

TUESDAY, MARCH 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 5:02 p.m. by Mr. Laurell, Mayor.

CLOSED SESSION

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

Absent - - - - Council Members None.

Also Present - Ms. Alvord, Interim 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.

5:02 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. Public Employee Appointment:  
Pursuant to Govt. Code §54957  
**Title of Position:** City Manager.  
**Brief description of position to be filled:** Administrative Head of Burbank City Government.
  
- e. Conference with Labor Negotiator:  
Pursuant to Govt. Code §54957.6  
**Position Title of Unrepresented Employee:**  
**Summary of labor issues to be negotiated:** Compensation and benefits.
  
- f. Conference with Real Property Negotiator:  
Pursuant to Govt. Code §54956.8  
**Agency Negotiator:** Community Development Director/ Susan M. Georgino.  
**Property:** 1000 South Flower Street Southeasterly Corner of Alameda Avenue and Flower Street.  
**Parties With Whom City is Negotiating:** Jane M. Jennings and Anna Jennings, Co-Trustees of the Gladys M. Blanchard Trust.  
**Terms Under Negotiation:** Possible acquisition.

Regular Meeting Reconvened in Council Chambers      The regular meeting of the Council of the City of Burbank was reconvened at 6:35 p.m. by Mr. Laurell, Mayor.

Invocation      The invocation was given by Reverend Tania Kleiman, Olive Branch Ministries.

Flag Salute      The pledge of allegiance to the flag was led by Mr. Flad, Park, Recreation, and Community Services Director.

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  
Red Cross Month      Mayor Laurell presented a proclamation in honor of Red Cross Month to Terry Campbell, noting the outstanding work and support this organization provides to Burbank residents and to those in surrounding communities.

Reporting on  
Council Liaison  
Committees

Mrs. Ramos and Mr. Vander Borcht reported on the Environmental Oversight Committee meeting.

Mr. Golonski reported on the trip to Washington, D.C. he and Mrs. Murphy took, along with representatives from the Cities of Glendale and Pasadena, the Airport Authority and four local Congressmen, to request the Federal Aviation Administration (FAA) to appoint a senior staff member to work with the local stakeholders to reach a long-term solution to the airport dispute and the repeated request from the City of Burbank for a curfew, and restrictions on future growth and noise at the Airport. He noted their disappointment from the response that the FAA was unwilling to appoint a senior staff member, or extend the time period for the Airport Authority to repay the money for the purchase of the B-6 property. Mr. Golonski added the FAA did not choose to participate in such discussions; however the City would continue discussions with the other representatives for ways to engage the FAA. Ms. Murphy concurred but added that two of the Congressmen present would further investigate any possible ways to resolve the issue.

Reporting on  
Closed Session

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

406  
Airport  
Authority  
Meeting

Commissioner Brown reported on the Airport Authority meeting of March 3, 2003, stating reports from the Finance Committee of February 11 and February 25, 2003, Legal Committee on February 12 and February 26, 2003, and minutes of the Airport Authority meeting of February 18, 2003 were all unanimously approved. He added the Airport Authority approved a ground lease for Sunrise Ford for storage of new cars and trucks, with vehicle sales prohibited on the B-6 property pending approval from the City of Burbank; and a request for proposals for the design, manufacture, and installation of three model aircrafts to commemorate the 73rd anniversary of the airport and the 100th anniversary of flight. He commented on a memorial service held on February 25, 2003 in memory of Bobby Trout and the briefing received on the recent trip taken by the delegation to Washington, D.C., noting the Airport Authority directed staff to begin an audit of the \$46 million which the Airport Authority will either have to repay to the FAA, or use for approved projects. He also stated the next meeting was scheduled for March 20, 2003 at 6:30 p.m., which would be the first evening meeting of the year and invited Burbank residents to attend.

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The Council noted and filed 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 Cele Burke, expressing sorrow at the departure of Mr. Ovrom, and in support of Ms. Alvord replacing Mr. Ovrom as City Manager; R. C. Czapiewski, urging residents to vote for Todd Campbell for City Council; Evelyn Griffin, stating she has not been notified of any pending meeting with regard to the re-use of the former Buena Vista Branch Library; C.L. Stack, in support of Ms. Alvord serving as City Manager; Stan Hyman, asking Mr. Vander Borcht if he would support his acquaintance in securing a job with the Public Information Office, inquiring if Mr. Laurell could act as a paid Airport Commissioner considering Burbank's new one year non-employment ordinance for elected officials; Jim Schad, requesting that parks be named after volunteer workers in the community, against naming the South San Fernando Park after Bud Ovrom; Howard Rothenbach, expressing appreciation to the voters, especially those who voted in favor of Measure L, and announcing upcoming events of the Friends of the Burbank Library; Mike Napolitano, urging the Council to do a broad search for the new City Manager; Esther Espinoza, thanking her supporters in the recent election and commenting on the lack of latino voters in Burbank; and Dr. Theresa Karam, announcing her appointment as the Chairperson for the Burbank Airport on the Greater Toluca Lake Neighborhood Council, commenting on the trip to Washington D.C.

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 Lowell Dosch, Attorney, requesting a CEQA review of the City's Bow Hunting Ordinance and requesting the Council reconsider the ordinance; Craig Fritz, Second Vice President for California Bowhunting and State Archery Association, requesting the Council reconsider their decision on the recent Bow Hunting

Ordinance during the CEQA process, and requesting the review include the mountain bikers who unsafely participate their sport in the Burbank hills, volunteering to serve on a committee to resolve issues pertinent to hunting in the Burbank hills; Jim Schad, in support of Ms. Alvord being considered for the position of City Manager, in support of a recruitment to hire the best qualified candidate; Molly Hyman, commenting on the recent trip to Washington, D.C., and in support of Ms. Alvord serving as the new City Manager; Dr. Theresa Karam, in support of Ms. Alvord serving as Burbank's new City Manager, but urging a recruitment process, and commenting on the futility of the trip to meet with the FAA in Washington, D.C., Esther Espinoza, urging the Council to conduct a nationwide recruitment for the position of City Manager, and commenting on water rates;

John Knox, inquiring how many accidents have occurred in the Burbank hills caused by bow hunters since the Council cited safety concerns as their reason for enacting the recent Bow Hunting Ordinance; David Piroli, inquiring the cost of the recent trip to Washington, D.C., and commenting on the outcome of the trip; Mark Barton, commenting on the Bow Hunting Ordinance, and expressing support for the ordinance; Howard Rothenbach, requesting a written report be prepared with regard to the Washington, D.C. trip, commenting on the lack of nexus between land use issues in Burbank and the curfew, expressing concern about the 60-day deadline placed by the FAA to decide on construction of a new terminal; Mike Nolan, supporting the CEQA study with regard to the Bow Hunting Ordinance, urging the Council not conduct a nationwide search, but rather a statewide search for the best qualified candidate, expressing concern that an offer was made to Glendale City Manager Jim Starbird without public discussion in Burbank.

Staff  
Response

Members of the Council and staff responded to questions raised.

Item  
Removed from  
Consent  
Calendar

The item regarding the Bow and Arrow Ordinance enforcement date was removed from the consent calendar for the purpose of discussion.

Motion

It was moved by Ms. Murphy and seconded by Mr. Vander Borgh that "the following items on the consent calendar be approved as recommended."

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1503                    RESOLUTION NO. 26,439:  
1506                    A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
411                      APPROVING AND AUTHORIZING THE EXECUTION OF  
Approve Amend.      AMENDMENT NO. 1 TO THE MAGNOLIA POWER PROJECT  
No. 1 to the            SITE LEASE AND SERVICES AGREEMENT BETWEEN THE  
MPP Site Lease        SOUTHERN CALIFORNIA PUBLIC POWER AUTHORITY AND  
Agmt.                    THE CITY OF BURBANK.

1503                    RESOLUTION NO. 26,440:  
1506                    A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
411                      AMENDING RESOLUTION NO. 26,377 RELATIVE TO RECEIPT  
Demolition of         AND EXPENDITURE OF FUNDS FROM THE SOUTHERN  
Magnolia 1 & 2        CALIFORNIA PUBLIC POWER AUTHORITY FOR MAGNOLIA  
Powerhouse and        POWER PROJECT SITE PREPARATION ACTIVITIES; AND  
Magnolia 3 & 4        APPROVING AND AUTHORIZING THE EXECUTION OF: (1) A  
Ductwork              PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY  
                             OF BURBANK AND CLEVELAND WRECKING COMPANY FOR  
                             DEMOLITION AND DISPOSAL OF THE MAGNOLIA 1 & 2  
                             BUILDING SUPERSTRUCTURE AND THE MAGNOLIA 3 & 4  
                             DUCTWORK; AND (2) A PROFESSIONAL SERVICES  
                             AGREEMENT BETWEEN THE CITY OF BURBANK AND  
                             INDUSTRIAL HYGIENE MANAGEMENT FOR SERVICES  
                             RELATED TO SAID DEMOLITION WORK.

907                      RESOLUTION NO. 26,441:  
206                      A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
Bow and Arrow        SUSPENDING ENFORCEMENT OF THE BOW AND ARROW  
Ord.                      ORDINANCE NO. 3616 PENDING CEQA REVIEW.  
Enforcement  
Date

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.

1503                    Mr. Davis, General Manager, Burbank Water and Power  
1504                    Department, reported no chromium testing was conducted in  
BWP Monthly         February 2003, and that a status report for calendar year 2002  
Operating             on sampling for chromium testing measurement studies was  
Report                 provided to the Council. He noted Chromium levels for the  
                             last calendar year averaged 3.5, below the chromium 6  
                             measurement which the Council set as an administrative goal,  
                             and commented on recent news articles regarding Senator  
                             Ortiz's hearing on scientific panel biases.

In terms of operation, Mr. Davis reported the Water Division continued to be on budget for the year, and noted the Electric Division's reliability continues to meet desired standards, running at about a tenth of the national average for power outages. He added retail sales continued to be low, but noted the loss margins have been off-set by revenues from electric wholesale.

Mr. Davis also reported BWP kicked-off the new Shade Tree Program, and acknowledged the Park, Recreation and Community Services Department for their assistance in setting up the program.

Mr. Fletcher provided a project overview and status update of the Magnolia Power Project, and stated planning work had been completed with the construction phase ready to begin. He noted the California Energy Commission was expected to approve licensing for the plant the following day and added demolition of Magnolia Plants 1 and 2 would begin the following day, with financing expected in early April and construction following in June.

Mr. Fletcher also noted subscription had been completed, with the City of Anaheim taking 38 percent, City of Burbank 31 percent, City of Cerritos 4 percent, City of Colton 4 percent, City of Glendale 17 percent, and City of Pasadena 6 percent.

Mr. Golonski requested Mr. Davis provide the Council with an update of the status of green power alternatives.

The Council noted and filed the report.

1010  
City Manager  
Recruitment

Mr. Barlow stated with the recent resignation of the City Manager, the Council had the opportunity to select a new individual for that position, reiterating that no offers have been made to any individuals. He added although such appointment could be made in closed session, the Council chose to conduct the process in public. Next, he outlined the options before the Council which included: directing that negotiations begin with a specific individual; soliciting applications from specific individuals or from a category of individuals (e.g. all cities in the state); or employing an executive search firm with special expertise in city government.

Mrs. Ramos stated she was supportive of beginning negotiations with Ms. Alvord, acknowledging the value of the

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recruitment process, but noting her personal experience with Mrs. Alvord as well as her qualifications for the position.

Mr. Golonski noted the process of a search was a healthy one, but was confident with Ms. Alvord's qualities, thereby supporting negotiations with Ms. Alvord.

Mr. Vander Borght, commented on the Executive Team's support of Ms. Alvord, and expressed support of beginning negotiations with Ms. Alvord for the position of City Manager.

Ms. Murphy, supported beginning negotiations with Ms. Alvord noting she is well-versed on issues which are unique to Burbank.

Mr. Laurell, expressed support of beginning negotiations with Ms. Alvord noting her integrity and the support of the community at large, City employees, the Executive Team and the City Council.

Motion It was moved by Mrs. Ramos and seconded by Mr. Golonski that "the City Attorney be directed to initiate negotiations with Ms. Alvord for the position of Burbank City Manager."

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 Mark Barton, commenting on the length of time allowed for the first period of oral communications, requesting the time be increased to 2 minutes; and David Piroli, expressing support for negotiating with Ms. Alvord for the position of City Manager, and requesting the Council summarize the direction they obtained as a result of the meeting in Washington, D.C., requesting a full accounting of the entire cost for the trip.

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 9:00 p.m.

Margarita Campos, City Clerk

APPROVED MAY 20, 2003  
Mayor of the Council  
of the City of Burbank