

TUESDAY, OCTOBER 15, 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 5:34 p.m. by Mr. Laurell, Mayor.

CLOSED SESSION

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

Absent - - - - Council Member Ramos.

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

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

Citizen Comment Appearing to comment was Marie Paino, requesting that Burbank Transportation Service take customers to shop at the Glendale Galleria one night a month due to limited shopping opportunities at the Media Center Mall.

5:38 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:** Emmons v. City of Burbank
Case No.: EC031962
Brief description and nature of case: Personal injury/ property damage.
 - 2. **Name of Case:** Brevort v. City of Burbank.
Case No.: EC031842
Brief description and nature of case: Trip and fall.
- b. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):
Pursuant to Govt. Code §54956.9(b)(1)
Number of potential case(s): 1

Regular Meeting Reconvened in Council 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 Pastor Ron White, American

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Flag Salute Lutheran Church.
The pledge of allegiance to the flag was led by Shell Chandler, a student at John Burroughs High School.

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.

301-1 Mayor Laurell presented a proclamation in honor of White
White Cane Safety Day to Nancy Burns, President of the National
Safety Day Federation of the Blind.

301-1 Mayor Laurell presented a proclamation to Gene and Toni Bua
Acting For Life in honor of the Acting For Life Theater.
Theater

301-1 Mayor Laurell presented a proclamation in honor of Make A
Make a Difference Day to Ellie Myers, Chairperson of the Civic Pride
Difference Day Committee, and Shell Chandler, student volunteer.

301-1 Officer Joe Dean summarized the events which transpired
25th Anniversary during his recent trip to Canada in honor of the 25th
of the Canadian Anniversary of the Canadian Police and Peace Officers
Police and Peace Memorial Service. Mayor Laurell and Vice Mayor Murphy
Officers presented Officer Dean with an award commemorating Officer
Memorial Dean's dedication to the National Law Enforcement Officers
Service Memorial on their behalf and that of Craig Floyd, Chairman of
the National Law Enforcement Officers Memorial, and Hillary
Rodham Clinton, New York State Senator.

7:10 P.M. Mayor Laurell stated that "this is the time and place for the
Hearing hearing ordering the conditional vacation of a portion of the
1205-2 right-of-way extending parallel to Pacific Avenue between
Conditional Beachwood Drive and Sparks Street (V-345)."
Vacation of a
Sidewalk
Easement –
Pacific Ave.
(V-345)

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

Staff Report Mr. Gaudio, Project and Real Estate Manager, stated that this vacation would eliminate a public sidewalk easement while retaining the area for a public utility easement. He described the easement as a seven-foot easement which is a remnant from Pacific Avenue, a portion of which was vacated in 1952. Mr. Gaudio noted that the sidewalk does not serve any public purpose, and that the applicants have requested the vacation of the sidewalk easement for safety purposes, adding that such vacation would require the installation of gates at Sparks Street and Beachwood Street which would in effect isolate the area and reserve a public utility easement.

Hearing Closed There being no 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 Ms. Murphy that "the following resolution be passed and adopted:"

1205-2
Conditional
Vacation of a
Sidewalk
Easement –
Pacific Ave.
(V-345) RESOLUTION NO. 26,338:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ORDERING THE CONDITIONAL VACATION OF A PORTION OF THE RIGHT-OF-WAY EXTENDING PARALLEL TO PACIFIC AVENUE BETWEEN BEACHWOOD DRIVE AND SPARKS STREET, BURBANK, CALIFORNIA (V-345).

Adopted The resolution was adopted by the following vote:

Ayes: Council Members Golonski, Murphy, Ramos, Vander Borcht 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 during the Closed Session meeting.

First Period of Oral Communications Mr. Laurell called for speakers for the first period of oral communications at this time.

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Citizen Comment Appearing to comment were R. C. "Chappy" Czapiewski, on the Public Records Act amendment requiring public employees to assist the members of the public who seek information; and Esther Espinoza, remarking on comments made by a Council Member during a previous meeting.

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 David Piroli, on the celebration of Columbus Day, and in opposition to raising the Transient Parking Tax due to the state of the economy; and Esther Espinoza, on the Community Development Goals Committee appointments, in opposition to raising the Transient Parking Tax, on the Cooperation and Tax Sharing Agreement between the cities of Glendale and Burbank.

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

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

Minutes Approved The minutes for the regular meeting of September 10, 2002 were approved as submitted.

1205-2
Vacation of PUE
At 354 Lutge
Ave. (V-347) RESOLUTION NO. 26,339:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ORDERING THE SUMMARY VACATION OF A PUBLIC SERVICE EASEMENT LOCATED AT 354 LUTGE AVENUE, BURBANK, CALIFORNIA (V-347).

1205-2
Vacation of
Pole Line
Easement at
2820-2880 N.
Ontario St. (V-
348) RESOLUTION NO. 26,340:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ORDERING THE SUMMARY VACATION OF A PUBLIC SERVICE EASEMENT AT 2820-2880 NORTH ONTARIO STREET (V-348_ IN CONJUNCTION WITH PARCEL MAP NO. 26331.

1702 RESOLUTION NO. 26,341:

Burbank Senior Artists Colony Relocation Plan A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A RELOCATION PLAN FOR THE RELOCATION OF RESIDENTS AND OCCUPANTS DISPLACED AS A RESULT OF THE BURBANK SENIOR ARTISTS COLONY.

204 Establishing the Cost for Candidates' Statements for The 2003 Elections RESOLUTION NO. 26,342:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK PERTAINING TO CANDIDATES' STATEMENTS FOR THE 2003 PRIMARY NOMINATING AND GENERAL MUNICIPAL ELECTIONS TO BE HELD ON FEBRUARY 25, 2003 AND APRIL 8, 2003 RESPECTIVELY.

Adopted The consent calendar was adopted by the following vote:

Ayes: Council Members Golonski, Murphy, Ramos, Vander Borght (abstaining on Resolution No. 26,342) and Laurell (abstaining on Resolution No. 26,342).
Noes: Council Members None.
Absent: Council Members None.

1202-5 Reso. of Intention to Levy & Collect Assessments for Downtown Public Facility Maintenance Assessment Dist. No. 1 Mr. Feng, Public Works Director, reported that the resolution presented for Council consideration is the first step in levying and collecting assessments for the Downtown Public Facility Maintenance Assessment District No. 1 to pay for improvements to, and maintenance of, the five-level, 505-space parking structure located at 133 East Orange Grove Avenue, more commonly known as the "AMC parking structure," and in addition would set the public hearing for December 10, 2002, and preliminarily affirm the Engineer's Report. Mr. Feng noted an increase in the existing assessment fees was not being requested.

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

1202-5 Reso. of Intention to Levy & Collect Assessments for Downtown Public Facility Maintenance Assessment Dist. No. 1 RESOLUTION NO. 26,343:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE ENGINEER'S REPORT AND DECLARING THE INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE CITY OF BURBANK DOWNTOWN PUBLIC FACILITY MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR THE FISCAL YEAR 2002-2003.

Adopted The resolution was adopted by the following vote:

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

203-1
Appointments to
The Community
Development
Goals Comm.

Mrs. Campos requested Council consideration of an appointment to the Community Development Goals Committee for one unexpired term, ending June 1, 2004, and two appointments to the unfilled terms ending June 1, 2006. She summarized that the City Clerk's Office began advertising for applicants to this committee on April 6, 2002, with the deadline to submit applications set at May 17, and as of that date, only two applications had been received, both from incumbents. Mrs. Campos noted that at the meeting of May 28, the Council appointed the two incumbent applicants, and directed staff to continue advertising for the remaining vacancies. She stated that the City Clerk's office was notified of a resignation on the committee on May 31, 2002, bringing the total vacancies on the committee to three, and added that advertising for applicants continued until October 8, by which time seven applications had been received.

Mrs. Campos informed the Council that a random drawing had been conducted in the City Clerk's office to select the order that the applicants' names appeared on the voting sheets, and that the order was as follows: Karl Schulz, Dave Ulloa, Cherie Combs, Howard Rothenbach, Craig Bullock, Marla Alvarez and Mike Napolitano. She explained the voting process, and suggested the Council vote first on filling the two four-year terms, and then vote to fill the unexpired term from the five remaining applicants.

Following a vote by the Council, Dave Ulloa and Mike Napolitano were appointed to the two 4-year terms ending June 1, 2006 and Cherie Combs was appointed to fill the unexpired term ending June 1, 2004.

804-5
204
Placing a
Measure on the
April 2003
General Election
Ballot to
Increase the
Transient
Parking Tax

Mr. Hanway, Financial Services Director, stated the Council approved an ordinance on December 12, 1995, establishing the collection of the Transient Parking Tax (TPT) at a rate of ten percent. He outlined the following exceptions to the TPT: those who do not pay for parking; those who pay to park on a monthly basis or longer; those who pay to park in a hospital; those who pay to park in a medical facility; those who pay to park via a City-owned parking meter; or, those who are a prohibited individual as defined by Federal and State laws, such as United States government officials and military

personnel, diplomats, etc. He informed the Council that subsequent to the adoption of the TPT, Proposition 218 was approved by the voters which, on a retroactive basis, required voter approval of tax increases and property-related fees, and that at the April 8, 1997 General Municipal Election, the voters of Burbank approved the imposition and collection of the TPT by 61 percent. He noted the TPT currently generates a little less than two percent of general fund revenues.

Mr. Hanway stated nine cities in California currently impose a TPT, with rates ranging from six percent to twenty-five percent, adding that staff recommended a two percent increase raising Burbank's rate to twelve percent. He noted the Council could also consider establishing other economic escalators to the current fee, adding that none of the cities surveyed have established escalators to their TPT. He noted Proposition 218 requires that any general tax imposed by local governments after January 1, 1995 be approved by a majority of the voters at a general election, giving Burbank the opportunity to put the measure on the ballot every two years.

Motion Following discussion, it was the consensus of the Council that "staff be directed to bring back a draft ordinance to present to the voters an increase in the Transient Parking Tax of a certain amount yet to be determined with the ability to adjust under that maximum amount by some manner either by Council action or by an automatic adjustment such as the CPI."

804-5 Ms. Davidson-Guerra, Senior Redevelopment Project Manager, stated the purpose of this report was to present for Council consideration a proposed Cooperation and Tax Sharing Agreement between the cities of Burbank and Glendale as related to the proposed Home Depot store to be located on the former ITT site, explaining that the Agreement outlines the specific roles each municipality would play in an entitlement process as well as outlining the structure for a sales tax sharing agreement. She noted the former ITT site, located in the southern-most end of the city, within the South San Fernando Redevelopment Project Area, is an 11-acre site with roughly two acres lying within the jurisdiction of the City of Glendale, and the balance of the site, or nine acres, falling within the City of Burbank, and that the property is currently in escrow with Home Depot conditioned upon the receipt of entitlements for a Home Depot store.

405-2 Home Depot Project – Former ITT Site Ms. Davidson-Guerra informed the Council that Home Depot has submitted a land use application packet to the City for the development of a 115,130 square foot home improvement center with an additional 24,677 square foot outdoor garden

center in the M-2 General Manufacturing zone. She highlighted the terms of the proposed agreement as they relate to land use, including: that Burbank would be the lead agency for the preparation of all environmental documents required for the project under the California Environmental Quality Act (CEQA), although Glendale would participate in the CEQA review process; that Burbank would process and consider Home Depot's request to approve the discretionary land use entitlements for the project; that the City Engineers from both jurisdictions would approve any street improvement plans; that Burbank would issue all building permits, predicated upon approval by Glendale's Engineering and Traffic and Transportation Sections, and the Glendale Unified School District; and, that both Burbank and Glendale would reserve the authority to enforce their own Municipal Code on that area of the project site falling within the respective jurisdictions.

Ms. Davidson-Guerra discussed the tax sharing proposal, stating the ratio was based on the square footage of building falling within each jurisdiction, noting the breakdown equates to about 23 percent of the building falling within the City of Glendale and 77 percent of the building falling within the City of Burbank. She stated both cities would receive their respective portions of the sales tax directly from the State Board of Equalization. She discussed the resources used to determine anticipated sales volumes, which totaled annual estimated sales revenues of \$40 million, and \$400,000 in total annual sales tax, and stated using the proposed sales tax sharing ratio (23 percent to Glendale and 77 percent to Burbank), the City of Burbank could realize sales tax revenue estimated at \$308,000. In conclusion, she stated the Glendale City Council had approved the proposed Cooperation Agreement at their meeting of October 1, 2002.

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

804-5 RESOLUTION NO. 26,344:
405-2 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Home Depot APPROVING A COOPERATION AND TAX SHARING
Project – Former AGREEMENT BY AND BETWEEN THE CITY OF BURBANK AND
ITT Site THE CITY OF GLENDALE FOR THE PROPOSED HOME DEPOT
STORE AT 1200 SOUTH FLOWER IN BURBANK AND 801
ALLEN AVENUE IN GLENDALE.

Adopted The resolution was adopted by the following vote:

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

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 Mike Nolan, in disagreement with the raising of the Transient Parking Tax, and on improvements under construction on Magnolia Boulevard; Mark Barton, on the misleading headlines in the newspaper with regard to the recent shooting, and commenting on interruption of speakers; and David Piroli, on the original intent of the Transient Parking Tax being to benefit the schools, and on the tax potentially affecting retired seniors who travel.

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

Adjournment There being no further business to come before the Council, the meeting was adjourned at 8:42 p.m.

Margarita Campos, City Clerk

APPROVED NOVEMBER 5, 2002

Mayor of the Council
of the City of Burbank