

TUESDAY, FEBRUARY 4, 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 5:04 p.m. by Mr. Laurell, Mayor.

CLOSED SESSION

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

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

Citizen Comment Appearing to comment was Marie Paino, commending the Public Information Office for the programs airing on Channel 6.

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. Public Employee Appointment:  
Pursuant to Govt. Code §54956.95  
**Title of Position:** City Manager.  
**Brief description of position to be filled:** Administrative Head of Burbank City Government.

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 Bob Kramer, Community Assistance Coordinator.

Flag Salute The pledge of allegiance to the flag was led by Captain Jess Talamantes, Burbank Fire Department .

ROLL CALL

Present- - - - Council Members Golonski, Murphy, Ramos, Vander Borgh and Laurell.  
Absent - - - - Council Members None.  
Also Present - Mr. Ovrom, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

301-1 Police Chief Hoefel recognized the generous donation from

- Donation to Police Dept. by Thomas Vetter      Thomas Vetter to the Burbank Police Department. He acknowledged Mr. Vetter's past donations to the Police Department, and noted the donation will be used to purchase a child identification program. Mayor Laurell presented Mr. Vetter with a Certificate of Recognition in appreciation for his generous donations.
- 301-1 Regional Occupational Program Fire Academy Graduates      Fire Chief Davis briefly described the Regional Occupational Program (ROP) for local high school students seeking first-hand knowledge of the fire service through a semester-long program. Chief Davis introduced the program instructors to the podium, Diane Enoch, Los Angeles County Office of Education, Sue Boegh Burbank Unified School District (BUSD), Director of Career Education, Cindy Mercer, BUSD ROP Counselor, and Barbara Leyman, ROP Technician. He invited Fire Marshall Dave Star, Captain Ron Bell, Captain Jess Talamantes, and Fire Fighter Kelly Chulick up to the podium, and invited the Mayor to present the diplomas to the graduates: Sean Allen, Ruben Banzali, Melany Carias, Jonathan Curtin, Nick Gallyon, Margie Leiva, Brenda Ramirez, Erin Sheade, Robert Williamson, Wesley Dillon, Brandon Carpenter, Kristin Brown and Michael Templeton. Mayor Laurell congratulated and expressed his appreciation to the graduates.
- Reporting on Closed Session      Mr. Barlow reported on the items considered by the Council during the Closed Session meetings.
- 406 Airport Authority Report      Commissioner Lombardo reported that no actions were taken at the Special Meeting of January 27, 2003. He also reported on the February 3, 2003 regular meeting, noting that all action items were approved unanimously with one commissioner absent. He stated action items included: award of a contract for the purchase of a new airport rescue crash truck in the amount of \$ 628,277; award of a contract for Bid Schedule 2002-13, 14 and 18 comprising of a sound insulation program for 56 residences in Burbank and 30 residences outside of Burbank; award of a ground lease to Desmonds Studio, noting the project already received Public Utilities Commission approval and a Conditional Use Permit from the City; award of a contract and approval of work orders for the terminal security improvement project, noting primary changes in the original contract of \$24,490 for a new contract in the amount of \$34 million; approving changes in the Airport Authority investment policy; and receipt of a presentation on the overview of the residential acoustical treatment program. He concluded with a statistical update on airport traffic and

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stated passenger count for 2002 was 4.6 million (up 3 percent from 2001), the number of airline flights for 2002 increased by less than 1 percent and cargo volume for the year increased by 25 percent primarily due to the increased activity by FedEx. He added in December 2002 alone, the passenger count was 402,848, up 17 percent from 2001.

Mr. Golonski requested the Commissioners reconsider the onerous avigation easement required of homeowners by the Airport Authority to participate in the home insulation program. He stated the Federal Government did not require avigation easements, and referenced the San Francisco easement, which he preferred to that used by Burbank. Mr. Golonski requested Commissioner Lombardo present this matter before the Authority for a vote within 30 days, and added Burbank would contact the Cities of Pasadena and Glendale if a negative response was received, in an effort to have the requirement reconsidered. Commissioner Lombardo indicated he would present the request to the Authority and the Mayor instructed Mr. Ovrom to draft a letter to the Cities of Glendale and Pasadena in that regard.

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 Sue Stamper, in support of Measure L; Charlie Lombardo, in support of Measure L; Maria Gonzalez Romano, commending the construction of the new Buena Vista Library, and in support of Measure L; R. C. Czapiewski, requesting that Mary Alvord be appointed City Manager; Ralph Gee, commenting on the recently numerous Metrolink train accidents, and suggesting the construction of raised islands at dangerous railroad crossings; Howard Rothenbach, in support of Measure L, and commenting on the history of libraries; and Esther Espinoza, commenting on ways to improve voter turnout.

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 Darryl Forbes, President of the Burbank Sister Committee, in support of funding the Ota-Burbank Student Exchange Program, noting this year marks the 20<sup>th</sup> anniversary of the program, and encouraging the Council to approve the funding; Anita Issagholyan, one of twelve students who will be participating in the Ota-Burbank Exchange Program during Summer 2003, requesting Council support funding for the program; Michael Bergfeld, addressing the issue of disclosure and Brown Act requirements, noting his disagreement with listing City Manager recruitment under closed session items.

Tom Kaptain, in support of a lobbyist registration ordinance, and citing examples of potential problems in the absence of such an ordinance; Doris Vick, requesting the old Buena Vista Branch Library site be used as a community center and in opposition to the demolition of the building; Susan Bowers, in opposition to a lobbyist registration ordinance, emphasizing that the City Attorney's office did not establish a need for such legislation, that a problem in this regard has not been identified, and suggesting the establishment of an Ethics Commission instead if the Council felt there was such a need; Esther Espinoza, requesting a diverse group of students participate in the Ota-Burbank Student Exchange Program, and suggesting the former Buena Vista Branch Library be used for affordable housing purposes.

David Piroli, noting concerns with the potential increase in the Vehicle License Fee, commenting on a recent article regarding the worth of the Burbank Airport, and reading from an article regarding Redevelopment bonded indebtedness; Margie Gee, commenting on the upcoming trip to meet with the Federal Aviation Administration in Washington, D.C., and requesting citizen representation at this meeting; Mike Nolan, commenting on the necessity for a lobbyist registration ordinance, supporting the re-use of the former Buena Vista Branch Library as a community center, and commenting on budget cuts; Jim Emanuel, inquiring whether the Burbank Municipal Code is available online; Howard Rothenbach, commenting on the upcoming trip to Washington, D.C. and requesting citizen participation, and citing consequences of the recent sale of Redevelopment Agency bonds, inquiring as to the difference between the bonds being contemplated to be sold for Measure L and redevelopment bonds; and Mark Barton, requesting a response be given to Mr. Bergfeld's comments on closed session items.

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Staff  
Response

Members of the Council and staff responded to questions raised.

801  
403  
1102  
Financial  
Principles to  
Reduce Local  
Govt. Revenues,  
and to Reject  
Proposed Shift  
of Local Vehicle  
License Fee  
Revenues

Mr. Hanway, Financial Services Director, reported at the Council meeting of January 28, 2003, Council Member Golonski requested that Staff present resolutions specifically related to the Vehicle License Fees (VLF). He noted the State's prior commitment to cities and local governments that the revenue from the VLF backfill would be maintained. He stated the Burbank Redevelopment Agency was proposing to adopt a set of principles similar to those adopted by the Community Redevelopment Agency (CRA), as guidelines for the legislature related to redevelopment agencies.

Mr. Hanway also reported on the City's resolution pertaining to the VLF. He noted that revenue from the VLF backfill accounted for more than 20 or 30 percent of many city and local governments' general funds. He stated the City's resolution is requesting the State to keep the promise made five years ago to restore VLF funding to pre-rebate levels to avoid a widespread disruption in local government services, and a disproportional impact on local services. He acknowledged that State leadership was facing a crisis impossible to resolve unscathed, but noted that cities and local governments are limited in their ability to raise fees and taxes as a result of Proposition 218. He added the resolution would also inform the State that the City is already facing its own structured deficits from increased costs and decline in revenue and that Burbank is planning a 10 percent budget reduction across the board, with the prognosis of several fiscal years for recovery, regardless of the VLF shifts and any changes. Mr. Hanway concluded with the recommendation that the Council approve the proposed two resolutions.

Mr. Golonski suggested amending the resolution to request the State to maintain local funding for the VLF as opposed to requesting the California Legislature to reject the Governor's proposed shift of local VLF revenues. He also suggested using percentages in the findings to indicate the impact of losing a third of the Police force and Fire Department, as opposed to stating a loss of 48 Police personnel.

Motion

It was moved by Mr. Golonski and seconded by Mrs. Ramos that "the following resolution be passed and adopted:"

Redev. Agency Reso. Adopted      Redevelopment Agency Resolution No. R-2054 Urging the California Legislature to Reject the Governor's Proposed Educational Revenue Augmentation Fund (ERAF) Shift of Redevelopment Agency Funding and the Transfer of Unencumbered Low and Moderate Income Housing Funds to the State was adopted.

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

801      RESOLUTION NO. 26,420:  
403      A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
1102      URGING THE CALIFORNIA LEGISLATION TO HONOR THE 1998  
Urging Calif.      COMMITMENT, TO MAINTAIN LOCAL FUNDING FOR THE  
Legislature to      VEHICLE LICENSE FEE (VLF), AND TO REFRAIN FROM  
Maintain the      CUTTING STATE FUNDING TO LOCAL GOVERNMENT.  
VLF

Adopted      The resolution was adopted by the following vote:  
  
Ayes:      Council Members Golonski, Murphy, Ramos, Vander Borcht and Laurell.  
Noes:      Council Members None.  
Absent:      Council Members None.

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

Minutes Approved      The minutes for the regular meeting of December 3 and the adjourned meeting of December 4, 2002 were approved as submitted.

304-1      RESOLUTION NO. 26,420:  
907      A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
801-2      AMENDING FISCAL YEAR 2002-2003 BUDGET FOR THE  
Accepting a      PURPOSE OF ACCEPTING VETTER INVESTIGATIONS  
Donation from      DONATION OF \$3,000 TO THE BURBANK POLICE  
Vetter      DEPARTMENT.  
Investigations to  
The Burbank  
Police Dept.

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1704-3  
602  
Denying the  
Appeal of CUP  
2002-17 (524 S.  
San Fernando)

RESOLUTION NO. 26,421:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AFFIRMING THE PLANNING BOARD'S DECISION AND DENYING CONDITIONAL USE PERMIT NO. 2002-17 WITH DEVELOPMENT REVIEW NO. 2002-32 (524 SOUTH SAN FERNANDO BOULEVARD, SARKIS ALEBIAN AND ASMIK YETARIAN, PROPERTY OWNERS).

Adopted

The consent calendar was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Members None.

701  
1207  
Update on  
Reuse Of  
Former Buena  
Vista Library

Ms. Frausto, Redevelopment Project Manager, reported on the analysis for the re-use of the old Buena Vista Library site. She stated after extensive analysis, staff presented four options considered most appropriate for the site based on the building and lot size, cost and neighborhood compatibility. She noted single-family residence and childcare were deemed most appropriate, noting affordable housing and childcare were two unmet needs in the community. She reported the four re-use options included: five single-family units, nine small-lot single-family units, a 100-space rehabilitated childcare center and a brand new 100-space childcare center.

Ms. Frausto also reported in July 2001, after discussion of the four re-use options, staff was directed to conduct a community meeting to receive public comment. In preparation for the community meeting, staff fully developed the details associated with the single-family residence and childcare options. She reported in ascertaining the financial resources available to the City to develop a childcare facility, staff considered redevelopment funds, grant funds and bond proceeds and noted the availability of redevelopment funds if the site was developed for the residential option. She stated non-housing redevelopment funds could also be used, after a finding of benefits to one of the project areas has been made, since the old Buena Vista Library site was not in a redevelopment area. She also reported on staff's findings that grant funds for childcare were limited and geared to State and educational agencies, though this avenue was being continually explored.

Ms. Frausto stated staff had canvassed the business

community in Burbank for public-private partnerships for the childcare option to no avail, but noted the possibility of using funds from the issuance of the Golden State Revenue Bonds.

Mr. Golonski indicated his opposition to the housing options because the old Buena Vista Library was a community site for many years and he was not in support of transferring public land to private developers. He also stated the proposal did not provide for affordable housing opportunities, suggested the opportunity to impact the housing supply was greater at other sites, and noted the need for childcare in the community. He recommended only the childcare option be presented at the community meeting.

Ms. Murphy disagreed with Mr. Golonski's recommendation, suggesting all four options be presented at a general community meeting and inquired about the viable operators for the childcare center and the cost to the City for this option.

Mrs. Ramos supported presenting all options to the community, requesting a special notification to the immediate neighborhood around the site.

Mr. Vander Borcht noted the difficulty of finding land for public use, stated he was open to hearing what the community had to say about the re-use options, and suggested holding a general community meeting in addition to a specific meeting for the residents of the immediate neighborhood so that their input could be heard.

Mr. Golonski cautioned against the consequences of a two meeting approach, noting he was not in favor of selling the land to a housing developer and expressed concern that since the community around the site was currently a single-family community, residents would be inclined to request more single-family housing thereby necessitating land sale.

Mrs. Ramos remarked on the historical value of the building voiced by members of the public and stated she was in favor of a general meeting along with an immediate neighborhood meeting. She also noted expressions from some neighboring residents of having the facility refurbished and used for different uses.

Mayor Laurell acknowledged the possibility of underutilized community rooms in the City, and the need for affordable housing and affordable childcare. He indicated support of a general community meeting to obtain input from a broad range of residents, with a second meeting arranged only if need arose. Mr. Laurell was in favor of exploring the childcare use



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for the site, citing its configuration and location, but was also open to a general community meeting with limited options.

Mrs. Ramos requested information on the possibility of the land being held by the Burbank Housing Corporation, including a small day care center; and Ms. Georgino responded that the site was not large enough for a joint venture.

Motion It was moved by Ms. Murphy and seconded by Mr. Vander Borght that "staff be directed to conduct a general community meeting to receive public input on options 1, 2 and 3 for the reuse of the former Buena Vista Branch Library site with special notification to the immediate neighborhood with no stated preferences, with the understanding that the Council preferred retaining the property."

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.

9:19 P.M. The Council recessed at this time. The meeting reconvened at  
Recess 9:34 p.m. with all members present.

9:34 P.M. Mr. Laurell left the meeting at this time.  
Mr. Laurell Left  
The Meeting

708 Mr. Flad, Park, Recreation and Community Services Director,  
202-5 requested Council amend the Burbank Municipal Code (BMC)  
804-3 to assure the PerformArts Grant Program operates in  
206 accordance with the Code and Charter rules and regulations.  
PerformArts He reported on December 21, 1993, the Council adopted  
Grant Program & Resolution No. 24,109 approving new policies and procedures  
Renaming the for the distribution of City funds to the Performing Arts  
Park & Rec. Foundation, thereby providing eligibility to other worthy  
Board performing arts groups in Burbank. These funds were  
distributed on an annual basis via the Performing Arts Grant  
Awards Program, later shortened to the PerformArts Grant  
Program.

Mr. Flad stated although the Council approved the policies and

procedures of the PerformArts Grant Program, the BMC does not specifically provide the Park, Recreation and Community Services Board with the authority to make funding decisions or award grants and recommended the Council adopt an ordinance amending the BMC to assure that the PerformArts Grant Program operates in accordance with the rules and regulations as set forth by the City Charter and Code. This amendment would expand the Park, Recreation and Community Services Board's authority to make PerformArts Grant Program funding decisions and award these grant funds, as has been done for the past ten years.

He also reported in April 2001, the City Charter was amended to change the name of the Park and Recreation Department to the Park, Recreation and Community Services Department. At the same time, the name of the Board was also changed. He concluded with staff's proposal for the Council to formally amend the Code to change the name of the Board to conform to the recent change in the Charter.

Ordinance  
Introduced

It was moved by Mrs. Ramos and seconded by Mr. Vander Borght 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:

708  
202-5  
804-3  
206  
PerformArts  
Grant Program &  
Renaming the  
Park & Rec.  
Board  
Carried

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING ARTICLE 4, CHAPTER 2 OF THE BURBANK MUNICIPAL CODE RELATING TO THE PARK, RECREATION AND COMMUNITY SERVICES BOARD.

The motion carried by the following vote:

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

Noes: Council Members None.

Absent: Council Member Laurell.

401  
201  
Lobbyist  
Registration  
Ordinance

Mr. Barlow, City Attorney, reported on the review of several lobbyist ordinances including the City of Los Angeles ordinance establishing a commission to oversee and implement a lobbyist ordinance. He stated staff found the Los Angeles ordinance very lengthy and complicated, and proposed a simpler approach followed by the Cities of Malibu and West

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Hollywood. He reported staff had shared the proposed ordinance with individuals in the community who might be affected by its adoption and their responses were negative. He added staff was not aware of any situation where lobbyist ordinances were needed as a remedy and that, in light of the limited resources, staff did not recommend establishing a new program requiring enforcement and oversight.

Motion After Council discussion, it was moved by Mr. Vander Borght and seconded by Mrs. Ramos that "this item be postponed for one week to obtain a full quorum."

Carried The motion carried by the following vote:

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

Noes: Council Members None.

Absent: Council Member Laurell.

916  
2<sup>nd</sup> Amend. to  
Agmt. with BLT  
Recycling, Inc.  
For Burbank  
Recycle Center

Mr. Fischer, Assistant Public Works Director/Street and Sanitation Division, requested approval of a second amendment between the City and BLT Recycling, Inc. (BLT). He stated this amendment would enable the City to receive payment for each additional amount of recyclable material delivered to the recycle center, creating a financial incentive to grow the commercial recycling program, increase total tonnage delivered to BLT, and will not require additional staff or equipment for this effort. He reported the City currently delivers 150 tons of material to BLT each month but does not receive any compensation for that material. The amendment would allow the City to receive payment each month for every ton above 150 tons. The amount of compensation would be determined by the current month's official market rate. He noted the cost for BLT to process the material is \$40 per ton and any amount paid by the market above \$40 would go to the City. In addition, once a base of 300 tons a month was reached, BLT would back up the 150 tons.

Mr. Fischer further reported if the City collected between 150 and 299 tons per month, BLT would pay for every additional ton over 150 tons; if the City collected over 300 tons, BLT would pay for every additional ton over the first 100 tons; if the City collected over 400 tons, BLT would pay for every additional ton over the first 50 tons; and if the City collected over 500 tons of mixed commercial recyclables per month, BLT would pay the City for every ton collected.

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

916 RESOLUTION NO. 26,423:  
2<sup>nd</sup> Amend. to A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
Agmt. with BLT APPROVING THE SECOND AMENDMENT TO THE AMENDED  
Recycling, Inc. AND RESTATED AGREEMENT FOR RECYCLING SERVICES  
For Burbank BETWEEN THE CITY OF BURBANK AND BLT RECYCLING, INC.  
Recycle Center

Adopted The resolution was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Member Laurell.

305-4 Ms. Wolfe, Administrative Analyst, City Manager's office,  
Funding for the reported on January 14, 2003, the Council discussed providing  
OTA Sister City \$10,000 for the OTA Sister City Program. She stated staff did  
Program not do any further work on this issue and recommended the  
Council initiate discussion on this topic and direct staff  
accordingly.

Mrs. Ramos requested the Council support a proposal that the  
issue be discussed on a future agenda.

Motion It was moved by Mrs. Ramos and seconded by Mr. Vander  
Borght that "this item be postponed to a future agenda for  
discussion."

Carried The motion carried by the following vote:

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

Noes: Council Members None.

Absent: Council Member Laurell.

204 Mrs. Campos, City Clerk, reported at the Council meeting of  
Voter Education January 28, 2003, staff was directed to provide an impartial  
Pertaining to analysis of Measure L and advertise for applicants to present  
The Library Bond statements in opposition to or in support of Measure L on  
Measure L Channel 6. She stated the Council set a deadline of Tuesday,  
February 4, 2003 for filing such applications with the City  
Clerk's Office. She added a notice to that effect was posted

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on the Channel 6 scroll and in the City Clerk's office on Wednesday, January 29, 2003 and as of the 5:00 p.m. deadline on February 4, 2003, one application was received from the Yes on L Committee, requesting to present a statement in support of Measure L. No other applications were received.

Motion It was moved by Mrs. Ramos and seconded by Mr. Golonski that "the application to present the statement in support of Measure L be considered, and to proceed with the Voter Education Program."

Carried The motion carried by the following vote:

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

Noes: Council Members None.

Absent: Council Member Laurell.

10:02 P.M.  
Reconvene  
Redeve. 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 Tom Kaptain, commenting on the lobbyist registration ordinance; Michael Porco, in support of using the former Buena Vista Branch Library site for childcare, and requesting the community be given data with respect to affordable housing and childcare; Mark Barton, commenting on recent Metrolink train accidents, and requesting staff be directed to provide further mitigation measures; Eden Rosen, commenting on the time allowed for oral communications, on lack of responses to e-mails and telephone calls, requesting the cost of proclamations and plaques, and requesting the Council decrease the awarding of plaques and proclamations due to budget cuts.

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

301-2  
Memorial  
Adjournment

There being no further business to come before the Council,  
the meeting was adjourned at 10:02 p.m. in memory of retired  
Police Detective Ira Allen.

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Margarita Campos, City Clerk

APPROVED APRIL 22, 2003

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Mayor of the Council  
of the City of Burbank