

TUESDAY, OCTOBER 8, 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 5:09 p.m. by Mr. Laurell, Mayor.

CLOSED SESSION

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

Oral Communications There was no response to the Mayor's invitation for oral communications on Closed Session matters at this time.

5:10 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)
Name of Case: Fine v. City of Burbank
Case No.: EC032704
Brief description and nature of case: Trip and fall.
- b. Conference with Labor negotiator:
Pursuant to Govt. Code §54957.6
Name of the Agency Negotiator: Management Services Director/John Nicoll
Name of Organization Representing Employee:
Represented: Burbank City Employees Association, Burbank Management Association, International Brotherhood of Electrical Workers, Burbank Firefighters Association, Burbank Firefighters Chief Officers Unit, and Burbank Police Officers Association; Unrepresented, and Appointed Officials.
Summary of Labor Issues to be Negotiated: Current Contracts and Retirement Issues.

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 Tania Kleiman, Olive Branch Ministries.

Flag Salute The pledge of allegiance to the flag was led by Chris Carson, League of Women Voters.

ROLL CALL

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

Absent - - - - Council Members None.

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

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

406
Airport
Authority
Meeting Report

Airport Authority Commissioner Brown reported on actions taken at the meeting of October 7, 2002, as follows: approved the minutes of the September 19 meeting, and Treasurer's Report of June and July 2002; and adopted a resolution Modifying Airport Rules and Regulations and Authorizing Modification for Monetary Charges, Assessments and Procedures for Violations, stating such rules apply to Airport tenants who have access to the airfield, especially the restricted areas of the airfield referred to as the Secure Identification Display Areas; and, received a report on the Notice of Intent to Adopt a Negative Declaration for relocation of trust property parking, development of an emergency operations center, relocation of the fire station and other related facilities; and, discussed a letter received from the City regarding the former Costco site, stating the Authority has concerns regarding security and liability and that the Authority will express those concerns in a response to the City.

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 Don Elsmore, inquiring if the Council chooses to conduct mail-in ballots will the City still have to purchase the touchscreen system; Josh Maiman and Michael Ye, students from USC, commenting on the practice of Falun Gong and inviting the Council to attend the Falun Gong celebration ceremony on October 16 in Los Angeles; Maria Proctor, in memory of her mother who passed away recently, commending the Burbank Fire and Police Departments for their assistance, and presenting a donation to the Burbank paramedics in appreciation for their service; R. C. "Chappy" Czapiewski, reading a letter from the Burbank Leader regarding the Measure A lawsuit; Esther Espinoza, requesting status of a

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lawsuit filed by an employee; Howard Rothenbach, on the "California Reads Program", distributing copies of The Grapes of Wrath by John Steinbeck to the Council; and Mark Barton, in disagreement with headlines in the newspaper on the recent police shooting.

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 Don Elsmore, on the Negative Declaration regarding moving parking lots and valet service at the Airport, inquiring how the uses were placed on the trust property and whether the uses were grandfathered in, and inquiring whether any provisions of the IDCO prevent moving forward on this project once the Negative Declaration comment period has expired; Chris Carson, President of the League of Women Voters of Glendale/Burbank, on voting trends nationwide moving towards vote-by-mail, supporting increasing voter participation, and endorsing the adoption of mail ballot elections for the City's Primary and General Elections; Tom Kaptain, in opposition to all-mail ballot elections as the process is new and fraud will be prevalent in the future, and on the potential of people pressuring others to vote a certain way through this voting method; Irma Loose, requesting a copy of Measure B, commenting on the Measure A election and lawsuit, on discretionary acts not being in compliance with Measure B and on the consequences of the IDCO; R. C. "Chappy" Czapiewski, in agreement with Mr. Elsmore's comments, and on the anniversary of the Measure A election; Esther Espinoza, in support of mail ballot elections, and in support of the City paying the full cost of candidate statements; Garen Yegparian, stating there are ways, other than all-mail ballot elections, to increase voter turnout such as weekend voting, instant run-offs to eliminate the general election, and moving the elections to November to consolidate with larger elections, and requesting the City establish a pre-determined subsidy for candidate statements so the subsidy doesn't have to be set every two years; C.L. Stack, on the planting of palm trees at the new Buena Vista Library; Howard Rothenbach, on alternative fuel vehicles being available at Budget Rent-A-Car, on the beauty of the new Buena Vista Library, and in support of mail ballot elections; Mark Barton, on the misleading headline in the Burbank Leader on the recent

shooting, and on the interior decoration of the Children's Library at the Buena Vista Library; Dr. Theresa Karam, on PERC's recommendation about the City supporting an airport in Palmdale; David Piroli, requesting that the Council refrain from responding to Mrs. Espinoza's inappropriate comments, on the Airport Authority fining airlines for violations of the newly-adopted Rules and Regulations, and on increasing voter turnout by the Council responding to the voters; and Mike Nolan, in support of the mail ballot election and requesting that an initiative be put on the ballot regarding the issue, on the broken sidewalks in the 1000 block of Magnolia, requesting that the tree located there be replaced, and on the number of slip and fall cases which are filed as a result of accidents caused by tree roots.

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 meetings of August 27 and September 3, 2002 were approved as submitted.
1401 403 Coop. Agmt. w/ Caltrans for 134 Ramps Proj. at Hollywood Way	<u>RESOLUTION NO. 26,337:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE COOPERATION AGREEMENT BETWEEN THE CITY OF BURBANK AND THE STATE OF CALIFORNIA CONCERNING THE RAMP IMPROVEMENT ON SR-134 BETWEEN CALIFORNIA STREET AND PASS AVENUE IN THE CITY OF BURBANK.
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.
701 703 Final Progress Report for Buena Vista Library and	Mr. Clifford, Capital Projects Manager, and Mr. Finney, President of Charles Walton Associates, presented an overview of the project, beginning with a brief history of the original Buena Vista Library which was constructed in 1948 with 5,000 square feet and 28,600 volumes, and reached its capacity at

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Lincoln Park

65,000 volumes. They outlined key milestones for the project beginning in Fiscal Year 1996-97 when funds were appropriated through beginning of construction by Pepper Construction Company in November 2001, and presented photographs of the progress of several phases and components of the construction. Mr. Clifford described the components of the single-story, 1930s Art Deco, Spanish style building which totals 28,200 square feet and accommodates 120,000 volumes, including the 200-seat community room with kitchen; the Children's Library which contains storytelling room, life-size oak tree, turreted reading area and nursing room; the Adult Library which contains the Young Adult Library, 46 public use computers with Internet access, 160 reader/study areas, public group study rooms, quiet reading alcoves, staff work area, lounge and patio; "Friends of the Library" bookstore; drive-through book return and Art in Public Places element; fully landscaped on-grade parking for 153 vehicles; and, two-acre park with rolling topography which contains extensive tree and shrub planting, tot lot with play equipment, storytelling area, meandering sidewalks and decorative walls and benches.

With regard to construction program, Mr. Clifford reported that the library is 48 percent complete, the parking facilities are 68 percent complete and the passive neighborhood park is five percent complete, and described the current construction activities in progress. He listed library activities currently being conducted, including recruitment for new library staff positions, development of an "opening day collection," coordination of data systems procurement, development of community, meeting and study room policies, securing a cost proposal from a book collection mover and planning the grand opening events in conjunction with the Parks, Recreation and Community Services Department, who is also overseeing the landscape and irrigation installation. He noted the Art in Public Places element would be complete in ten days.

Mr. Clifford informed the Council that the existing Buena Vista Library would be closed to the public on October 31, and the transition move-in would commence on November 1, with the grand opening scheduled for December 7, 2002.

The Council noted and filed the report.

8:39 P.M.
Mr. Laurell and
Mr. Vander
Borghst Left the
Meeting

Mr. Laurell and Mr. Vander Borghst left the meeting at this time due to a potential conflict with the following items.

204
Primary and
General Election
Voting Options

Mrs. Campos stated that the City's Elections Code is contained within Chapter 11 of the Burbank Municipal Code, and that Section 11-608, added in November of 1999, authorizes that special municipal elections be conducted wholly by mailed ballots. She explained that the process for the all-mail ballot election is the same as that currently implemented for all Burbank permanent absentee voters. Mrs. Campos summarized that jurisdictions utilizing this voting system have benefited from higher voter turnout, earlier tabulation of results, favorable reaction by voters, elimination of polling site and poll worker recruitment, increased integrity of the process, and lower costs for most jurisdictions.

Next, she detailed the benefits of using all-mail ballot elections as follows: increase the integrity of elections because both voter registration and signatures are verified on all ballots, as opposed to the polling place election where identification is not required and signatures are not checked against original registration affidavits; increase voter turnout, as was obvious from the results of the October 9, 2001 election which drew the largest voter turnout in a municipal election of 34.9 percent; increase the quality of voter records as mail ballots are non-forwardable, and all undeliverable ballots are copied and sent to the County with a request that the County purge the records of voters who have moved or are deceased. Next, she discussed the benefits of eliminating facilities and poll worker recruitment, including: that poll workers are drawn from the same pool of workers utilized by Los Angeles County; precinct consolidation sometimes confuses voters; it has become increasingly difficult to find locations which meet the criteria for polling sites, and the current \$25 polling location fee is insufficient; costs for poll worker recruitment total \$265 per precinct; and, unanticipated events occur between the time poll workers are recruited in December and the actual election dates which result in conflicts and workers not being able to work as schedule.

With regard to arguments against using the mail-ballot voting method Mrs. Campos cited voter resistance to change from the traditional voting method and concern with sending an original signature through the U.S. Mail, adding that ballots can be returned in person to a designated drop-off site or directly to the City Clerk's Office. Next, Mrs. Campos analyzed a cost comparison between the past three municipal elections and the cost of the October 9, 2001 all-mail ballot election, stating that while the all-mail ballot election was more expensive, the cost per voter was actually lower due to the high voter turnout, and adding that future cost considerations include

postage rate increases and election services increases. She discussed the decertification of the punch-card system by the Secretary of State and subsequent lawsuit whereby the County of Los Angeles was ordered by a Federal District Judge to replace their voting system by 2004, and that the County was replacing the paper-based punch-card system with a different, but equally antiquated paper-based optical scan system as time and funding constraints preclude the implementation of a state-of-the-art touchscreen system by the 2004 deadline. She discussed Proposition 41, the Voting Modernization Act, and its implications on future elections, adding that no matter what voting system Burbank chooses for municipal elections, Burbank voters will continue to use whatever voting system Los Angeles County ultimately implements for state, presidential and consolidated elections. Mrs. Campos noted the steadily increasing trend of Burbank voters to vote by mail, and specifically that over 30 percent of Burbank voters chose to vote by mail during the 2001 elections.

Mrs. Campos concluded by stating that the October 9, 2001 Special Election resulted in the largest voter turn-out in a municipal election; that mail ballot elections eliminate the need to recruit poll workers and appropriate polling locations, provide for more controls, increase the integrity of the process and the quality of voter records; noted the increasing trend of voting by mail; and, stated that while the cost of the mail ballot election was higher, the voter turnout lowered the cost per vote. She presented the Council with the options of either directing staff to prepare an ordinance amending the Burbank Municipal Code to allow for conducting primary nominating and general municipal elections wholly by mail ballots beginning in 2005, or directing staff to prepare a ballot initiative to the same effect.

Motion It was moved by Mr. Golonski and seconded by Mrs. Ramos that "Council direct staff to prepare an advisory Ballot Initiative amending the Burbank Municipal Code to allow for conducting Primary Nominating Elections and General Municipal Elections wholly by mail ballots beginning in 2005 to be placed on the ballot as soon as practicable."

Carried The motion carried by the following vote:

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

204
Estimated Costs
For Candidates'
Statements for
The 2003
Municipal
Elections

Mrs. Campos reported that pursuant to Section 11-1206 of the Burbank Municipal Code, each candidate for an elective office in the City may prepare a candidate statement on a form provided by the City Clerk, and the Council is required to determine by resolution whether charges shall be levied against candidates for the cost of sending the candidates' statements to the registered voters. She noted that the cost of the statements may be paid either partially or entirely by the candidates or by the City, that the cost for a half-page statement has been estimated to be \$700 by the election supplier, Martin & Chapman Co., and that those candidates choosing to have their statements printed in Spanish would be required to purchase an entire page at a cost of \$1400, adding that since the City is required by law to translate the entire ballot, translation costs have historically been absorbed by the City.

Mrs. Campos indicated Burbank Municipal Code Section 11-1206 requires that the Council make a decision on charges, which shall not be revoked or modified after the seventh day prior to the opening of the nomination period, which begins on November 4, 2002. She stated since 1995 the Council has approved a subsidy for the cost of the candidates' statements and presented the following options for Council consideration: the Council may set a pre-determined subsidy to be applied to the cost of each candidate statement requiring the candidate to pay a pro-rata share of the actual remaining costs; a flat fee could be required of any candidate submitting a candidate statement, and the City would pay any costs above the fee; the City could pay the entire cost for the candidates' statements; or, the candidates could pay the entire cost for their statements. She recommended that the Council consider the options, and direct the City Clerk to prepare the appropriate resolution.

Motion

It was moved by Mr. Golonski and seconded by Mrs. Ramos that "staff be directed to prepare a Resolution to provide a subsidy of \$350 for the cost of a candidate's statement in the 2003 Election and directed staff to bring back a report to consider a policy of determining candidate statement subsidies following the 2003 Elections."

Carried

The motion carried by the following vote:

Ayes: Council Members Golonski, Murphy, and Ramos.
Noes: Council Members None.

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Absent: Council Members Vander Borght and Laurell.

9:13 P.M.
Mr. Laurell and
Mr. Vander
Borght returned
To the Meeting

Mr. Laurell and Mr. Vander Borght returned to the meeting at this time.

Third Period of
Oral
Communication

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

Citizen
Comment

Appearing to comment were Irma Loose, on the impropriety of the City filing the Declaratory Relief lawsuit against Measure A and in disagreement with the Council's decision to not fund the appeal of such lawsuit; Tom Kaptain, on his belief that it is legal to give voters a tax rebate in return for their vote if there are no Federal issues on the ballot, on Mr. Kramer being an applicant for a City job while sitting on the Council and voting on issues, and inquiring as to a future report on lobbyists; Garen Yegparian, in favor of the advisory measure on the ballot, requesting that the Council put more than one option on the ballot, including weekend voting; Mike Nolan, on the process of Council reconsideration, on the replacement of concrete squares being replaced on Magnolia Boulevard rather than just replacing the tree, and inquiring why other trees in the area have been replaced and not the one he is concerned about; and David Piroli, on Council members choosing specific speakers to respond to, on the need for voters to see a nexus between their vote and Council action, and in support of the advisory vote with regard to the all mail ballot election.

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 9:31 p.m. in memory of Bob Friend.

Margarita Campos, City Clerk

APPROVED OCTOBER 29, 2002

Mayor of the Council
of the City of Burbank