

TUESDAY, JANUARY 14, 2003

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 5:06 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; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

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

5:06 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:** City of Burbank v. State Water Resources Control Board.
Case No.: Court of Appeal No. B150912 [Superior Court No. BS060960]
Brief description and nature of case: Effluent limits for the water treatment.
- b. Conference with Legal Counsel – Anticipated Litigation (City as possible plaintiff):
Pursuant to Govt. Code §54956.9(c)
Number of potential case(s): 1

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- 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

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 Father Chuck Mitchell, St. Jude's Episcopal Church.

Flag Salute The pledge of allegiance to the flag was led by Joey Almario, Providence High School.

ROLL CALL

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

Absent - - - - Council Members None.

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

301-1 Martin Luther King Jr. Day John Brady, President, Burbank Human Relations Council, relayed a story regarding Dr. Martin Luther King, and requested the proclamation in honor of Martin Luther King Day be presented to Mr. George Saikali, representing the Burbank Family YMCA, for their civic endeavors. Mayor Laurell presented the proclamation to Mr. Brady and Mr. Saikali.

301-1 Close-Up Program Students from Providence High School and John Burroughs High School addressed the Council regarding the importance of the annual Close-Up Program and requested Council's support for the program.

Motion It was moved by Ms. Murphy and seconded by Mr. Golonski that "the item regarding Accepting a Donation to the Burbank Fire Department and Adopting a Resolution Appropriating the Donation to the Fire Department be removed from the agenda."

Carried The motion carried by the following vote:

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

Noes: Council Members None.

Absent: Council Members None.

6:51 P.M. Mayor Laurell stated that "this is the time and place for the
Hearing hearing on the appeal of the Planning Board's decision on
1704-3 Conditional Use Permit (CUP) No. 2002-17 and Development
602 Review No. 2002-32, applied for by Sarkis Alebian and Asmik
Appeal of CUP Yetarian, requesting authorization to allow the construction
2002-17 with and operation of an automobile lubrication service and
DR No. 2002-32 detailing facility with a restaurant at 524 South San Fernando
(524 S. San Boulevard. On November 18, 2002, the CUP was denied by the
Fernando) Planning Board and the Applicant has appealed the decision."

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

Staff Mr. Forbes, Associate Planner, Community Development
Report Department, identified the property with the aid of an aerial
photo showing the property and surrounding area. He outlined
the proposed project and explained the consequences, should
the appeal be granted. A site plan submitted by the applicant
was displayed and explained. Mr. Forbes stated that the
Planning Board originally approved this project in December
2000, under Conditional Use Permit (CUP) No. 2000-18,
notwithstanding staff's recommended denial due to a belief
that the proposed use would be incompatible with nearby
residential properties and would be inconsistent with the goals
of the Burbank Center Plan for redevelopment of the South
San Fernando corridor. He informed the Council that no
building permits were issued and no extensions were requested
prior to the expiration of the CUP, in January 2002. The
applicant has since reapplied for the exact same project using
identical plan drawings.

Mr. Forbes stated that the Planning Board held a public hearing
to consider the subject application on November 18, 2002, and
voted 4-1 to deny the application based on the opinion that
the proposed use could not be designed or conditioned to any
extent that would make it compatible with nearby residential
uses, or with the stated land use policies and redevelopment
goals for the neighborhood. He added that it was the
assessment of both the Planning Board and staff that the six
findings required for approval of a CUP cannot be made for the
proposed project. He noted the auto-related nature of the
proposed project would result in traffic, noise odors and other
similar impacts that are generally incompatible with the
residential use of the neighborhood and the project would not
provide a buffer between the commercial and residential area
resulting in recycling a commercial property to another
commercial use with no residential component, contrary to the

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Applicant Burbank Center Plan.
August Bacchetta, Architect, stated it was unfortunate that his client did not apply for an extension of the Conditional Use Permit (CUP) due to miscommunication but noted the previous approval granted to the project. He submitted seven documents from residents in the adjoining apartment building stating they have no objection to the proposed use. Copies were made and provided to the Council and members of the public. He explained that the car lubrication and polishing services would be provided inside the structure thereby controlling the odor and noise. He added that the proposed project was too small to cause significant environmental impacts and that since San Fernando Boulevard was developed as a highway this project was compatible with the location. He stated the project complied with the six findings required for a CUP approval and noted that some minor problems like parking arise if this project is not approved in its entirety.

Citizen Comment
Appearing to comment were Amy Chang, representing Lucky Plants, her family's business, testifying in opposition to the proposed project because it is incompatible with the redevelopment of San Fernando Boulevard and will undermine the San Fernando Redevelopment Project, stating the proposed project will generate traffic and become a safety hazard to the area residents, especially the children and elderly. She made mention of a kindergarten on the corner, necessitating children and parents to constantly walk in front of the proposed business site. She added that the odor of and fumes generated by the business would make residents sick and recognized that both the Planning Board and City staff recommended denial of the appeal; Tanas Fasheh, a patron of the car wash, spoke in support of the business due to the convenience for patrons; Gary A. Laff, attorney for the owners of Lucky Plants, displayed an aerial photograph of the project, and spoke in opposition to the appeal, citing the necessary use of the alley for ingress/egress to the site, stating applicant stated there were no employees at Lucky Plants when in fact there are ten employees, that there are four other gas stations that perform similar services within a mile radius, and that the project would increase risk for the children at the kindergarten; Esther Espinoza, commenting on the fact that this area is planned for future redevelopment and inquiring whether the applicants are aware of this fact; and Rozik Kazarian, in opposition to the proposed development due to noise, additional traffic and for security reasons in the alley, children in the area, and potential negative impacts on the health of the residents, noting she is representing five area residents.

Applicant
Mr. Bacchetta stated the owner canvassed the area and that children in the area are under supervision at all times, and

acknowledged the use of the street as a drop-off area for kindergarten students. He added the alley was 18 feet and that the project would be required to dedicate footage to increase the alley to 20 feet, noting the City promotes the use of alleys to take the load off the streets, stated odors and sound would not penetrate the walls of the business, and disagreed with the testimony of Mr. Laff, stating the City can limit the number of lubrication or detailing jobs the business performs on a daily basis.

Hearing Closed There being no further response to the Mayor's invitation for oral comment, the hearing was declared closed.

Motion It was moved by Ms. Murphy and seconded by Mr. Golonski that "the applicant's appeal be denied and affirm the Planning Board's appeal."

Carried The motion carried by the following vote:

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

Noes: Council Members None.

Absent: Council Members None.

7:35 P.M.
Jt. Hearing with
Redev. Agency
And Public
Financing
Authority
804-4
1102
812
Issuance of up
to \$102.2
Million in Bonds
for Golden State
and South San
Fernando
Projects

Mayor Laurell stated that "this is the time and place for the joint public hearing of the Burbank Public Financing Authority, the Redevelopment Agency and the Council of the City of Burbank regarding first the issuance of 2003 Golden State Project Bonds and the refinancing of a portion of the 1993 Golden State Project Bonds; and second, the issuance of 2003 South San Fernando Project Bonds by the Agency and the Public Financing Authority, pursuant to Section 6584 of the Government Code."

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. Hanway, Financial Services Director, presented an overview of the proposal by the Burbank Financing Authority (Authority) to issue up to \$108.2 million in two different series, Series A which relates to the Golden State Project and Series B which relates to the South San Fernando Project. He reported that the goal of the Authority was to take advantage of the current low interest rates and provide new money for both the Golden State and South San Fernando Projects.

Mr. Hanway reported on the Golden State Bond Structure, which is comprised of two pieces operating simultaneously. The first piece included the refinancing of \$50.5 million of the 1993 outstanding bonds and the second piece was a little over \$8 million and would not be refunded with this issue. In addition, he stated that the Authority is generating a little less than \$34 million in new project money, \$4 million of which can be used for any City capital project. He stated the proposed financing mechanism is purchase in lieu of redemption, noting the existing 1993 bond debt has a final maturity date of 2024 which is beyond the plan limitation date of 2020. This financing mechanism would preserve the advantage of maintaining the existing 2024 maturity date while the current financial markets offer the advantage of low interest rates. He noted the Authority would call the bonds and continue to hold them as would a bondholder, rather than a traditional defeasance on the December 1, 2003 call date.

Regarding the South San Fernando Project, Mr. Hanway reported this was the first bond issuance since this was a brand new project. He stated a small amount is being issued to net over \$4.5 million of the project money to the South San Fernando Project. He said it was a traditional 30-year issuance with June 1, 2003 as the first interest payment date and December 1, 2003 as the first principal payment date, to the year 2032. He noted since this was a new project area, the average interest rate was higher, 5.7 percent, since the bonds are uninsured and have a BBB rating by Standards and Poors. He added that the average annual gross debt service for the South San Fernando bond approximates \$347, 000.

Mr. Hanway also reported on the State budget, particularly noting the Governor's proposed \$250 million shift from Redevelopment Agencies to the State's obligation to fund schools. He said this was 3.3 times the amount shifted in the current budget year with a stated goal of increasing the amount in the future years. He added that Standards and Poors has made a commitment to stand by their ratings of the

Golden State bonds.

Mrs. Ramos requested that Mrs. Georgino, Community Development Department Director, identify the projects, other than the Burbank Boulevard streetscape improvements, that are included in the \$3.3 million budget of the Golden State Project area. Mrs. Georgino reported that other projects included Hollywood Way, Victory Boulevard and some funds could also be used for the re-use of the old Buena Vista Library. She also added that if the City Center Project merged with the Golden State Project, these funds could be used for improvements in the City Center Project as well.

Mr. Golonski inquired about the fees related to the bond issuance financing team. Mr. Hanway reported that the maximum amount allowed for underwriting was not to exceed 0.9 percent of the total cost and that the final bond counsel for both issues combined was not yet negotiated but would not exceed \$136,000 and \$57,000 for the financial advisor. He added that he expected the fees to be lower than 0.9 percent, which is the acceptable market value.

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 Borgh and seconded by Mrs. Ramos that "the following resolutions be passed and adopted:"

Public Financing Authority Reso. Adopted Public Financing Authority Resolution No. F-7 Authorizing Issuance of Revenue Bonds, Approving, and Authorizing and Directing Execution of Certain Financing Documents and Authorizing and Directing Actions with Respect Thereto (Golden State Project Area) was adopted.

Redev. Agency Reso. Adopted Redevelopment Agency Resolution No. R-2052 Approving, and Authorizing and Directing Execution of Certain Bond Financing Documents Relating to the Financing and Refinancing of Redevelopment Activities within its Golden State Redevelopment Project Area and Authorizing and Directing Actions with Respect Thereto, Removing the Trustee Appointed in Connection with the Agency's Golden State Redevelopment Project Tax Allocation Bonds, 1993 Series A, Appointing a Successor Trustee and Authorizing and Directing Execution of Documents Necessary in Connection with Such Removal and Appointment (Golden State Project Area) was

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adopted.

804-4
1102
812
Approve Bonds
For the Golden
State Project
Area

RESOLUTION NO. 26,402:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK MAKING FINDINGS WITH RESPECT TO AND APPROVING THE ISSUANCE OF BONDS BY THE BURBANK PUBLIC FINANCING AUTHORITY, APPROVING THE ISSUANCE OF BONDS BY THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK AND APPROVING THE SALE THEREOF TO THE AUTHORITY (GOLDEN STATE PROJECT AREA).

Public Financing
Authority Reso.
Adopted

Public Financing Authority Resolution No. F-8 Authorizing issuance of Revenue Bonds, Approving, and Authorizing and Directing Execution of Certain Financing Documents and Authorizing and Directing Actions with Respect Thereto (South San Fernando Project Area) was adopted.

Redev. Agency
Reso. Adopted

Redevelopment Agency Resolution No. R-2053 Approving, and Authorizing and Directing Execution of Certain Bond Financing Documents Relating to the Financing of Redevelopment Activities within its South San Fernando Redevelopment Project Area and Authorizing and Directing Actions with Respect Thereto (South San Fernando Project Area) was adopted.

804-4
1102
812
Approve Bonds
For S. San
Fernando Project
Area

RESOLUTION NO. 26,403:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK MAKING FINDINGS WITH RESPECT TO AND APPROVING THE ISSUANCE OF BONDS BY THE BURBANK PUBLIC FINANCING AUTHORITY, APPROVING THE ISSUANCE OF BONDS BY THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK AND APPROVING THE SALE THEREOF TO THE AUTHORITY (SOUTH SAN FERNANDO PROJECT AREA).

Adopted

The resolutions were adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Members None.

Reporting on
Closed Session

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

First Period of
Oral

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

Communications

- Citizen Comment Appearing to comment were Michael Hastings, requesting the Council support Measure L on the February 25th ballot as it will help us build two new libraries; Tom Bruehl, requesting support for Measure L; Cele Burke, commending the Public Information Office for Channel 6 programming, and in support of Measure L; Esther Espinoza, commenting on rent control and low to moderate income housing; Dr. Theresa Karam, commenting on closed session discussions; and Mark Barton, inquiring about the cost to construct an overpass at the intersection of Buena Vista Street and San Fernando Boulevard.
- 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, in opposition to the proposed trip to Washington, D.C.; Dr. Theresa Karam, repeating the comments of the previous speaker, and stating the FAA has already determined the current terminal is safe; and Esther Espinoza, in support of the Close-Up Program and Model United Stations Program.
- Staff Response Members of the Council and staff responded to questions raised.
- 8:31 P.M. Recess The Council recessed to permit the Redevelopment Agency to hold its meeting. The Council reconvened at 8:36 p.m. with all members present.
- Motion It was moved by Ms. Murphy and seconded by Mrs. Ramos that "the following item on the consent calendar be approved as recommended."
- 1208-5 Peyton-Grismer Revitalization RESOLUTION NO. 26,404:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A RELOCATION PLAN FOR THE RELOCATION OF

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Project RESIDENTS AND OCCUPANTS DISPLACED AS A RESULT OF THE PEYTON GRISMER REVITALIZATION PROJECT.

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.

412
BUSD Close-Up
Program

Mr. Hess, Administrative Analyst, Community Development Department, requested the Council approve a request from the Burbank Unified School District (BUSD), Providence High School and Bellarmine-Jefferson High School to financially aid Burbank students for the annual Close-Up Program and the Model United Nations High School Program.

He reported the Close-Up Program is an educational experience designed to acquaint high school students with the operation of the federal government. He stated the Close-Up Program participants travel to Washington, D.C. for a week-long study of the federal government serving as a tremendous learning experience for students interested in a career in government as well as those interested in community and public service. He noted only participants that are both Burbank residents and attend a Burbank high school are eligible for the City's contribution.

Mr. Hess added that the City's Fiscal Year (FY) 2002-03 budget appropriated \$20,000 for the Close-Up Program but due to the events of September 11, 2002, funds from FY 2001-02 are also available for this year's program participants. He also noted that the City has partially funded this program over the last 20 years and that this year, 40 students were participating.

He recommended that the Council approve a contribution of up to \$30,000, to participating BUSD (Burbank and Burroughs High Schools), Providence and Bellarmine-Jefferson High School students to partially fund the 2003 Close-Up Program and 2003 Model United Nations Program.

Mrs. Ramos questioned the need to use the entire \$30,000 and requested that extra funds be used for the Sister City Program to partially aid students to participate in the student exchange program to Ota, Japan.

Mr. Vander Borght noted that since the contribution is divided among the students, there will be no extra funds and

suggested that \$20,000 be appropriated for this year and the other \$20,000 be used for other programs.

Mr. Golonski supported a contribution of \$30,000 to the Close- Up Program, noting that the highest priority is for our students to learn about our government first, and suggested considering a policy decision to support the Sister City Program. Ms. Murphy concurred and requested that Council further investigate setting a precedent with the Sister City Program.

Motion It was moved by Mr. Vander Borcht and seconded by Ms. Murphy that "the City Council approve a contribution of \$20,000 to participating Burbank Unified School District (Burbank and Burroughs High Schools) and Providence & Bellarmine-Jefferson High School students to partially fund the 2003 Close-Up Program and 2003 Model United Nations Program."

Carried The motion carried by the following vote:

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

Noes: Council Member Golonski.

Absent: Council Members None.

1108
PSA w/Wolff
Lang
Christopher
for S. San
Fernando Park
Project

Mr. Clifford, Capital Projects Manager, requested Council approval of a Professional Services Agreement (PSA) between the City of Burbank and Wolff Lang Christopher Architects, Inc. (WLC) to provide professional architectural design, specialty consultants, and engineering services for the South San Fernando Park (SSP-1) Project, Phase I.

He reported that for nearly ten years, Burbank has made the development of a community park in the southeast area of the City a top priority. He stated within the last five years, the Council dedicated funds from various public sources toward the acquisition of property in the South San Fernando Boulevard area and, in 1997, the area surrounding the proposed park site was designated by the Council as the South San Fernando Redevelopment Project Area. He added that the Burbank Unified School District (BUSD) took operational control of a community school from the County of Los Angeles in 1999, following a search for a permanent home and location for its community school after the District's former administrative office site was procured by the City. He noted the opportunity to combine a much-needed recreational

amenity with the community school at a single location became apparent when the City started to assemble land parcels as part of developing its community park for residents of the southeast area.

Mr. Clifford stated the proposed conceptual plan for SSP-1 includes a two-story facility of approximately 16,000 square feet with an 8,000 square foot footprint, noting the building would be a joint use facility to provide the needs for the City's Youth Recreation Program and a BUSD community school. He added other uses may include a proposed tot lot, basketball court, park open space, and parking.

He then gave an overview of the process used to select an architect to provide comprehensive design, specialty consulting, and engineering services for the SSP-1, which commenced in July 2002. He stated the selection process included an Architect-Engineering (A-E) Selection Committee (Committee) and a Request for Proposal (RFP) to clearly establish rationale to limit RFP distribution. He added that, due to the project's importance, the Committee invited other individuals to participate in the presentations given by potential architectural firms and that discussions were held following the completion of all presentations and included input from the invitees. The Committee's majority agreed on the following ranking, based on the primary objective of meeting the City's best interests:

- WLC Architects
- HMC Group
- Charles Walton Associates Architects Inc.
- The Albert Group Architects

Mr. Clifford added the Lump Sum Fee for each firm was subsequently opened, summarized, and analyzed to ensure the scope was comprehensive and appropriately priced. A final meeting was then held with the Committee to determine the most qualified architectural firm and staff was directed to initiate contract negotiations with WLC Architects. He added that the PSA to be used between the City and WLC Architects is similar to the PSA executed with WWCOT Architects for the Development and Community Services Building project and that the impetus behind its development was to improve the City's control over the architect and impose a higher accountability level on its service delivery and overall performance. The PSA is specifically tailored to WLC as a provider of professional architectural services and increases the City's authority and sole judgement over the quality level and/or acceptability of the architect's services. The architect has specific responsibility for all costs to make the City whole

as a direct consequence of potential architect errors and/or omissions.

Mr. Clifford reported that WLC's scope of services for the SSP-1 Project includes the following project phases:

- Schematic/Conceptual Design Phase
- Design Development Phase
- Construction Document Phase
- Bidding & Award Development Phase
- Construction Administration & Post Occupancy Phase

He added that a lump sum fee of \$398,985 was negotiated for the project services described above, and is approximately 9.4 percent of the estimated \$4,250,000 construction costs, within the industry-accepted range and norm of 8 to 11 percent for professional architectural design and engineering services.

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

1108
PSA w/Wolff
Lang
Christopher
for S. San
Fernando Park
Project

RESOLUTION NO. 26,405:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND WOLFF LANG CHRISTOPHER ARCHITECTS, INC. FOR ARCHITECTURAL SERVICES FOR THE SOUTH SAN FERNANDO PARK PROJECT, PHASE I.

Adopted The resolution was adopted by the following vote:

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

9:11 P.M.
Recess The Council recessed at this time. The meeting reconvened at 9:23 p.m. with all members present.

804-3
Approval of
CDBG Projects
for FY 2003-04 Mr. Yoshinaga, Grants Coordinator, Community Development Department (CDD), presented a report regarding the Community Development Block Grants (CDBG). He noted that Burbank submits an Annual Plan, Financial Statement and applications for federal funds, including CDBG funds, which

are used for capital improvement projects, public services and program administration.

Mr. Yoshinaga reported that while the Annual Plan and Final Statement are scheduled for formal submission in May 2003, CDBG capital project requests are being accepted earlier to allow sufficient lead time for completing pre-development tasks as well as meeting the United States Department of Housing & Urban Development (HUD) timeliness requirements for CDBG expenditures. This advanced implementation process permits projects to proceed as soon as HUD approves the federal applications.

He stated the City would receive HUD's entitlement allocation notice for FY 2003-04 by February 2003, and that the CDBG capital amount estimated at \$1,071,850 was based on last year's funding, pending amendment to equal the actual entitlement and other fund sources as soon as the Annual Plan and Final Statement are approved in April 2003. He also added that appropriations for program administration and public services would be approved at the statutory limits of 20 percent and 15 percent, respectively, and that CDBG funds are expected to total approximately \$1.6 million.

Mr. Yoshinaga reported that capital project fund availability and a request for proposals was advertised and noticed to departments/agencies on September 28, and October 2, 2002, and proposals were accepted until October 25, 2002, with seven City departments/organizations submitting 17 projects totaling \$2.35 million. He added that the Community Development Goals Committee met on November 14, 2002, to review the proposals and make recommendations. He gave the Committee's rationale for project approval which included: creating direct visual impact, benefiting appropriate citizenry and providing funding where resources are limited or non-existent. He added that consistent with this methodology, full funding was recommended for all the proposed projects with the exception of the Code Enforcement project, which the Committee felt was not an appropriate use of CDBG funds and should be funded with a more appropriate source of funds. He added that one other request from the Burbank Temporary Aid Center (BTAC) was withdrawn due to planning and procedural concerns and the lack of time to appropriately make adjustments.

He concluded that the City's Executive Staff reviewed the Committee's recommendations on November 20, 2002, approved projects on January 8, 2003, and recommended to fund all proposal requests at the full amount with two exceptions: that the Public Works Department projects be

allocated \$463,566 as opposed to the requested \$535,850, utilizing priority projects at their discretion, and that no funding would be approved for the Providencia Elementary School project.

Mr. Golonski inquired as to why the Providencia Elementary School project was eliminated and Mr. Ovrom clarified that several improvements at Providencia Elementary School had recently been completed.

Mrs. Ramos inquired if the City was considering requesting State funding through Proposition 46 with regard to the Code Compliance and BTAC projects and Mr. Ovrom affirmed that the City will be applying for Proposition 46 funds.

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

804-3 RESOLUTION NO. 26,406:
Approval of A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
CDBG Projects APPROVING CAPITAL PROJECT USES TO BE FUNDED WITH
for FY 2003-04 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS
FOR FISCAL YEAR (FY) 2003-04 AND AUTHORIZING THEIR
INCLUSION IN THE FY 2003-04 ANNUAL PLAN AND FINAL
STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES
AND PROJECTED USES OF FUNDS.

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.

1301-3 Mr. Andersen, Senior Civil Engineer, reported that due to the
Earthquake 1994 earthquake, Burbank, like many local cities, endured
Damaged extensive damage to the sanitary sewer pipes that run
Sanitary Sewer throughout the City. He added for three years following the
System – Phase earthquake, closed circuit television cameras were sent into
6 (B.S. 1129) the manholes and through the sewer pipes to reveal numerous
cracks and offsets in the City's sewer mains and that this
information was sent to the Federal Emergency Management
Agency (FEMA) with a request for assistance to repair the
damage. He further reported that once FEMA received the
damage reports, money was obligated toward repairs.
He then outlined the different project phases as follows:

Phase 1, a \$243,000 project, took place in the southwest corner of the City and was completed in 1997. In June 1999, FEMA proposed that the remaining eligible funding for the repairs to Burbank's sewer mains be covered under a newly established Grant Acceleration Program (GAP) which was established to promote efficient repairs and to provide a final financial settlement offer for Subgrantees such as the City of Burbank; thereby setting a fixed limit on the amount to be paid for the repair of the designated damage.

He added that the Council accepted the GAP offer of \$13,645,090 on December 8, 1998, and the Public Works Department was to complete the designated repairs on the damaged sewers for that fixed amount of money. The sewer repair work under GAP was divided into three separate projects; Phase 2, a \$3.7 million project for the northeast and southwest corners of the City; Phase 3, a \$4.4 million project for various areas throughout the City; and, Phase 4, a \$3 million project located at the western half of the City south of the airport. These projects repaired over 116,276 linear feet of sewer pipe in streets and easements throughout the City and were completed by July 2000 encompassing all the FEMA designated repairs and totaled just over \$11 million.

Phase 5 consisted entirely of additional work due to money saved on the previous projects and included repairs to 37,291 linear feet of lining and 8,406 linear feet of dig and replace and was completed in May 2002 at a cost of \$2,011,821.

Further, he reported the Council accepted a FEMA GAP offer of \$637,660 on July 20, 1999, to repair the damage to the Burbank Water Reclamation Plant chlorine contact tank. On February 11, 2002, the City submitted a reimbursement request of \$484,202 for the completed chlorine contact tank repair project and requested that the remaining \$153,458 be used toward the additional sewer repairs and hazard mitigation work that comprise Phase 6. FEMA approved this request on March 6, 2002.

Mr. Andersen stated Bid Schedule No. 1129 consists of lining 1,217 linear feet of 10 inch diameter sanitary sewer pipe; reinstatement of 37 laterals; and lining 2,158 linear feet of 15 inch diameter sanitary sewer pipe. He added that Bid Schedule No. 1129 was advertised in the Burbank Leader on October 5 and October 9, 2002, and a bid opening was held on October 29, 2002. BRH-Garver, Inc submitted the lowest bid of \$139,261.00, which is 12.3 percent less than the engineer's estimate of \$158,710. Staff found that BRH-Garver meets the required qualifications for performing the project and has satisfactorily completed many projects similar in scope to Bid

Schedule No. 1129 for various cities in the area over the past few years.

He concluded that the City will initially front the funds for this project from Fund 494 (Water Reclamation and Sewer Fund) and FEMA/OES will reimburse the actual Phase 6 project costs following completion of the project and submittal of the claim request by the City.

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

1301-3 RESOLUTION NO. 26,407:
 Earthquake A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
 Damaged APPROVING AND ADOPTING CONTRACT DOCUMENTS,
 Sanitary Sewer PLANS AND SPECIFICATIONS, AND DETERMINING THE
 System – Phase 6 (B.S. 1129) LOWEST RESPONSIBLE BIDDER, ACCEPTING THE BID, AND
 AUTHORIZING EXECUTION OF A CONTRACT FOR THE
 REHABILITATION OF EARTHQUAKE-DAMAGED SANITARY
 SEWER SYSTEM – PHASE 6 PROJECT, BID SCHEDULE NO.
 1129, AND AMENDING THE FISCAL YEAR 2002-2003 BUDGET
 FOR THE PURPOSE OF RECEIVING AND APPROPRIATING
 GRANT FUNDS IN THE AMOUNT OF \$139,261 FROM THE
 UNAPPROPRIATED FUND BALANCE TO THE DISASTER RELIEF
 FUND SEWER REPAIR – PHASE 6.

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.

406 Mr. Ovrom initiated a discussion on the proposed agenda and
 FAA – selection of a local representative to the meeting with the
 Discussion Federal Aviation Administration (FAA) in Washington, D.C. He
 Of a Proposed stated that on December 4, 2002, the Burbank City Council
 Agenda and participated in a Tri-City/Airport meeting with City Council
 Selection of Members from the cities of Glendale and Pasadena and Airport
 Local Commissioners. At that meeting there was a consensus
 Representatives among the attendees to send a representative delegation to
 Washington, D.C. to discuss issues pertaining to the Airport
 with the FAA officials. It was concluded that each agency
 would send two representatives and that each entity would
 use its own normal process for selecting those representatives.

Mr. Ovrom reported that this matter was agendaized on the Burbank City Council's December 17, 2002 meeting at the request of Council Member Vander Borght for the purpose of discussing the topics to be discussed with the FAA, the possibility of including community representatives from Burbank, and the methodology for their selection.

Discussion began with Mr. Vander Borght, who noted the impossibility of a single solution regarding the Airport issues. He made mention of the Airport's stability regardless of the September 11, 2002 events, the Airport Authority's (Authority) decision not to pursue a new terminal and the Part 161 Study that was initiated to consider a curfew. He added that the City has not participated in the Part 161 Study and that together with the Glendale City Council, there is a renewed interest to appoint members to the Authority to determine the future direction of the airport. He also spoke in favor of a curfew emphasizing the need for the FAA to federally regulate the Part 161 Study. He noted that the Washington D.C. trip presents an opportunity to sit at the table with the FAA and to request the appointment of a high level FAA representative to hold a local meeting with the stakeholders. He stated his belief that the FAA would view the Part 161 Study in a favorable light and facilitate the implementation of a curfew.

Mrs. Ramos spoke in favor of the trip, stated the Discussion Paper did not mention Council support for a new terminal, and emphasized the need to meet with the FAA to communicate that the City is committed to local consensus, working with all the stakeholders, homeowners as well as neighbors in the cities of Pasadena and Glendale, to see that consensus can be brought forth. She noted that consensus cannot be reached overnight but that she believed that the City of Burbank embarked on this process when the Plan, Evaluation and Review Committee (PERC) was established.

Regarding the John Wayne Airport decision from the FAA, Mrs. Ramos noted that putting forth a message of local consensus, willingness to find a local solution and facing the FAA with a united effort was critical and weighed heavily in being granted a curfew. Mrs. Ramos stated she believes the City should emphasize the importance of mitigation measures to the FAA, and noted that the cities of Pasadena and Glendale were, for the first time, listening to a request from Burbank residents regarding mitigation measures for noise, air pollution, traffic and are moving in the direction of consensus with Burbank.

Mr. Laurell concurred that the City of Burbank is moving in the

right direction with regard to the Discussion Paper. He noted that while citizen inclusion is paramount, this trip should solely be for elected and appointed officials, to provide the opportunity to have substantive conversation as to what process can be established to: 1) expedite the Part 161 Study to achieve a curfew and to let the FAA know the City is ready to do everything possible to finalize a successful Part 161 Study; 2) make face-to-face relationships and obtain a commitment by the FAA Administrator to the delegation, to emphasize local control and 3) request that a high level FAA representative be appointed to work with the cities of Burbank, Glendale and Pasadena, and the Airport Authority, to hold a local meeting.

Mr. Laurell stated he was not supportive of broadening the scope of participation, citing the difficulty in the methodology that would be used to select the representative. He stated the City has two perfect citizen representatives in Mrs. Murphy, who has been elected twice, and Mr. Golonski, who has been elected three times, to the Council. He concluded that these representatives have the support of the community at large and are unwavering champions for local control.

Ms. Murphy expressed her reasons for the validity of the trip which included; the need to present a united front between the three Joint Power Authority (JPA) cities, local control, mitigation measures, curfew, constraints on growth, a solution to traffic and pollution problems, as well as establishing a relationship with the new FAA Administrator. She articulated the dilemma in the methodology that would be used to choose a local representative, noting that residents from North Hollywood and Sunland, who are much more impacted, have never been invited to the table to participate in the airport discussions. Ms. Murphy also mentioned that the northwest homeowners in Glendale have complained about the noise and traffic problems, which they feel, have not been addressed. She concluded that the trip would allow the representatives to introduce themselves, begin to discuss the problems, create an avenue for further discussions and lay the groundwork for a future solution.

Mr. Golonski agreed with the comments of the Council emphasizing that nothing monumental would be accomplished by the trip. He stated that any successful long-term solution would require strong consensus from stakeholders and would have to be supported by the FAA and the federal government. He noted the need to ask the FAA to engage in dialog and to work with the cities on the proposed solutions. Mr. Golonski stated the united front would be a first-time event, as the City embarks on the process to develop a plan and show the FAA that there is a commitment to a local solution, and also noted

that this would provide an opportunity to encourage the FAA to expedite the Part 161 Study process. He also suggested that a local meeting be held with a high level FAA representative, as it would be impossible to choose a local representative and added that residents of Sunland and Studio City would also participate in that local meeting.

Mr. Vander Borght reiterated his support for requesting a commitment from the FAA to have a high level representative come to the local level and meet with all the stakeholders so that the cities can work towards an ongoing process to manage the problem rather than seek a solution. He concurred that it was not logical to appoint one individual to represent the public because any selection would be arbitrary and noted there was no set date yet for the meeting.

Mrs. Ramos noted that the cities of Glendale and Pasadena had unanimously voted to send local representatives, that she had discussed this issue with the PERC members who realized there was no need for a local representative, though a volunteer from PERC, Elizabeth Handler, would be willing to go if need arose. She clarified that the representative would only go as an observer and that she was open to the idea of sending a representative, but understands that this may not achieve the intended purpose.

Mr. Laurell stated he was curious to know the methodology that the cities of Glendale and Pasadena or the Airport Authority would suggest to use in choosing their local representatives.

Mr. Ovrom clarified that the City of Glendale's motion, as relayed by the Glendale City Manager, was that the Glendale City Council had unanimously requested the Burbank City Council consider inviting a citizen.

Motion It was moved by Mr. Vander Borght and seconded by Ms. Murphy that " the terms of the discussion paper, including the points introduced by Mr. Golonski, including that a member of the public not be invited to participate at this time, and add a request that the appointed FAA representative be requested to participate in a local meeting to engage all stakeholders."

Carried The motion carried by the following vote:

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

10:47 P.M.
Reconvene
Redev. Agency
Meeting

The Redevelopment Agency and Public Financing Authority meetings were 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 Michael Bergfeld, requesting to be quoted accurately and requesting that members make further inquiries as to security enhancements; Howard Rothenbach, requesting an audiotape be made of the meeting to be shared with the public, emphasizing local consensus should include all stakeholders; and David Piroli, commenting on the Framework for Settlement and requesting an open process.

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 11:00 p.m.

Margarita Campos, City Clerk

APPROVED MARCH 25, 2003

Mayor of the Council
of the City of Burbank