

TUESDAY, SEPTEMBER 17, 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, Ramos, Vander Borght and Laurell.

Absent - - - - Council Member Murphy.

Also Present - 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
- d. Conference with Real Property Negotiator:  
Pursuant to Govt. Code §54956.8

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**Agency Negotiator:** Community Development Director/  
Susan M. Georgino.

**Properties:** 415 Front Street (APN 2449-036-904), the  
remnant High Rail parcel (APN 2449-037-902) and the  
vacation of Old Front Street.

**Party With Whom City is Negotiating:** Fred Bell of  
Community Chevrolet.

**Terms Under Negotiation:** Sale of property.

Regular Meeting Reconvened in Council Chambers  
The regular meeting of the Council of the City of Burbank was reconvened at 6:36 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 Jessica Williams.

ROLL CALL

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

Absent - - - - Council Members None.

Also Present - Mr. Ovron, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

301-1 Summer Trails Youth Employment Recognition  
Ms. Embree, Youth Employment Coordinator, briefly described the Summer Trails Youth Employment Program. Christina Chiaravalle, program participant, shared her experience on the group's field trip to the Museum of Tolerance. Ms. Embree then assisted Mayor Laurell in presenting Certificates of Recognition to program participants: Jessica Williams, Christina Chiaravalle, Vladimir Zarian, Arthur Torossian, Vahe Gyulnazaryan, Allyson Burns, Yvette Dominguez, Shakeh Babakanyan, Stephanie Rodriguez, Lisa Carruba, Midori Paul and Charmetria Marshall.

301-1 Emblem Month  
Mayor Laurell presented a proclamation in honor of National Emblem Club Week to Elaine Paonessa, President of the Burbank Emblem Club.

301-1 Canadian Police And Peace Officers Memorial 25<sup>th</sup>  
Mayor Laurell presented a proclamation in honor of the Canadian Police and Peace Officers Memorial 25<sup>th</sup> Anniversary to Officer Joe Dean, stating Officer Dean would be presenting it to the Solicitor General of Canada on behalf of the City of Burbank.

Anniversary  
6:57 P.M.  
Hearing  
406  
602  
Appeal of DR  
2002-27  
(BGPA Proposed  
Terminal  
Addition)

Mayor Laurell stated that "this is the time and place for the hearing on the appeal of the Planning Board's decision to approve Development Review No. 2002-27 which involves an application by the Burbank-Glendale-Pasadena Airport to construct approximately 45,000 gross square feet to the existing air passenger terminal at the Burbank-Glendale-Pasadena Airport."

Notice  
Given

The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that a letter had been received from Mr. Kevin Ennis of the law firm of Richards/Watson/Gershon, special counsel to the Airport Authority, urging the Council to deny the appeals.

Staff  
Report

Mr. Forbes, Associate Planner, stated the Glendale-Pasadena-Airport Authority applied for Development Review to add approximately 45,000 gross square feet to the existing air passenger terminal at the Burbank Airport. He explained that the difference between the 40,000 square feet referenced by the Airport Authority and the 45,000 square feet referenced by staff is the result of a difference in the calculation of gross v. adjusted gross square footage. Mr. Forbes briefly walked through the plan, noting the plan was previously outlined to the Council in May.

He continued that the purpose of the Airport zone is to protect the Airport, and that there are no development standards such as height or setbacks, specified for the Airport zone. Next, he discussed the chronology of events leading up to the pending appeal as follows: The Community Development Director approved the Development Review application on August 1, 2002; two Burbank residents, Stan Hyman and Howard Rothenbach, filed appeals of the Director's decision; the Planning Board considered the appeals on August 26, 2002, and on a 4-1 vote upheld the Director's decision and denied the two appeals; and, Stan Hyman and Howard Rothenbach filed appeals of the Planning Board's decision, and are requesting that the Development Review application be denied. Next, Mr. Forbes stated the proposed project is subject only to ministerial Development Review approval, pursuant to the Burbank Municipal Code, noting that neither the Director, Board, or Council may exercise any discretion over the application and may not impose any conditions of approval on the project other than to ensure Code compliance, resulting in a very limited scope of review. Mr. Forbes explained that when the subject application was

approved, the requirements of Measure A were law in Burbank and, as such, the Development Review approval was contingent upon the project satisfying the requirements of Measure A prior to the issuance of building permits; however, Measure A was rendered invalid by the Los Angeles Superior Court, and its requirements are no longer applicable. He informed that on August 20, 2002, the City Council adopted an Interim Development Control Ordinance (IDCO) that temporarily limits the issuance of building and related permits for certain airport-related projects, that the IDCO exempts projects which staff determines to be related to enhancing airport security, and that based on the criteria established by the Council, the proposed terminal project would be subject to the IDCO, requiring staff to determine whether or not the proposed project is related to enhancing airport security at the time the City is ready to issue building permits for the project. He added that the IDCO does not apply to the Development Review Process or the decision to approve or deny the Development Review application.

Next, Mr. Forbes outlined the bases upon which Messers. Hyman and Rothenbach filed their respective appeals, and responded to the appellants' bases. Mr. Forbes concluded by stating that staff did not believe that any of the issues raised by Messers. Hyman and Rothenbach were adequate to warrant overturning the Planning Board's decision to approve the Development Review application, and recommended denial of the two appeals.

Applicant

Mr. Marrero, Executive Director, of the Burbank-Glendale-Pasadena Airport, began by expressing appreciation to the Council for the opportunity to speak, and stated this item is the most important security project considered at the Airport during the past 22 years, and that it will significantly enhance security for the travelling public as well as that of all public safety personnel. He added similar projects are being conducted at other airports throughout the country in order to increase security. He defined the intent of the project as being to install equipment which will screen out explosive devices and will provide for increased screening of passengers to enhance public safety. Mr. Marrero stated the applicant concurs with staff's analysis and recommendation, and expressed appreciation to the Council for expediting consideration of this project.

Appellant

Mr. Hyman, one of the appellants, stated that the issue before the Council lies in the distinction between discretionary v. ministerial projects. He stated that the Airport Authority bases their claim that the security

enhancement project is a ministerial one due to the Federal mandates imposed on the Authority, thereby exempting them from the full Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA), and reiterated that City staff accepts the Authority's decision and has further taken the position that the subject of this appeal is also a ministerial act on the part of the City. He noted CEQA guidelines define a ministerial act as one that involves little or no personal judgment by the public agency or official on the wisdom or manner of carrying out the project, adding that by contrast a discretionary project is one that requires the exercise of judgment or deliberation when the agency decides whether and how to carry out or improve it.

Mr. Hyman reasoned that from the Authority's initial request for a proposed 11,000 square foot terminal expansion to the presently proposed 45,000 square foot terminal expansion, the Authority continually exercised discretionary decisions on the project, and that these discretionary decisions are being made by virtue of the fact that there were and still are no fixed standards on which the Authority can base their decisions as to size of the expansion. He referenced an August 14, 2002 letter from the Transportation Security Administration (TSA), stating its nothing more than a guideline which suggests options ranging from 700 to 23,000 square feet, and that the additional square footage requested by the Authority is a discretionary decision on the part of the Authority. He cited the Authority's decision in early August on a vote of 6-2 with one abstention to begin construction of the project absent building permits as a clear example of personal judgment exercised on the part of the Airport Commissioners.

Next, Mr. Hyman defined projects subject to CEQA pursuant to Section 15378 of the California Code of Regulations. He referenced the proposed 45,000 square foot expansion of Terminal A and an additional 7,000 square foot expansion of Terminal B, stating that such actions constitute an attempt by the Authority to piecemeal this action is expanding an existing public structure. There is an additional expansion of 7,000 square feet to Terminal B. He discussed the reasons why he believes an Environmental Impact Report is necessary, citing increased passenger projections, and that these millions of new passengers will result in increased noise, pollution and traffic, and noting Section 21083 of CEQA states that any effect on the environment is significant and would require an EIR. He continued that the Plan Evaluation and Review Committee (PERC) report dated September 9, 2002, indicates the size of the current terminal precludes the addition of flights and passengers, and that the proposed addition will

severely curtail these limitations. He noted the Airport's Negative Declaration lists the City of Burbank as a public agency whose approval is required, which in his opinion proves the City will be exercising discretionary decisions, and further referenced the Planning Board's resolution which states in part, that the environmental exemption prepared for this project satisfies the requirement of CEQA.

Mr. Hyman stated that Mrs. Georgino's decision on August 1 to approve DR 2002-27 was a discretionary decision and clearly in violation of Measure A and Resolution No. 26,140, and that the IDCO passed on August 20, 2002 gives the Community Development Director, City Manager and City Attorney discretionary authority over the proposed airport expansion, in violation of Measure B which states Airport expansion must be approved by the voters, and in conflict with a 1982 opinion letter from the California Legislative Counsel which states the ministerial projects exempted from CEQA were those where public employees had no discretion whatsoever. He read the language from the ballot proposing Measure B, arguing that any proposed expansion requires the vote of the people on any agreement between the City and the Airport Authority for a relocated or expanded airport terminal project, that in this instance the development review process creates an agreement between the City and the Airport, and calling for the Council to get clarification on the protections offered by Measure B from a Court.

Appellant

Mr. Rothenbach began with a discussion on the ramifications of Measure B by reading a portion of the City Attorney's impartial analysis of Measure B and the Argument In Favor of Measure B as they appeared on the ballot, and the City Attorney's impartial analysis of Measure A, which references the protection offered by Measure B against Airport expansion. He noted during the debates pertaining to Measure A, residents were assured that they did not need to vote for Measure A as Measure B protected the citizens from Airport expansion. He read from the City of Burbank's Opposition to Burbank-Glendale-Pasadena Airport Authority's Demurrers to First Amended Complaint (Case No. BC259852), citing language stating that the opinion of drafters who sponsor an initiative is not relevant since such opinion does not represent the intent of the electorate and one cannot say with assurance that the voters were aware of the drafters' intent. Next, Mr. Rothenbach read from a Court transcript of the Measure A demurrer hearing of January 14, 2002, and from the PERC Committee's draft report which in part interprets the intent of Measure B by stating that Measure B prohibits construction or modification of a terminal without

public approval by way of the ballot. He stated his opinion that the Airport Authority prepared the Negative Declaration because they were aware that the project would require the City to make discretionary decisions with regard to the project, and that the document is poorly written as it does not contain any supporting evidence.

Mr. Rothenbach referenced Planning Board Resolution No. 2872 which states the environmental exemption prepared for this project satisfies the requirement of CEQA and therefore approved the project, which he perceives as a discretionary decision to approve the Negative Declaration, and requested the Council request an EIR on the project. He noted the location of the proposed expansion is located between the B-6 property and the Zelman property, stating both of these properties contain contaminants which migrate vertically as well as horizontally. Next, he discussed the provisions of the IDCO, noting City staff is authorized to make discretionary decisions as to whether specific parts of the development are security-related. He concluded that the proposed project requires many discretionary decisions on the part of the City, and for that reason falls under the provisions of Measure B.

Citizen  
Comment

Appearing to comment were Michael Bergfeld, member of the PERC, expressing concerns with the level of anger and fear of deception prevalent in the community, addressing the legal aspects of Measure B, that the IDCO is in conflict with Measure B, that the term "agreement" and "permit to begin construction" are synonymous, stating the PERC report identifies three areas of impact: traffic, noise and pollution, and that the City can approve only the 27,500 square foot expansion; Kimberly Eckhout, expressing concerns with airport expansion in general; Bill Orr, on certain Council Members stating that Measure A was not necessary because protections were offered by Measure B, on the TSA requesting from 700 to 23,000 square feet for security measures, not the 45,000 square feet requested by the Airport; Peggy Nudo, reading from a letter to the editor from the Burbank Leader as to Measure B and the provisions of the IDCO, and on the Council not taking ownership of the discretionary decisions by foisting the decision on appointed officials;

C.L. Stack, urging the Council to abide by the provisions of Measure B; Mark Friedman, stating the Council had Measure A declared invalid and that Measure B does not provide protections from expansion, stating he supports having a safe airport but also one that the residents can live with, and that the Council Members were elected to protect the rights of the

residents; Kathy Miller, expressing disappointment with the small turnout for the hearing, that it is the Council's responsibility to deal with the issue rather than passing it off to appointed officials, that the residents are asking the Council to keep their promises of protection from Airport expansion, and urging the Council to uphold the appeal; Dr. Jay Adams, inquiring as to the reason for the 45,000 square foot expansion, that people have not turned out for this appeal hearing because people are discouraged, requesting the Council to uphold the provisions of Measure B; Molly Hyman, on the Council having received adequate input from residents as to airport expansion, that she is in agreement with security improvements but disagrees with the amount of square footage outlined in the project;

Rose Prouser, stating the Council is being used by the Airport to achieve terminal expansion, on the options outlined by the TSA being 8,000 square feet, on Measure B providing voter approval prior to any Airport expansion, that while the PERC was meeting and prior to the Judge's ruling on Measure A the Council passed the IDCO relegating authority to appointed officials, that the voters have spoken as to their wishes and the Council is not representing the community with regard to these issues; R. C. "Chappy" Czapiewski, stating that the IDCO allows the Council to take the easy way out by delegating an unpleasant job to someone else, that he has been addressing security issues with the Airport Authority for years; Esther Espinoza, encouraging the Council to uphold the appeal, that Airport expansion will increase pollution and traffic in the area, and encouraging the Council to protect the community; Ron Vanderford, on expansion pushing the terminal 40 feet closer to the runway, on the provisions of Measure B requiring voter approval for airport expansion, on City staff exercising discretion to come to the decision that this matter was ministerial, that this project constitutes an expansion of the Airport under the guise of security improvements;

Irma Loose, on the purpose of the IDCO being to protect the Council from accepting responsibility for making decisions on Airport expansion but by passing the IDCO the Council has already approved the expansion, that Measure B promised the residents protection, that the people have been betrayed on the 21<sup>st</sup> Century Plan, and urging the Council to grant only an 8,000 square foot expansion for security purposes; Roman Gora, requesting that the Council protect the best interests of the residents, and stating that Measure B promised voter approval prior to any Airport expansion; Ralph Gee, on the protections promised by Measure B, expressing anger over Council consideration of a proposed expansion, on the



difference between the proposed 45,000 square foot expansion and the options presented by the TSA, and stating if the Council denies the appeal, the Airport will have what it needs to expand the Airport; David Piroli, on the TSA security requirements expressed in their August 14, 2002 letter being 8,000 square feet, that the TSA doesn't require any concessions or retail space, on the provisions of Measure B allowing the residents to decide on Airport expansion, and inquiring whether the Community Development Director makes discretionary or ministerial decisions;

Mike Nolan, inquiring whether the Council is aware that City officials have indicated to members of the PERC that they have found all of the square footage requested by the Airport Authority falls within the scope of security enhancements, questioning staff's authority to keep information from the Council and the public, that the decision as to whether an improvement relates to security is discretionary, questioning the decision to expand hallways now when only ticketed passengers are permitted beyond security checkpoints, and stating that the original request for security improvements was 1100 square feet; Margie Gee, stating the Council is well aware of how residents feel about the issue, that the governing body itself cannot delegate discretionary duties to staff, that it protects the Council from having to make decisions against the will of the people, that the Airport is using a national tragedy to circumvent the public's will by expanding the Airport, and that she does not believe the expansion is purely for security improvements; Robert Juarez, stating Airport expansion has been in the works for quite sometime, that Mr. Vander Borght should abstain from voting because he was not elected to the Council, that the tragedy of 9-11 is being used to justify an Airport expansion, and encouraging the Council to uphold the appeal; and Mark Barton, stating the City will never be privy to the reasons for all the security issues at the Airport because of the confidentiality inherent in security matters, and asking that the Council give the Airport the benefit of the doubt in the interest of saving lives.

The Mayor closed the public comment portion of the hearing and invited the appellants and the applicant to present rebuttal testimony.

Appellant

Mr. Hyman discussed ministerial decisions, stating staff has continually maintained that the project is exempt because it is ministerial in nature, and that ministerial projects were exempt from CEQA during the 1980's. He referred to an opinion

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letter dated 1982 wherein Legislative Counsel stated the legislators were being informed the ministerial projects were only those where public employees had no discretion whatsoever and had a legal duty to do it only one way. He noted there were only 14 cases in California which were heard in the Court of Appeals pertaining to ministerial decisions being elevated to discretionary ones as a result of special circumstances.

Appellant Mr. Rothenbach read portions of cases from the California Reporter with regard to the requirements of an EIR and the provisions of CEQA, and stated the IDCO will allow the City to insist on modifications making approval discretionary and thereby triggering the preparation of an EIR.

Applicant Mr. Marrero recognized that this is an emotional issue for Burbank residents, and reminded the Council that the issue before them is only whether or not the project complies with the Burbank Municipal Code. With that in mind, he stated the process would lead the Council to affirm Mrs. Georgino's decision and that as aviation professionals the Airport Authority is addressing a serious gap in aviation security, noting applicant has provided staff with a great deal of information. He highlighted the two most important themes during public comment focused on protecting the citizens and confusion as to whether this project is designed to disguise the addition of flights at the Airport. He emphasized that the project meets federal standards, enhancing the security of passengers using the airport, stating the people in this community want a safer airport and it is not the intent of the Airport to use the expansion for the purpose of adding more flights. He noted none of the public speakers stated that the project does not comply with City Code, which is the only issue before the Council, and stated upholding the Community Development Director's decision is the right decision to make.

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 Mr. Vander Borcht and seconded by Mr. Golonski that "the following resolution be passed and adopted:"

406 RESOLUTION NO. 26,324:  
602 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK

Appeal of DR 2002-27 (BGPA Proposed Terminal Addition) DENYING AN APPEAL OF THE PLANNING BOARD'S DECISION AND APPROVING DEVELOPMENT REVIEW NO. 2002-27 (BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY, APPLICANT).

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.

Reporting on Closed Session Mr. Barlow reported on the items considered by the City Council and Redevelopment Agency during the Closed Session meetings.

10:38 P.M. Recess The Council recessed at this time. The meeting reconvened at 10:53 p.m. with all members present.

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 Howard Rothenbach, requesting a legal review of Measure B and the justification for enhancing the baggage claim area; and David Piroli, on concerns with soil contamination.

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 Irma Loose, expressing her displeasure at the Council denying the DR appeal; Mike Nolan, in support of the Burbank Water and Power Customer Information/Billing System, on the Council delegating away their authority to staff in the IDCO, stating that the Council has let down the residents by denying the DR appeal, that this is in fact an expansion and not solely for security

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purposes, and that the Council's ability to lead the community has been compromised; David Piroli, referencing Mr. Marrero's comment that if this project was intended to lead to expansion the Council would not support it, on the Council reconsidering the provisions of the IDCO to return the authority to the Council, and on the necessity of soil samples in the Airport area; Mark Friedman, stating a grave injustice was done to the residents of the City by the Council's denial of the DR appeal, that the Council's decision will result in a decrease in the quality of life in Burbank; and Howard Rothenbach, requesting declaratory relief for Measure B, questioning the need for expanding the baggage claim area, and requesting whether soils samples will be taken prior to the start of construction.

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

11:24 P.M. Recess The Council recessed to permit the Redevelopment Agency to hold its meeting. The Council reconvened at 11:25 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."

Minutes Approved The minutes for the regular meeting of July 30, 2002 and the Town Hall meeting of July 31, 2002 were approved as submitted.

703 Roller Hockey Facility Operating Agreement RESOLUTION NO. 26,325:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE AGREEMENT BETWEEN THE CITY OF BURBANK AND THE YMCA FOR THE OPERATION OF THE BURBANK ROLLER HOCKEY RINK.

Adopted 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.

1503 Mrs. Fletcher, Burbank Water and Power (BWP) Customer Service Manager, defined the Customer Information and Utility Billing System (CIS) as the essential system which will

Utility Billing  
System for BWP

allow BWP to produce a single bill for all municipal services, and stated in addition it is a customer relationship management system, a service order system, a meter inventory system and an accounts receivable system, adding that it is a primary customer communication vehicle and a mechanism to collect revenue for the City. She outlined the reasons why the current system has become obsolete and why it is necessary to implement a new system.

Next, Mrs. Fletcher summarized the history of the CIS search, which began in 1997. She identified Langham Consulting Services as the experts hired by BWP to assist with the CIS implementation, outlined their qualifications, discussed the recommendations made by Langham which have been enacted, and emphasized the reasons why BWP is moving forward with the implementation at this time. She then discussed the needs analysis which was prepared and the Request for Proposals process and final outcome.

Dr. Thorson, Langham Consulting Services, Inc., described the selection process in detail, which culminated in the selection of the two top vendors, Advanced Utility Systems (AUS) and Systems and Computer Technology (SCT). He stated that members of the evaluation team then conducted site visits to observe the system in a live environment, conducted reference checks and a side-by-side evaluation of AUS and SCT. Next, he discussed the findings of functional responses provided, cost factors, compared the companies' reliability, experience and support services, and discussed technology factors. He concluded by summarizing the reasons why SCT was selected as the vendor for the project.

Mrs. Fletcher summarized the costs of the project in detail, which total \$4,469,684, and explained that this was a multi-year project so the costs will be incurred over a 24-month period.

Motion

It was moved by Ms. Murphy and seconded by Mr. Vander Borght that "the Burbank Water and Power General Manager be authorized to negotiate an agreement with Systems and Computer Technology, Inc. for the licensing and implementation of a customer information/utility billing system for an amount not to exceed \$3,510,000."

Carried

The motion carried by the following vote:

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

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

407  
Long-Term  
Water Purchase  
Order with the  
MWD

Mr. Lantz, Assistant General Manager/Water Systems, Burbank Water and Power, stated that over the past several years the Metropolitan Water District (MWD) has been in the process of modifying and changing its rates, and last year approved a new unbundled rate structure that will become effective January 1, 2003. One of the components of the new rate structure includes a tiered water rate and an opportunity for member agencies to enter into a ten-year purchase order for a firm delivery of water from MWD. Mr. Lantz explained the formula used to determine the amount of water over a ten-year period which equaled 60 percent of Burbank's highest year's firm demands since Fiscal Year (FY) 1989-90 enabling the City to purchase at the lower Tier 1 Water Supply Rate, which amounts to about 108,912 acre-feet of water to be delivered over the next ten years for a cost of \$7.5 million.

Mr. Lantz noted that this is not the full amount of water purchased, and that coupled with other charges it is anticipated Burbank will pay the MWD over the next ten years, the amount totals approximately \$75 million to meet the City's purchased water needs. He stated the amount of the purchase order is a minimum quantity of the 60 percent and that the economic advantage of entering into this purchase order is that Burbank can purchase its water up to the 90 percent level at the Tier 1 Rate and that there has only been one year since 1990 that the City has not exceeded the 60 percent level. He added that over the next five years, Burbank will extinguish their water credits in the basin and as part of the City's judgement requirements will need to replace that water with additional purchased water, and that the purchase order will not affect the FY 2002-03 water rates as the new rate structure has been factored into this year's budget.

Motion

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

407  
Long-Term  
Water Purchase  
Order with the  
MWD

RESOLUTION NO. 26,326:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A LONG-TERM PURCHASE ORDER WITH THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA.

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.

1507  
Approve an  
Interim JPA to  
Create the  
Interagency  
Communications  
Interoperability  
System

Mr. Simay, Assistant General Manager, Burbank Water and Power, explained that currently the City's public safety personnel do not have seamless radio communications when they cross jurisdictions within Los Angeles County, that there are many circumstances when such communications would be an advantage and that the Interagency Communications Interoperability System (ICIS) would create a system that provides seamless voice radio operation across jurisdictional boundaries for public safety personnel. He informed the Council that Burbank has been working with a group of cities, including Beverly Hills, Culver City, El Segundo, Glendale, Montebello, Pasadena, Pomona and Torrance, to provide each city an equal voice in the development of the system and to form a unified structure from which to seek funding opportunities, many of which have resulted from the need to enhance security since the September 11, 2001 terrorist attacks. Mr. Simay explained that an Interim Joint Exercise of Powers Agreement (IJPA) is the vehicle being used to provide a coordinated approach for general, pre-implementation activities, and would expire on June 30, 2003.

Motion

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

1507  
Approve an  
Interim JPA to  
Create the  
Interagency  
Communications  
Interoperability  
System

RESOLUTION NO. 26,327:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE AGREEMENT TO ESTABLISH AN INTERIM JOINT POWERS AGENCY TO CREATE THE INTERAGENCY COMMUNICATIONS INTEROPERABILITY SYSTEM.

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.

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501  
904-1  
Amend Building  
Code and Fire  
Prevention Code

Mr. Cheng, Building Official, and Fire Marshal Starr, presented a video which stated the California Health and Safety Code requires local jurisdictions to adopt building and fire safety standards, rules and regulations based on uniform industry codes, that all California codes are State mandated on a specified date, that local jurisdictions may make modifications and additions to the State adopted codes, and that Burbank's ordinance includes a limited number of local and regional amendments and additions. The video further stated that the proposed ordinance includes adoption of the 2001 editions of the California Building Code, California Plumbing Code, California Mechanical Code, California Electrical Code, and California Fire Code, the 2000 editions of the Uniform Fire Code and Uniform Solar Energy Code, the 1997 edition of the Uniform Housing Code, and revisions to local amendments as part of the State of California code adoption cycle.

Ordinances  
Introduced

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

501  
Amend the  
Building Code  
(Chapter 7)

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING CHAPTER 7 OF THE BURBANK MUNICIPAL CODE REGARDING THE BUILDING CODE.

904-1  
Amend Fire  
Prevention  
(Chapter 15)

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING CHAPTER 15 OF THE BURBANK MUNICIPAL CODE REGARDING FIRE PREVENTION.

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.

12:12 A.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 Mark Friedman, expressing disappointment with the postponement of the Platt Project hearing at the Planning Board on Monday night, and expressing appreciation for the City's Patriot Day program; Irma Loose, commenting on a letter to the editor in the Burbank Leader, on the costs of litigating the prayer issue, on the costs of Measure B, Measure A, and the PERC meetings, and on a position filled by a former Council Member; and Mike Nolan, in support of the CIS, and on the process of resolving complaints reported to the Building Division.

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 12:21 a.m. in memory of Carol Ann Peterson.

Margarita Campos, City Clerk

APPROVED OCTOBER 22, 2002

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Mayor of the Council  
of the City of Burbank