

TUESDAY, NOVEMBER 12, 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 5:00 p.m. by Mr. Laurell, Mayor.

CLOSED SESSION

Present- - - - Council Members Murphy, Ramos, Vander Borgh and Laurell.
Absent - - - - Council Member Golonski.
Also Present - Mr. Ovrom, City Manager; Ms. Scott, Chief Assistant 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.

5:03 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.
 3. **Name of Case:** Staffon et al. v. City et al.
Case No.: BC256835
Brief description and nature of case: Alleged employment discrimination.
 4. **Name of Case:** McMurray et al. v. City of Burbank
Case No.: BC247304
Brief description and nature of case: Alleged employment discrimination.
 5. **Name of Case:** Alfonso Bringas v. City of Burbank
Case No.: GLN 02C00742
Brief description and nature of case: Rear-end collision with City vehicle.

6. **Name of Case:** Jack Engle & Company v. Allesandro Automatic, Inc.; et al.
Case No.: USDC No. 01 00819 WMB (CTx) [Central District Los Angeles]
Brief description and nature of case: Environmental – Site Contamination Case [Review Settlement Agreement].

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): 1

d. Conference with Real Property Negotiator:

Pursuant to Govt. Code §54956.8

Agency Negotiator: General Manager/Burbank Water and Power/Ron Davis.

Property: 3900 West Alameda.

Parties With Whom City is Negotiating: West Alameda Avenue Property LLC's.

Terms Under Negotiation: Renewal of Rooftop Communication Lease.

e. 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 6:40 p.m. by Mr. Laurell, Mayor.

Invocation

The invocation was given by Captain Gary Smith, Salvation Army.

Flag Salute The pledge of allegiance to the flag was led by Ken Fischer.

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

Reporting on
Closed Session Ms. Scott 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 John Brady, President, Burbank Human Relations Council, announcing their annual mixer at Stough Nature Center, honoring the Kids Community Clinic, and the Burbank Temporary Aid Center; Mark Barton, commenting on interruption of speakers; and Howard Rothenbach, commenting on the items discussed during the special November 7, 2002 closed session meeting, including the letter sent to Airport Authority President Chris Holden.

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

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

Citizen
Comment Appearing to comment were Irma Loose, commenting on Council Members taking employee positions after leaving office; David Piroli, requesting a copy of the PERC Report Summary, requesting a copy of the noise budget book be made available at the library, in opposition to hiring Moore Iacofano Goltsman, Inc. (MIG) for implementation of the Burbank Airport Policy process, and on public sentiment with regard to airport development remaining the same despite the Measure A decision; Howard Rothenbach, stating that the B-6 property discussion took place during the Airport Authority's closed session at the November 4 meeting and that the

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Authority did not report out on the matter, and commenting that the Council's November 7, 2002 letter to President Holden was not listed on the closed session agenda; C. L. Stack, commenting on the Court's ruling on the Measure A litigation, and on the Council not funding the Measure A appeal; Esther Espinoza, commenting on closed session matters and in support of Mrs. Ramos' request to discuss fair housing rights; and Mike Nolan, commenting on the November 7, 2002, closed session meeting and the decision to send a letter to Airport Authority President Chris Holden from the Mayor.

Staff
Response

Members of the Council and staff responded to questions raised.

7:30 P.M.
Recess

The Council recessed to permit the Redevelopment Agency to hold its meeting. The Council reconvened at 7:31 p.m. with the same members present.

804-3
801-2
Household
Hazardous
Waste Eleventh
Cycle Grant

Mr. Fischer, Assistant Public Works Director/Street and Sanitation, requested Council authorization to accept a household hazardous waste (HHW) grant from the California Integrated Waste Management Board (CIWMB) totaling \$32,633.84 and to amend the Fiscal Year (FY) 2002-03 budget to appropriate the grant funds. He informed the Council that the grant will provide funds for two programs administered by the Burbank Recycle Center, including electronic waste (e-waste) and universal waste (u-waste) recycling/disposal, and a new mercury fever thermometer exchange program. He further clarified that the grant will fund the purchase of a new large metal container for the e-waste and u-waste recycling programs, and that the container will protect the items from inclement weather, confine them to a prescribed area at the Recycle Center, and allow a reuse/donation opportunity in which the public can select a computer, printer, or other e-waste. Mr. Fischer noted the continued increase in the use of the City's e-waste and u-waste recycling program for such items as computers, monitors, printers and cell phones, and u-waste items such as fluorescent lights and household and car batteries.

Mr. Fischer reported the HHW grant will also fund a new mercury fever thermometer exchange program, allowing Burbank residents to exchange their old mercury fever thermometer for a non-mercury thermometer, as mercury is widely recognized as hazardous to human health and the sale of mercury thermometers has been prohibited in California, and

noted passage of the Mercury Reduction and Disposal Act of 2002, which would ban the sale of mercury fever thermometers nationwide.

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

804-3 RESOLUTION NO. 26,361:
 801-2 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
 Household AMENDING THE FISCAL YEAR 2002-2003 BUDGET FOR THE
 Hazardous PURPOSE OF RECEIVING AND APPROPRIATING GRANT
 Waste Eleventh FUNDS FROM THE CALIFORNIA INTEGRATED WASTE
 Cycle Grant MANAGEMENT BOARD (HOUSEHOLD HAZARDOUS WASTE
 GRANT – ELEVENTH CYCLE).

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.

906 Mrs. Ramos stated as an advocate of fair housing she
 Fair Housing recognizes the rental market is tight in the community and
 Rights conveyed her desire to work with the Fair Housing Council of
 the San Fernando Valley, the Landlord Tenant Commission and
 others in the community to inform and educate the public of
 housing rights. She added that she placed this item on the
 agenda as a result of receiving an inquiry from an individual
 and discovering that Fair Housing Council brochures were not
 available in the Housing Division. Mrs. Ramos requested that
 staff present semi-annual progress reports to the City Council
 and the Landlord Tenant Commission.

701 Mrs. Cohen, Interim Library Services Director, stated the
 804-4 purpose of her report was to present for Council consideration
 Communications the scope of services for the communications consultant
 Consultant regarding the proposed library bond measure and assisting in
 Scope of library needs assessment. She summarized that with the
 Services maximum grant at \$20 million per library construction project,
 Regarding the or 65 percent, the City's match of 35 percent would need to
 Proposed Library be financed through the authorization of general obligation
 Bond Measure bonds, and that the ballot measure proposed by the Burbank
 United in Library Development (BUILD) Committee, if approved
 by the Council, would appear on the February 25, 2003 ballot.

She noted the \$14 million raised by the issuance of the general obligation bonds would provide the 35 percent local match required by the State grant to construct a new Central Library and the remaining money would be used to finance a contribution to construct a new Northwest Branch Library, and that the bond would be contingent upon the City receiving the State grant.

Mrs. Cohen stated that on November 5, 2002, the Council authorized the hiring of the Financing Team and retaining a communications consultant in an amount not to exceed \$25,000, and that Council Member Golonski had requested that prior to executing the Professional Services Agreement with the communications consultant, the Scope of Services be brought back for Council review. She reported that on Saturday, November 9, 2002, staff and BUILD Committee members Tom Bruehl, Michael Hastings, T. J. Baptie and Sue Stamper interviewed communications consultants, that four consultants presented their qualifications and that the committee unanimously selected Phil Giarrizzo Campaign Consulting (PGCC), who has had considerable experience with ballot measures and worked with the California State Legislature to pass Proposition 14, the Library Construction Act. PGCC also assisted the city of Azusa with a successful library bond ballot measure to apply for the State library construction grant. She identified the elements of the scope of services, adding that PGCC will design the ballot question and prepare material for presentation to the Council on November 26, 2002, and will design and implement a communications strategy that explains the measure and its benefits, which can be used for internal and external non-advocacy communications.

The Council noted and filed the report.

1503
1504
BWP Water &
Electric Monthly
Report

Mr. Davis reported water quality met or exceeded State and Federal water standards. With regard to water operations, he noted sales were off three percent for the first quarter due to effects of the weather; earnings slightly exceeded budget due to cost containment; design work on the modifications of the Burbank Operable Unit have been completed, the Board acted to approve the funds necessary to modify the unit as soon as funding has been approved by the Environmental Protection Agency and Lockheed; several main projects were completed and some are ongoing; and that the Metropolitan Water Board acted to terminate the Cadiz Project.

Mr. Davis reported the following items with regard to electric

operations: minor outages over the weekend, noting reliability continues to be 2-3 times better than the national average; response time for outages has increased and staff is working to correct that; on the financial side, milder weather and continued conservation resulted in a five percent drop in sales, but staff made up for the loss in retail sales with opportunities in the wholesale market; that staff continues to plan to retire the Magnolia units; licensing for the new Magnolia Power Project was determined complete, adding this will be followed by a hearing in Sacramento and issuing of the license thereafter; noted staff continues to oppose gas restructuring due to the potential for market manipulation and noted the PUC initiated an investigation into the manipulation of gas prices by the use of storage in Southern California. With regard to green power, Mr. Davis noted the Governor signed AB1078 requiring renewable standards for all utilities in California, which essentially sets a goal requiring the City to have portfolio standards established, and that the requested goal is 20 percent within twelve years, adding that if consideration is given to the amount of hydroelectricity Burbank already purchases, we currently have about 14 percent renewables in the portfolio.

Mr. Davis reported activity with regard to telecom continues to be successful, and that work has commenced on replacing 1200 residential electric meters with those that can be read remotely.

The Council noted and filed the report.

401
Lobbyist
Registration
Ordinance

Mrs. Murphy requested this item be continued to a future meeting due to the fact that Mr. Golonski was absent and he requested the matter be placed on the agenda.

This item was continued to the meeting of November 19, 2002.

204-4
Ordinance
Calling for
Special Election
Regarding Mail
Ballot Elections

Mrs. Campos reported that at the meeting of December 18, 2001, the Council directed staff to prepare a report on the available options with regard to conducting mail ballot elections for the City's Primary Nominating and General Municipal elections, that the report was presented at the October 8, 2002 meeting and, following consideration of the matter, the Council directed staff to prepare an ordinance authorizing an advisory ballot proposal amending the Burbank Municipal Code to allow for conducting Primary Nominating and General Municipal elections wholly by mailed ballots

beginning in 2005 to be placed on the ballot as soon as practicable. She added that the City's Elections Code must be amended in order to conduct Primary Nominating and General Municipal elections by mail ballot; however, Section 27 of the Charter prohibits amending the Elections Code during the six months immediately preceding any General Municipal election, making the 2005 elections the effective date of any proposed change to the City's voting system. She concluded that while the results of an advisory vote on this ballot proposal will in no manner be controlling on the Council as the legislative body sponsoring the initiative, it will provide the Council with an indication of general voter opinion on the ballot proposal, and that the advisory election may be consolidated with the City's Primary Nominating Election scheduled for February 25, 2003. Mr. Ovrom relayed a request by the BUILD Committee to put the advisory vote on the ballot for the General Municipal Election on April 8, 2003.

Motion It was moved by Ms. Murphy and seconded by Mrs. Ramos that "the following ordinance be introduced and adopted:"

204-4
Ordinance
Calling for
Special Election
Regarding Mail
Ballot Elections

ORDINANCE NO. 3609:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK ORDERING A SPECIAL ELECTION TO BE HELD IN CONJUNCTION WITH THE PRIMARY NOMINATING ELECTION ON FEBRUARY 25, 2003 FOR THE PURPOSE OF SUBMITTING AN ADVISORY BALLOT PROPOSAL REGARDING MAIL BALLOT ELECTION TO THE ELECTORS OF THE CITY OF BURBANK, AND GIVING NOTICE THEREOF.

Adopted The ordinance was introduced and adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Member Golonski.

1006-1
Council
Members Taking
Positions as
Employees after
Leaving Office

Ms. Scott, Chief Assistant City Attorney, stated that several months ago the Council requested a report and a potential code amendment which would prohibit former Council Members from taking positions as City employees within a specific time period after leaving office. She noted a survey had been conducted to determine whether this requirement was imposed in other cities, and the results indicated only Glendale has a regulation which expressly prohibits former Council Members from taking employment with the City immediately after they leave office, adding the two-year prohibition is included in the Glendale City Charter. Ms. Scott informed the Council that if Burbank were to implement such a

regulation, it would need to be justified by being rationally related to a legitimate governmental purpose, and thus can be justified by the prevention of the appearance of a conflict or corruption by public officials. She requested Council direction that staff prepare a Code amendment prohibiting former Council Members from taking employment positions with the City within one year after leaving office.

- Motion It was moved by Ms. Murphy and seconded by Mrs. Ramos that "the City Attorney be directed to prepare an ordinance and then a Charter Amendment prohibiting all former elected officials from taking employment positions with the City within one year after leaving office."
- Carried The motion carried by the following vote:
- Ayes: Council Members Murphy, Ramos, Vander Borgh and Laurell.
- Noes: Council Members None.
- Absent: Council Member Golonski.
- 8:23 P.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 Irma Loose, on piecemeal airport development, and on being reprimanded for speaking out loud during last week's Council meeting; Eden Rosen, commenting on fair housing rights; David Piroli, requesting the Noise Budget Book be made available at the public library, commenting on Mr. Kirsch representing that the Escrow Agreement provided assurances of protection; Mike Nolan, requesting the Council disclose the vote taken in closed session to direct the Mayor to send the letter to Airport Authority President Chris Holden; and Esther Espinoza, commenting on fair housing rights.
- Staff
Response Members of the Council and staff responded to questions raised.

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301-2 There being no further business to come before the Council,
Memorial the meeting was adjourned at 8:43 p.m. in memory of
Adjournment Rosemary Sturgess Burnett.

Margarita Campos, City Clerk

APPROVED DECEMBER 10, 2002

Mayor of the Council
of the City of Burbank