Czapiewski, stating he obtained a copy of the Judge's ruling on the Measure A lawsuit; Kevin Muldoon, stating that the Alameda and Glenoaks intersection is very congested during peak traffic times and requesting traffic mitigation in that corridor; Esther Espinoza, making discriminatory and derogatory remarks; Howard Rothenbach, inquiring as to the total cost of the PERC meetings; Dr. Theresa Karam, inquiring as to the process of litigation discussed during closed sessions; and Mark Barton, requesting the Council expand the first period of oral communications to two minutes.
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 R. C. "Chappy" Czapiewski, commenting on the process followed by Judge Montes at the Measure A hearing, inquiring whether the City was involved in the writing of the Judge's ruling, congratulating the City on their Measure A victory and warning of a possible appeal, and

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on Airport Commissioner Lombardo filing an appeal on the Development Review of the Airport's security enhancement project; Dion Gazzaruso, candidate for Valley City Council District 12, commenting that if secession passes on the November ballot, he proposes a new seat be created on the Airport Authority for a representative of Valley City; Jose Roy Garcia, resident of North Hollywood and candidate in District 7, complaining of noise from the Burbank Airport, and stating that 10 percent of the Airport lies within District 7;

Kevin Muldoon, in opposition to additional advertising and signage for the Adopt-A-Stormdrain program; Irma Loose, submitting a Public Records Act request on the amount spent on the League of California Cities during 2001, and in opposition to Council Members attending the League's Annual Conference; Esther Espinoza, stating that the block grant from the Department of Justice should be used solely for Police training, requesting additional low- and medium-income housing, supporting the League of Women Voters' request to conduct a candidates forum, and commenting on Burbank paramedic service; Mark Barton, stating he believes the problem with signs is not the proliferation of signs, but rather the lack of design and style; Dr. Theresa Karam, on ten percent of the Airport being situated within the Los Angeles city limits, and on the implications of valley secession to Burbank; Howard Rothenbach, inquiring as to whether the potential litigation listed on the closed session agenda is relative to the Airport, and in opposition to the City Adopt-A-Drain program; David Piroli, in opposition to the Adopt-A-Stormdrain program, and on the Planning Board's opinion that Measure B offers no protection for the City; and Mike Nolan, in opposition to the Adopt-A-Stormdrain program, on Judge Montes having a ruling prepared prior to taking input during the Measure A hearing, and stating that currently less baggage is being processed at the Airport and therefore there is less need for increasing the size of the baggage area.

Staff  
Response

Members of the Council and staff responded to questions raised.

8:13 P.M.  
Recess

The Council recessed to permit the Redevelopment Agency to hold its meeting. The Council reconvened at 8:14 p.m. with the same members present.

Items Removed  
From Consent

The items regarding Amendment to Regulatory Agreements between the City of Burbank, the Burbank Redevelopment

- Calendar Agency and the Burbank Housing Corporation Governing Properties on West Elmwood and the Amendment to the Professional Services Agreement with Moore Iacofano Goltsman, Incorporated were removed from the consent calendar for the purpose of discussion.
- Motion It was moved by Mr. Vander Borcht and seconded by Ms. Murphy that "the following items on the consent calendar be approved as recommended."
- Minutes Approved The minutes for the regular meeting of July 9, 2002 were approved as submitted.
- 409 Voting Delegate For League of California Cities Annual Conference A report was received from Mrs. Campos requesting the Council appoint a voting delegate and alternate to vote at the Business Meeting of the League of California Cities' Annual Conference scheduled for October 5, 2002, at 10:15 a.m. at the Long Beach Convention Center. The Council approved the recommendation to appoint Mr. Laurell as the delegate and Mrs. Ramos as the alternate to attend and vote at the League's Annual Business Meeting.
- 804-3  
801-2  
DOJ Block Grant RESOLUTION NO. 26,306:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE APPLICATION FOR AND AUTHORIZING THE ACCEPTANCE OF A \$67,922 U.S. DEPARTMENT OF JUSTICE BLOCK GRANT AND AMENDING THE FISCAL YEAR 2002-2003 BUDGET.
- 1411-1  
Summary  
Vacation of N/E  
Corner of Palm  
and First St.  
(V-342) RESOLUTION NO. 26,307:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ORDERING THE SUMMARY VACATION OF A REMNANT CORNER CUTOFF RADIUS LOCATED AT THE NORTHEAST CORNER OF PALM AVENUE AND FIRST STREET (V-342).
- 905-1  
Emergency  
Medical Tech-  
Paramedic  
Standing Field  
Treatment  
Protocol Agmt. RESOLUTION NO. 26,308:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE 2002-2004 EMERGENCY MEDICAL TECHNICIAN-PARAMEDIC STANDING FIELD TREATMENT PROTOCOL AGREEMENT BETWEEN THE CITY OF BURBANK AND THE COUNTY OF LOS ANGELES.





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

8:22 P.M.  
Recess                   The Council recessed to permit the Redevelopment Agency to discuss an item. The Council reconvened at 8:24 p.m. with the same members present.

406  
Amend. to PSA  
with Moore  
Iacofano  
Goltsman, Inc.           Mr. Young, Administrative Analyst in the Community Development Department, summarized that at the Council meeting of June 18, 2002, an Airport Outreach Plan was approved which was designed to build a local consensus on the acceptable parameters for the development of a replacement terminal on the B6 property and consists of a variety of public engagement tracks, including the Plan Evaluation and Review Committee (PERC). He stated that the PERC has been actively involved in exploring the issues relating to the development of an airport replacement terminal and anticipates concluding its work in September 2002 as the committee is currently drafting a report on its views and recommendations to the Council.

Mr. Young noted that a \$49,000 Professional Services Agreement (PSA) was executed in June 2002 with Moore Iacofano Goltsman, Inc. (MIG), for the purpose of facilitating the PERC meetings, and that, although one of the original goals was to present a report from the PERC to the Council by July 2002, an extension was granted to the PERC by the Council at its meeting of July 9, 2002, to allow the PERC additional time to complete its objective. As the additional PERC meetings were not anticipated when the PSA was first prepared, an amendment to the PSA is necessary should the Council wish to continue utilizing MIG to facilitate the PERC meetings. Mr. Young noted that the scope of work for the PSA would remain the same, but the amount would be increased from \$49,000 to \$60,000 to accommodate the additional meetings, and recommended approval of the proposed resolution.

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

406  
Amend. to PSA  
with Moore  
Iacofano  
Goltsman, Inc.  
For PERC Mts.           RESOLUTION NO. 26,309:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND MOORE IACOFANO GOLTSMAN (MIG) INCORPORATED FOR PERC MEETINGS FACILITATION.

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Adopted

The resolution was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Member Golonski.

8:46 P.M.  
Recess

The Council recessed at this time. The meeting reconvened at 9:03 p.m. with the same members present.

9:03 P.M.  
Mr. Ovrom Left  
The Meeting

Mr. Ovrom left the meeting at this time.

1503  
1504  
BWP Monthly  
Water and  
Power Report

Mr. Davis, General Manager, Burbank Water and Power (BWP), reported on four areas of activities during the previous month: water and electric systems security, impacts of recent energy crisis and fallout from it, major projects which have been completed and the impacts of mild weather and conservation. He began by reporting that water quality in July met or exceeded State and Federal drinking water standards, and that water sales were off six percent which is reflective of the mild weather conditions. With regard to environmental issues, he stated the President signed the Public Health Bioterrorism Preparedness and Response Act on June 12, 2002, requiring all large cities to complete an assessment of the security of their water systems on or before March 2003, that the Environmental Protection Agency (EPA) offered grants which could be used to pay for such assessment, and that the City was successful in their grant application and a report will be presented to the Council within the next few weeks recommending a vendor to conduct the assessment.

On the power side, Mr. Davis reported the Federal Energy Regulatory Commission (FERC) continues its drive for deregulation and recently issued a Notice of Proposed Rule Making creating a new market design for the creation of Regional Transmission Organizations that would require entities like BWP to put their transmission into regional entities like the state Independent System Operator (ISO), and noted Burbank was actively participating in this process, as well as with the ISO refunding proceedings for the high-priced power purchased, including filing for a refund on behalf of the City.

Mr. Davis noted a ribbon cutting ceremony had been conducted for the return osmosis plant which creates very pure water for the power plants, particularly the newly-built gas

turbine, and emphasizes the use of reclaim water for yet another purpose. He reported the Olive steam generating units came back on line using the new digital control systems. He noted a Dedication Ceremony was held on July 18 for the Lake One power plant, reiterating that the unit was completed ahead of schedule and \$1 million under budget, that it has been running for testing purposes, and is currently undergoing three days of required certification testing.

With regard to telecommunications, Mr. Davis noted the completion of the work for the Public Works Arroyo Verdugo Advanced Traffic Synchronization Control Project, which gives the City redundant loop capacity, and the completion of fiber pulls for Disney connecting their Burbank campus to their Glendale campus. He also reported that the elevator has been installed in the BWP Administration Building, and cited another use of reclaim water in the zonal heat pump installed in the building which eliminates the installation of unsightly ducts because it uses water instead of air for the building's cooling and heating system.

In conclusion, Mr. Davis noted electric sales for the first quarter were off 10 percent from normal, which is attributed to conservation and mild weather.

The Council noted and filed the report.

913  
Agmt. w/Adopt-  
A-Stormdrain  
Inc.

Mrs. Teaford, Chief Assistant Public Works Director-City Engineer, stated staff is requesting Council approval of an agreement with Adopt-A-Stormdrain, Inc., to generate revenues for municipal stormwater pollution prevention programs from corporations or other non-profit entities. She stated the City is in the first year of the permit issued by the Regional Water Quality Control Board, that the requirements under that permit have become more stringent than ever and beyond the permit requirements, the City must comply with the requirements of the Total Maximum Daily Load Program (TMDL), a requirement under the Federal Clean Water Act that sets a specific measure on the amount of pollutants which can be discharged into receiving waters, in Burbank's case into the Los Angeles River watershed. Ms. Teaford noted that while the Regional Water Quality Control Board had been lagging in their enforcement of the TMDL for the past several decades, they are currently under a Consent Decree to issue the TMDLs, the first of which was to set a limit for trash in the Los Angeles River of zero over the next 12 years. She emphasized this is just the first of many TMDLs set for the Los Angeles River, and that as these are implemented, they may be effective

immediately. Ms. Teaford stated that in the past, a sort of "patchwork" system had been utilized to fund municipal stormwater pollution prevention programs, but the newer, more stringent requirements are more difficult to achieve and therefore most costly to implement.

Ms. Teaford summarized that the concept for the program was presented to the Council on October 16, 2001, and based upon the Council's general support, staff crafted a legal document designed to protect the City as well as corporate sponsors, and explained that under the Adopt-A-Stormdrain Program, a sponsor would provide general financial support for the City's municipal stormwater program. She stated public education is an important element of the program as the permit requires 35 million impressions per year, and this program disseminates the stormwater pollution prevention message to the public. She noted that, in return for the financial support, sponsors' names would appear on the stormwater awareness signs. She discussed the terms of the agreement between the City and Adopt-A-Stormdrain, Inc., who contacts potential environmental sponsors, fabricates, installs and maintains the signs, collects the fees, which are subject to audit by the City, and emphasized that there are no direct costs to the City. She stated Adopt-A-Stormdrain would retain 20 percent of the solicited revenues, and the City would retain 80 percent for municipal stormwater programs. She indicated that up to 60 signs are proposed to be installed throughout the City, all of which would be along arterial roadways and, under the proposed plan, the City's 80 percent share would net approximately \$235,000 per year, which would be used exclusively for stormwater programs.

Motion                   It was moved by Mr. Vander Borght and seconded by Mrs. Ramos that "the following resolution be passed and adopted with the provision that advertising on City vehicles be limited to corporate sponsorship by City Departments."

913                         RESOLUTION NO. 26,310:  
Agmt. w/Adopt-         A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
A-Stormdrain           APPROVING THE PRIVATE SPONSORSHIP OF STORMWATER  
Inc.                       POLLUTION PREVENTION PROGRAMS AGREEMENT BETWEEN  
                               THE CITY OF BURBANK AND ADOPT-A-STORMDRAIN.

Adopted                 The resolution was adopted by the following vote:

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

204  
League of  
Women Voters  
Candidate  
Forum

Mrs. Campos reported that the League of Women Voters of Burbank/Glendale had requested to conduct a Candidates Forum for individuals seeking office in United States Representative District Nos. 27 and 29, and California State Assembly District No. 43 for the November 5, 2002 General Election. She added that the Candidates Forum is proposed to be conducted in the City Council Chamber on October 23, 2002, broadcast live on Channel 6 and replayed as often as possible prior to the November 5, 2002 Election. In addition, she noted the League had requested the City consider producing, broadcasting, and replaying the 2 ½ hour Forum on Channel 6 for an anticipated cost of \$395.

Mrs. Campos stated that the League has been recognized by the Council as a neutral, non-partisan organization that meets all established requirements and recommended approval of the request and having the City pay the production and broadcast costs of the Forum.

Motion

It was moved by Mrs. Ramos and seconded by Ms. Murphy that "the request from the League of Women Voters to conduct a Candidates Forum on October 23, 2002 be approved."

206  
1300  
Amend. Chapter  
9 of the BMC  
Relating to the  
Renewal or  
Extension of  
Existing Agmts.  
Ordinance  
Introduced

Mr. Hanway, Financial Services Director, stated that in July 2002, the Council amended Chapter 9 of the Burbank Municipal Code relating to the City's purchasing procedures, and the amendment before the Council merely provides for the renewal or extension of existing agreements beyond a maximum of three years with Council approval.

It was moved by Mrs. Ramos and seconded by Mr. Vander Borch that "the following ordinance be introduced and read for the first time by title only and be passed to the second reading." The ordinance was introduced and the title read:

206  
1300  
Amend. Chapter  
9 of the BMC  
Relating to the  
Renewal or  
Extension of  
Existing Agmts.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTION 9-113 (f) OF THE BURBANK MUNICIPAL CODE RELATING TO THE RENEWAL OR EXTENSION OF EXISTING AGREEMENTS.

9:48 P.M. The Redevelopment Agency meeting was reconvened at this

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Reconvene  
Redev. Agency  
Meeting

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, in opposition to Judge Montes not receiving input before making his ruling, accusing the City of conspiring with the Judge, and disagreeing that the City is supportive of the intent of Measure A; Eden Rosen, expressing appreciation to the Park, Recreation and Community Services Department for repairing a tree well damaged by tree roots, stating that the West Nile Virus is fast approaching California, and on educating the public about problems caused by standing water; David Piroli, commending Mr. Davis on the BWP reports, discouraging BWP from sponsoring the Adopt-A-Drain program, asking whether the Adopt-A-Drain signs will be inspected by City employees or representatives of Adopt-A-Stormdrain; and Mike Nolan, on quadrupling the amount of baggage that can be handled at the Airport, stating that these enhancements are not security requirements as mandated by the Transportation Security Administration.

Staff  
Response

Members of the Council and staff responded to questions raised.

301-2  
Memorial  
Adjournment

There being no further business to come before the Council, the meeting was adjourned at 10:02 p.m. in memory of Sally Galati.

Margarita Campos, City Clerk

APPROVED OCTOBER 8, 2002

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Mayor of the Council  
of the City of Burbank