

TUESDAY, DECEMBER 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 5:09 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; Ms. Alvord, Assistant 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.

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

- a. Conference with Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
 1. **Name of Case:** 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): 3
- d. Conference with Real Property Negotiator:
Pursuant to Govt. Code §54956.8
Agency Negotiator: Community Development Director/
Susan Georgino

Property: Castaway Restaurant – 1250 Harvard Road
Parties with Whom City is Negotiating: John Tallichet, President, Specialty Restaurants Corp. (owner of the Castaway Restaurant)

Terms Under Negotiation: Mr. Tallichet seeks to negotiate an early lease extension for the Castaway Restaurant facilities and is prepared to bring the rent up to market rate in exchange for an early negotiation.

Regular Meeting Reconvened in Council Chamber The regular meeting of the Council of the City of Burbank was reconvened at 6:37 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 John and David Schwer, members of the Stealth 5th and 6th Grade Football Team.

ROLL CALL

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.

301-1 Civic Pride's Holiday Decorating Contest Ellie Meyer, Chair of the Civic Pride Committee, expressed appreciation to everyone who entered the Civic Pride Committee's annual contest. Mayor Laurell and Ms. Meyer presented certificates to the winners of the 2002 Holiday Decoration Awards as follows: in the residential category: Ed Pape, Al and Gayle Cottriel, Daniel Roebuck, and Daniel and Aurora Garoian; in the youth category: Ryan Kelly and Steven Moss; and, in the commercial category: Samuel's Florist.

301-1 Burbank Stealth 5th and 6th Grade Football Team Mayor Laurell recognized the Burbank Stealth 5th and 6th Grade Football Team, who were named champions of the Burbank Park, Recreation, and Community Services Department's 5th and 6th Grade Major Division as a result of a perfect record of 12-0. The Mayor praised the team members for their athletic achievements and the fine example of sportsmanship they set on behalf of the City of Burbank. The Mayor presented Certificates of Recognition to Coaches Mark Bozeman, Bob Manoukian, Paul Matsuoka and J.R. Schwer; Team Mom Robin Schwer; Ball Boys David Schwer and Garrett Manoukian; and players Jamie Howard, Taylor Sparkman, Nick Bozeman, Tyler

MacDonald, Cole Manoukian, John Schwer, Brandon Barbello, Myles Grene, Nick Dulbandzhyan, Josh Rankin, Lex Woche, Zack Morgan and Andrew Henderson.

- 7:01 P.M.
Jt. Public Hrg.
With Redev. and
Public Financing
Authority
804-4
1102
810
\$117 Million in
Bonds for
Golden State
and South San
Fernando Redev.
Projects
- Mayor Laurell stated that staff requested to continue the joint public hearing with the Redevelopment Agency and the Public Financing Authority regarding the issuance of up to \$117 million in Burbank Public Financing Authority Revenues Bonds, 2003 Series A (Redevelopment Agency Tax Allocation Bonds for the Golden State and South San Fernando Redevelopment Projects).
- Motion
- It was moved by Mr. Vander Borcht and seconded by Ms. Murphy that "this item be postponed to the January 14, 2003 City Council meeting."
- Carried
- The motion carried by the following vote:
- Ayes: Council Members Murphy, Ramos, Vander Borcht and Laurell.
Noes: Council Members None.
Absent: Council Member Golonski.
- Reporting on
Closed Session
- Ms. Scott reported on the items considered by the Council and the Redevelopment Agency during the Closed Session meetings.
- 406
Airport
Authority
Meeting Report
- Airport Commissioner Lombardo reported that at the Airport Authority meeting of December 2, 2002, the following items were approved: award of a contract for \$270,797 to remanufacture and refurbish one of the crash trucks at the airport, and the Fourth Amendment to a Lease Assignment and Assumption Agreement with Mercury Air Group, Inc. Commissioner Lombardo reported that at the December 16, 2002 meeting the following actions were taken: approval of the Fourth Amendment to a Lease with The Paradies Shops, Inc.; approval of the Assignment of a Lease and Concession Agreement with Shan-Trac, Inc., dba Thrifty Car Rental; award

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of a contract for the Residential Acoustical Treatment Program, Module 6.9, which includes 18 residences in Burbank, 11 in Sun Valley and 1 in North Hollywood; approval of a modification to the Airport's Passenger Facility Charge Program by increasing the charge to \$4.50 to recoup approximately \$17 million towards the costs of the \$25 million security enhancement program; a resolution establishing dates and times of Airport Authority meetings for 2003; and, received updates on the terminal security enhancement project and on the effects of the United Airlines bankruptcy petition.

The Council received the report.

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 Morey Goodstein, resident and property owner on San Fernando Road, urging the Council to support the item regarding the Newberry site; Esther Espinoza, expressing concern regarding the need to provide more low to moderate income housing and commenting on distributing laptop computers to sophomores; and Dr. Theresa Karam, recognizing members of the community who have contributed to the benefit of the Burbank community.

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 Michael Bergfeld, commenting on the use of zoning to control issues at the airport, inquiring as to the purpose of the proposed trip to Washington, D.C. since the Part 161 Study will not be completed until 2004 and the Federal Aviation Authority (FAA) is precluded from addressing the issue prior to the completion of that process; Howard Rothenbach, commenting on the proposed trip to Washington, D.C. including a member of the community and suggesting that a representative from the Restore Our Airport Rights (ROAR) Committee represent the community; Esther Espinoza, commenting on the ordinance prohibiting bow and arrow

hunting within the City boundaries, on the newsrack ordinance, and on the appointment to the Metropolitan Water District; Craig Fritz, Second Vice President for the California State Archery Association, in opposition to the proposed ordinance prohibiting bow and arrow hunting in the Burbank mountains; Bob Bombadier, in opposition to the proposed ordinance prohibiting bow and arrow hunting in the Burbank mountains; David Dolbee, Associate Editor of Peterson's Bow Hunting Magazine, in opposition to the proposed ordinance prohibiting bow and arrow hunting in the Burbank mountains; Don Rogers, commenting on the preservation of wildlife by hunters through the Wildlife Restoration Fund, and in opposition to the proposed ordinance prohibiting bow and arrow hunting in the Burbank mountains; Jerry Hart, in opposition to the proposed ordinance prohibiting bow and arrow hunting in the Burbank mountains; Vance Skinner, in opposition to the proposed ordinance prohibiting bow and arrow hunting in the Burbank mountains; David DeVille, in opposition to the proposed ordinance prohibiting bow and arrow hunting in the Burbank mountains; Theresa Karam, commenting on the purpose of a local delegation travelling to Washington, D.C. since the Part 161 Study is only half completed, and suggesting that Howard Rothenbach, representing ROAR, join the delegation;

Irma Loose, commenting on airport issues including a curfew, the 21st Century Plan, the Framework Agreement, the Interim Development Control Ordinance, and Measure A; David Piroli, requesting a copy of the Noise Budget Book, commenting on the purpose of the delegation meeting with the FAA in Washington, D.C., in opposition to the proposed ordinance prohibiting bow and arrow hunting in the Burbank mountains, and requesting a copy of a list of airports in the nation with noise budgets; Mike Nolan, asking why the bow and arrow hunting ordinance was put on the agenda and requesting a representative from the California Department of Fish and Game be invited to answer questions regarding the topic, in opposition to the increase in the transient parking tax, and in opposition to the Council subsidizing downtown businesses; Curtis Hermann, State Chair for the Bow & Arrow Education Program in California on the bowhunting safety record, distributing a list of studies regarding the role of bowhunting in urban deer management, and in opposition to the proposed ordinance prohibiting bow and arrow hunting in the Burbank mountains; Susan Bowers, in support of the commercial rehabilitation agreement between the Redevelopment Agency and Tucker Investment Group for the improvement of the former Newberry building; Allen Young, representing the owner of the property located at Palm and San Fernando in support of the commercial rehabilitation agreement between

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the Redevelopment Agency and Tucker Investment Group for the improvement of the former Newberry building; Eden Rosen, commenting on the poor economy and its effect on any proposed downtown development; and Bill Tucker, expressing appreciation to the Council for reconsidering the restructured proposal for the Urban Outfitters development at the former Newberry site.

Staff
Response

Members of the Council and staff responded to questions raised.

8:18 P.M.
Recess

The Council recessed to permit the Redevelopment Agency and Public Financing Authority to hold their meetings. The Council reconvened at 8:36 p.m. with the same members present.

Item Removed
From Consent
Agenda

Item number 5, regarding the Safe Haven Infant Protection Program, was removed from the consent agenda for the purpose of discussion at Mrs. Ramos' request

Motion

It was moved by Ms. Murphy and seconded by Mr. Vander Borght that "the following items on the consent calendar, absent item number 5, be approved as recommended."

Minutes
Approved

The minutes for the regular meetings of November 7, 2002 were approved as submitted.

804-1
Annual
Adjustment to
Dev. Impact Fee
Schedule

A report was received from Sue Georgino, Community Development Department Director, regarding the annual adjustment to the Development Impact Fee Schedule. Ms. Georgino reported that the City of Burbank established its "Infrastructure Blueprint for the 21st Century" in 1993 with a purpose of maintaining the level of service in the transportation, libraries, parks, police and fire areas through 2010 by the use of Development Fees imposed on new developments. These development fees place the burden of maintaining the current levels of public facilities on the developments which create the need to improve the public facilities. She added that Ordinance Number 3340 established procedures for adoption of certain Development Fees in compliance with the provisions of Government Code Sections 66000 through 60017 (AB1600), which enable the City to adopt such fees and that this ordinance also mandates the adjustment of these fees by a percentage equal to the inflation

rate for the prior year for construction costs as determined by the Building Official on December 1 of each calendar year. She noted that the construction cost index has increased by 2.6 percent and staff intends to subsequently increase the existing Development Impact Fees by 2.6 percent at this time. She concluded that the Council had the authority to make fee adjustments greater to or less than indicated by the above calculation.

The report was noted and filed.

1102	<u>RESOLUTION NO. 26,393:</u>
Agency's Annual Report of Financial Transactions	A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ACCEPTING AND AUTHORIZING THE TRANSMITTAL OF THE REDEVELOPMENT AGENCY'S ANNUAL REPORT OF FINANCIAL TRANSACTIONS TO THE STATE CONTROLLER.

Adopted The consent calendar was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Member Golonski.

900	Fire Chief Davis stated the Safe Haven Program is a Countywide program to protect newborn infants who may be abandoned by a distraught parent. He informed the Council that the Newborn Abandonment Law, which became effective on January 1, 2001, authorized the Los Angeles County Board of Supervisors to designate locations where newborns, less than 72 hours old, may be surrendered by a parent or other person having lawful custody of that child without criminal prosecution. Chief Davis noted that these "safe havens" are part of a major Countywide effort to end child abandonment.
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Chief Davis reported that Los Angeles County and other local Fire Stations were recently designated as Safe Haven locations, adding that participation in this program can help ensure the Countywide success of the program by removing jurisdictional concerns relating to whether an individual stops at a Burbank or other Fire Station. He added that infants left with fire personnel will be assessed and transported to the appropriate receiving facility where custody will be transferred to the responsible hospital personnel, and that a medical questionnaire and information about the program will be provided to the abandoning guardian, which, although not

required, will provide authorities with important ethnicity and background information on the infant which can be provided to the adopting parents in the future.

Chief Davis stated the City's responsibility will be to accept the child, provide any necessary medical intervention and arrange for immediate transfer to the appropriate hospital, noting that abandoning guardians can reclaim the child within the 14-day period after the child was surrendered if they change their mind about the abandonment. Chief Davis concluded by stating that the fiscal impact is minor as the predominant expense will be the training and distribution of forms, but the benefit to society of such a program would be great.

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

900 RESOLUTION NO. 26,394:
Safe Haven A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Infant Protection AUTHORIZING THE CITY OF BURBANK TO PARTICIPATE IN
Program THE SAFE HAVEN PROGRAM FOR CHILDREN.

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.

407 Mrs. Campos, City Clerk, stated the purpose of this report is to
Appointment to request the Council consider making an appointment to the
the Metropolitan Metropolitan Water District for a one four-year term from
Water District January 1, 2003 through January 1, 2007. She noted that the
City Clerk's Office began advertising and accepting
applications for the vacancy on November 1, 2002, and that
efforts were made to advertise the vacancy through the local
newspapers, announcements at Council meetings and notices
run on Channel 6 in order to obtain qualified candidates. She
reported that as of the deadline of November 27, applications
had been received from Glenn Alvin Brown and Geyner J. Paz.
Next, she explained the voting process and recommended the
Council consider making the appointment to the Metropolitan
Water District for the term ending January 1, 2007.

Following a vote of the Council, Glenn Brown was appointed.

1503
706
801-2
BWP Energy-
Efficiency
Programs and
Update on
Existing Projects

Mrs. Meyer, Burbank Water and Power (BWP) Marketing Manager, stated that the purpose of this report was to introduce two new energy efficient programs, the Residential Shade Tree Program and the Compact Fluorescent Light Coupon Program, and in addition would update the Council on six existing projects and also requested Council approval to appropriate \$56,420 in grant funds into BWP's current budget.

Mrs. Meyer began by outlining various reasons for implementing the Residential Shade Tree Program, including: energy savings, air quality improvements, reduction of water runoff and aesthetics. She informed the Council that the goal of this program was to reduce energy consumption and peak demand cost through a program that was customer-friendly and easy to use. In addition, she noted that the program would be conducted year-round, would provide eligible Burbank residents up to three free trees annually and the assistance of a certified arborist to choose the trees and their proposed location to provide shading to the home, that approximately 30 tree species would be included, and that tree planting and maintenance information would be delivered along with 15-gallon trees to customers, who would sign an agreement to plant the trees in sited areas. Program participants are subject to random inspections to verify planting locations, and if violations are noted, then the customer will be required to reimburse the City for the full program cost. Mrs. Meyer concluded that BWP anticipates the planting of approximately 1,200 trees annually, that the full program cost is \$90 per tree and all costs are incurred in the first year, that the utility pays all the up-front costs but it is a growing savings (as the tree grows the energy savings occur), that there is \$75,000 currently budgeted for the program, which will save residents between 10 percent and 50 percent on air conditioning costs, and the expected program rollout date is early 2003.

Next, Mrs. Meyer described the Compact Fluorescent Light (CFL) Coupon Program noting that, compared with regular incandescent lights, CFLs use one-fourth the energy, last up to ten times longer, burn cooler and save money, although the initial purchase price is high. She outlined the proposed program design, including: customers would receive a coupon for \$3 off the purchase price of an Energy Star-rated CLF to redeem at participating Burbank retailers during a 90-day redemption period, and that BWP currently had \$50,000 budgeted for the program.

Mrs. Meyer gave a status report on various successful BWP projects as follows: 1) the Solar Water Heating project at McCambridge Park Pool, which to date has reduced natural gas costs by 63 percent; 2) the Energy Management Workshops; 3) the BWP newsletter; 4) the *Water Is Life* project, noting that out of the five entries submitted by BWP, four were chosen for the Metropolitan Water District 2003 calendar, including the calendar cover; 5) the Solar Education Pilot Program conducted at Burbank public schools; and, 6) Watermiser Waterbrooms, a water-saving device which will be used by City departments in the near future.

In conclusion, Mrs. Meyer stated that in 2001, BWP received \$628,680 in grant funds for energy-efficiency programs, noting the demand reduction goal was exceeded threefold, that BWP had received an unexpected award of \$56,420 in additional grant funds, and she requested the Council appropriate these funds into BWP's current budget in support of the Residential Shade Tree Program.

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

1503
706
801-2
BWP Shade Tree
Program and
Grant Funds
from SCPA

RESOLUTION NO. 26,395:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE EXPENDITURE OF ADDITIONAL GRANT FUNDS RECEIVED THROUGH THE SOUTHERN CALIFORNIA PUBLIC POWER ASSOCIATION FROM THE STATE OF CALIFORNIA FOR THE CITY'S RESIDENTIAL SHADE TREE PROGRAM AND MAKING AN ADJUSTMENT TO THE 2002-2003 FISCAL YEAR BUDGET IN THE AMOUNT OF \$56,420.

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.

907
206
Amend BMC
Regarding
Shooting of
Bow
and Arrows

Captain Skvarna thanked the bowhunters who spoke during oral communications for their informative presentations. He noted that land use in the wilderness areas in Burbank has changed during the past 40 years, emphasized that areas not previously open to the public are currently accessible and open, the improvement of trails, the opening of the Nature Center, and the popularization of mountain biking. He

recommended prohibiting bowhunting in the Verdugo Mountains of Burbank in the interest of public safety.

Discussion ensued with regard to data provided by the California Department of Fish and Game on the number of deer taken in the Burbank area. Mr. Ovrom reiterated that there exists a potential danger with the City's efforts to attract people to the expanded trail system in mountain areas and the activities of bowhunters in the area. Mr. Ovrom acknowledged the presentations of bowhunters, but recognized the changes which have transpired during the last 40 years since the bowhunting ordinance was first enacted.

Ms. Murphy inquired whether the California Department of Fish and Game had been contacted with respect to herd management issues. Mr. Ovrom stated staff would follow up with the Department of Fish and Game to deal with this issue.

Mrs. Ramos inquired as to what prohibitions are in place with regard to bowhunting by other municipalities. Ms. Scott outlined Glendale's prohibition, which involves an application made to the Glendale Chief of Police for a permit to bowhunters wishing to hunt in the Glendale hills. Mr. Vander Borgh expressed interest in further investigating the possibility of Burbank's ordinance including the permit application process as an alternative vehicle for purposes of herd management, and inquired as to Council support to amend the pending motion.

Ordinance
Introduced

It was moved by Ms. Murphy and seconded by Mrs. Ramos that "the following ordinance be introduced and read for the first time by title only and be passed to the second reading."

907
206
Amend BMC
Regarding
Shooting
Bow
and Arrows

The ordinance was introduced and the title read:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING ARTICLE 2, CHAPTER 20, SECTION 20-205 OF THE BURBANK MUNICIPAL CODE TO PROHIBIT SHOOTING OF BOW AND ARROWS WITHIN THE CITY LIMITS.

of

Motion
Carried

The motion carried by the following vote:

Ayes: Council Members Murphy, Ramos, and Laurell.

Noes: Council Member Vander Borgh.

Absent: Council Member Golonski.

1503
1504

Mr. Davis, General Manager, Burbank Water and Power, reported on the monthly activities for October and November

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BWP Monthly
Water and
Power Report

2002. He stated that water revenues and sales continue to run somewhat below budget, but have been offset by operating cost savings. With regard to a water project update, he reported that the first phase of a two-part main upgrade to bring reclaimed water to the Chandler Bikeway Project was completed.

Mr. Davis reported that two power outages had occurred due to palm fronds blowing into power lines during the recent wind storms, and reiterated Burbank's power reliability remains at 99.999 percent. On the financial and operating side in power systems, he stated year-to-date electric demands have been down, caused by conservation and cool weather, that the electric loads forecast was recalibrated for September to reflect the lower sales and that BWP is running slightly ahead of re-forecasted numbers in October and November. The revenue impacts include success in having wholesale power operations offset the lost revenues. On the operations side, he reported BWP continues to work on redevelopment of the Magnolia generating site, adding that the Magnolia Power Project completed licensing, a draft license is expected in January, and a final license in February. Mr. Davis noted the project was 83 percent subscribed and that 17 percent is available because the City of San Marcos chose to withdraw due to financial difficulties. Two of the remaining five cities have expressed interest in sharing the remaining 17 percent. Participants have already hired the engineering contractor for \$126,000,000, and have selected General Electric as the equipment provider, including the purchase of the equipment in the amount of \$50 million.

With regard to telecommunications, he reported BWP is running dark fiber which is low-margin but have reached \$1 million in annual revenue for bringing fiber into the studios and related businesses.

The Council noted and filed the report.

406
Airport Issue
Topics and
Appointing City
Council
Delegates to
Washington,
D.C.

Mr. Ovrom, City Manager, stated the Council needed to authorize the Washington, D.C. trip and choose two representatives to attend the meeting with the Federal Aviation Administration (FAA). He noted a future discussion would address the expected accomplishments.

Mr. Vander Borcht stated during the Tri-City meeting it was discussed that the Mayors and Vice Mayors would be the representatives.

Mrs. Ramos indicated her support of Ms. Murphy and Mr. Golonski as the representatives.

Mr. Laurell stated he would attend the meeting if the Council recommended but with his term ending within the next four months, he supported Ms. Murphy and Mr. Golonski representing the City.

Motion It was moved by Mr. Vander Borght, seconded by Mrs. Ramos and carried with Mr. Golonski absent that "Ms. Murphy and Mr. Golonski be appointed as delegates to meet with the FAA in Washington, D.C."

703 Mr. Flad, Park, Recreation and Community Services Director, Permits for use of Park Facilities stated the purpose of this report is to request Council approval of the introduction of an ordinance amending Chapter 5, Article 8 of the Burbank Municipal Code with regard to the use of park facilities, noting staff's recommendation that Subsection (a) Use of Park Facilities, item (1) any group of fifty (50) or more persons, be amended to read any group of twenty-five (25) or more persons. He explained the current Code requirements for groups using park facilities, and acknowledged receipt of complaints, including overcrowding, by current users of the parks as well as by residents of surrounding neighborhoods. He indicated the amendment would allow the Parks Department to better control the use of park facilities and mitigate complaints in the future. He stated the Park, Recreation and Community Services Board approved the amendment, but requested the item be brought back after a complete cycle (through the summer) so that staff could review the impact of the amendment.

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

703 AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK Permits for use of Park Facilities AMENDING BURBANK MUNICIPAL CODE SECTION 5-801 RELATING TO USE OF PARK FACILITIES.

Motion Carried The motion carried by the following vote:

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

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

907-1
804-2
Amend BMC
Relating to
Newsracks and
Costs of
Fingerprinting
Fee for
Background
Checks

Ms. Scott, Chief Assistant City Attorney, reported the California Penal Code was changed several years ago to require that newsracks that sell "harmful matter" which is offensive and has sexual material with respect to minors, must also have adult supervision attending the newsracks. She stated the idea behind it was to try to get these types of publications sold indoors where there is adult supervision, but that goal has not been realized. She indicated the City has had a number of complaints about unsupervised newsracks displaying this type of material and has initiated enforcement action. She recommended amending the Burbank Municipal Code (BMC) ordinance to require adult supervision so that when a violation is discovered, the newsrack can be tagged, and a citation issued for the violation with subsequent hearing process. She noted that a provision has also been added that requires adult supervisors to undergo a background investigation with the Department of Justice as is done for coaches and anyone who works closely with children. In order to account for the cost of the background investigation, she submitted an amendment to the City's Fee Resolution. Ms. Scott also requested a finding be added between the first and second reading to ensure the City's valid regulation of newsracks does not invite or encourage violations of State law.

Motion

It was moved by Mr. Vander Borcht and seconded by Mrs. Ramos that "the following resolution be passed and adopted and the following ordinance be introduced and read for the first time by title only and be passed to the second reading including a finding it does not invite or encourage violation of state law." The ordinance was introduced and the title read:

907-1
804-2
Amend Fee
Reso. Relating
to
Costs of
Background
Investigations

RESOLUTION NO. 26,396:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING ARTICLE 1 OF RESOLUTION NO. 26,258, THE BURBANK FEE RESOLUTION RELATING TO THE COSTS OF BACKGROUND INVESTIGATIONS.

907-1
Amend BMC
Relating to
Newsracks

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING CHAPTER 20 OF THE BURBANK MUNICIPAL CODE RELATING TO THE REGULATION OF NEWSRACKS.

- Adopted The resolution was adopted and the ordinance was introduced by the following vote:
- Ayes: Council Members Murphy, Ramos, Vander Borght and Laurell.
Noes: Council Members None.
Absent: Council Member Golonski.
- 804-5 Mr. Hanway, Financial Services Director, stated a discussion on
204-3 increasing the Transient Parking Tax (TPT) was begun at the
Approval to meeting of October 15, 2002, and that at the Council meeting
Place TPT on of November 26, 2002, staff was directed to return with an
April 2003 ordinance that would place a measure on the April 2003
General Election General Election Ballot requesting voter approval to allow the
Ballot Council to increase the City's TPT from 10 percent up to a
 maximum of 12 percent. Mr. Vander Borght noted receipt of
 notification that the Airport would be lowering its parking
 rates significantly, thereby reducing the revenue the City will
 be receiving pursuant to the City's TPT, and emphasizing that
 the proposed ordinance merely gives the Council the option to
 consider increasing the TPT.
- Motion It was moved by Ms. Murphy and seconded by Mrs. Ramos
 that "the following ordinance be introduced and adopted:"
- 804-5 ORDINANCE NO. 3612:
204-3 AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK
Approval to ORDERING A SPECIAL ELECTION TO BE HELD IN
Place TPT on CONJUNCTION WITH THE GENERAL MUNICIPAL ELECTION
April 2003 ON APRIL 8, 2003 FOR THE PURPOSE OF SUBMITTING A
General Election BALLOT QUESTION TO THE VOTERS REGARDING AN
Ballot INCREASE TO THE TRANSIENT PARKING TAX.
- Adopted The ordinance was adopted by the following vote:
- Ayes: Council Members Murphy, Ramos, Vander Borght and Laurell.
Noes: Council Members None.
Absent: Council Member Golonski.
- 1006-1 Mrs. Campos, City Clerk, stated that pursuant to Council
204-3 direction given at the meeting of October 29, 2002, the
Charter purpose of this report was to present the Council with a
Amendment proposed Charter Amendment relative to filling vacancies in
Related to Filling elective office. She reported that currently Section 26 of the

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Vacancies in Elective Offices City Charter provides that a vacancy in the office of Council Member, City Treasurer, or City Clerk be filled by appointment by the Council, and that the appointee shall hold office for the remainder of the unexpired term of the office, adding that this Section also provides that in the event a majority of Council seats become vacant, the City Clerk, City Treasurer, and remaining Council Members shall vote to call an election to fill the vacancies. She noted that Section 30 of the City Charter currently provides that in the event of a recall, the resulting vacancy shall be filled by appointment by the Council.

Mrs. Campos stated that, if passed, the proposed Charter Amendment would change the Charter to provide that in the event of a vacancy in the office of Council Member, City Clerk, or City Treasurer, the vacancy would be filled by a special election called for that purpose, unless less than 16 months remain in the unexpired term, in which case the Council shall appoint someone to fill the vacancy. She added that the Charter Amendment provides that in the event a majority of the Council seats become vacant, the City Clerk shall call an election at once to fill the vacancies.

In conclusion, she informed the Council that the Charter amendment would amend Section 30 of the Charter to provide that in the event of a recall of a Council Member, the City Clerk, or the City Treasurer, the vacancy shall be filled pursuant to the general State law provisions for recall, which provide for an election to fill the seat at the same time as the recall election.

Motion It was moved by Mr. Vander Borgh and seconded by Mrs. Ramos that "the following ordinance be introduced and adopted:"

1006-1
204-3
Charter
Amendment
Related to Filling
Vacancies in
Elective Offices

ORDINANCE NO. 3613:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK ORDERING A SPECIAL ELECTION TO BE HELD IN CONJUNCTION WITH THE GENERAL MUNICIPAL ELECTION ON APRIL 8, 2003 FOR THE PURPOSE OF SUBMITTING A PROPOSED CHARTER AMENDMENT TO THE ELECTORS.

Adopted The ordinance was adopted by the following vote:

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

Absent: Council Member Golonski.

10:13 P.M. The Redevelopment Agency and Public Financing Authority meetings were reconvened at this time.
 Reconvene
 Redev. Agency
 and Public
 Financing
 Authority
 Meetings

Third Period of Mr. Laurell called for speakers for the third period of oral
 Oral communications at this time.
 Communication

Citizen Appearing to comment were Irma Loose, commenting on the
 Comment Plan Evaluation and Review Committee recommendations; Michael Bergfeld, on the decision to select Ms. Murphy and Mr. Golonski to join the delegation to Washington, D.C., on protection provisions in Measure B not coming to fruition, and on the Airport having a brand new terminal as a result of the security enhancement project; Eden Rosen, commenting on vacancies in the downtown, recognizing Ray Krakowski for his handling of concerns regarding paramedics, and recognizing family caregivers; David Piroli, requesting the Noise Budget Book be made available at the library and commenting on the large voter turn-out for the Measure A election; Howard Rothenbach, commenting that ROAR is not anti-Airport, and suggesting that a member of the community join the delegation to Washington, D.C.; Mike Nolan, on the community fighting in the past to keep the Airport open, commenting on janitorial services at the Police Department and the new Buena Vista Library being provided by private contractors, and commenting on the lack of facts presented by the Police Department during the presentation on the bowhunting ordinance; and Kevin Muldoon, requesting a status report on Police activities during the weekends.

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

Adjournment There being no further business to come before the Council, the meeting was adjourned at 10:43 p.m.

 Margarita Campos, City Clerk

APPROVED MARCH 11, 2003
 Mayor of the Council
 of the City of Burbank