TUESDAY, MARCH 18, 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 5:03 p.m. by Mr. Laurell, Mayor.

CLOSED SESSION

Present- - - - Council Members Golonski, Murphy, Ramos, Vander Borght

(arrived at 5:06 p.m.) and Laurell.

Absent - - - - Council Members None.

Also Present - Ms. Alvord Interim City Manager (arrived at 5:05 p.m.); Mr.

Barlow, City Attorney; and, Mrs. Campos, City Clerk.

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

Citizen Comment

Appearing to comment were Mike Nolan, commenting on the Closed Session agenda, requesting the titles of Closed Session items include the party with whom the City is negotiating, as this information may be relevant with regard to conflicts of interest; Marie Paino, inquiring as to the status of the request to pay phone, cable and Burbank Water and Power bills in the City Hall drop-off box.

5:10 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. <u>Conference with Legal Counsel Existing Litigation</u>: Pursuant to Govt. Code §54956.9(a)
 - Name of Case: City of Burbank v. Burbank-Glendale-Pasadena Airport Authority.

Case No.: BC259852

Brief description and nature of case: Declaratory Relief.

2. **Name of Case**: Tracy Smith v. City of Burbank; Nickels Construction [Doe 2]

Case No.: EC033130

Brief description and nature of case: Woman and her horse fell on Mariposa Bridge; Settlement approval.

b. <u>Conference with Legal Counsel – Anticipated Litigation</u> (City as possible plaintiff):

Pursuant to Govt. Code §54956.9(c)

Number of potential case(s): 1

c. <u>Conference with Legal Counsel – Anticipated Litigation</u> (City as potential defendant):

Pursuant to Govt. Code §54956.9(b)(1)

Number of potential case(s): 1

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: City Manager. **Summary of labor issues to be negotiated**: Compensation

and benefits.

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 Reverend Roby Correa, Magnolia Park United Methodist Church.

Flag Salute

The pledge of allegiance to the flag was led by Police Lieutenant Janice Lowers.

ROLL CALL

Present- - -

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

Absent - - - -

Council Members None.

Also Present -

Ms. Alvord, Interim City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

301-1 Committee for Lifelong Learning Mrs. Cohen, Interim Library Services Director, made introductory remarks commending the Committee for Lifelong Learning for their dedicated and successful effort in advocating for Measure L, the Library Improvement Bond, which was passed at the Primary Nominating Election. Mayor Laurell presented a proclamation to Committee Chair Tom Bruehl, and certificates of recognition to Committee Members Vic Georgino, Roger Cusumano, Darrel Taylor, Yasmine Wolfe, Sister Renata Hyam, Howard Rothenbach, Jess Talamantes, Sue Stamper, Brian Miller, Paula Paggi, Pete McGrath, Mary Alice O'Connor, Nancy Lacher, Paul Krekorian, Michael Hastings, Janice Lowers, Larry Johnson, Tom Bruehl, T.J. Baptie, Darcy Bowers, Nick Behunin, Susan Bowers, Jim Casey

and Don Farquhar.

Reporting on Closed Session

Mr. Barlow reported on the items considered by the Council and the Redevelopment Agency during the Closed Session meetings. He stated on Saturday, March 15, 2003, the Council held a continued Closed Session meeting and discussed matters relating to the Burbank-Glendale-Pasadena Airport. He added although no actions were taken, the Council requested to make comments about that Closed Session meeting.

Mayor Laurell stated it was the desire of the Council to hold as much discussion about the Airport in open session as possible, noting some items still have to be discussed in Closed Session for the benefit of the City and to avoid potential litigation. He reported the Council discussed the outcome of the Washington, D.C. trip wherein representatives met with Mrs. Blakey, Federal Aviation Administration (FAA) Administrator. He added Mrs. Blakey affirmed the FAA would not link the new Airport terminal with the curfew, and noted the desire of the present and former Councils that a curfew be a prerequisite to a new replacement terminal.

Mayor Laurell added the Council discussed various options including: supporting an immediate decision to sell the B6 property, thereby foreclosing the possibility of a new terminal on the B-6 property and making a short but intense last-ditch effort to reach an agreement on a new terminal during the 60-day window of opportunity set by the FAA, noting the Council concluded that neither of those options were appropriate at this time. He stated the Council believed the best option was to allow the Airport Authority to retain the B-6 property, and to refrain from making a decision until the Part 161 Study process was complete and a decision made on the curfew, and requested the matter be agendized if it was the Council's desire.

Motion

It was moved by Mr. Vander Borght and seconded by Mrs. Ramos that "an item be agendized for discussion for the March 25, 2003 meeting."

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.

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 Lee Paysinger, congratulating the Council on the appointment of Ms. Alvord as Interim City Manager, and Dave Newsham, as Interim Assistant City Manager; Cecilia Maislin, team manager of a boys-under-14 soccer team, commenting on the lack of soccer fields for practice in Burbank; Raul Meneses, head coach of a boys soccer team, noting the benefits of club soccer and noting the lack of soccer fields in Burbank; Silvio Pietrantonio, representing United Food and Commercial Workers 770, expressing opposition to a Wal-Mart development in Burbank; Howard Rothenbach, inquiring whether the City's budget cuts involved privatizing specific City positions; Esther Espinoza, commenting on recent real estate transactions conducted by the City; C.L. Stack, in opposition to naming a City park after former City Manager Bud Ovrom; and Ron Vanderford, inquiring whether City positions are being considered for privatization and speaking in opposition to any such proposal.

Staff Response

Members of the Council and staff responded to questions raised.

Second Period of Oral

Communications

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

Citizen Comment

Appearing to comment were Esther Espinoza, commenting on the proposed inclusionary housing ordinance and affordable housing in general; Martha Gallegos, requesting to make a comment on the Wal-Mart Store; Mike Nolan, commenting on marketing efforts undertaken to develop the Old Police Block and his belief that staff did not adequately market the site; Ron Vanderford, commenting on campaign signs posted on property owned by the Cusumano Real Estate Group, and in opposition to the Burbank Civic Plaza real estate transaction in general; David Piroli, commenting on the Burbank Civic Plaza real estate transaction, on the proposed grant application for the State Library Construction Grant, and potential State

budget cuts including the elimination of Transaction Based Reimbursement (TBR) funds affecting library construction and joint use agreements; Howard Rothenbach, reading from an article pertaining to the State budget cuts and the potential elimination of TBR funds, noting such a cut would amount to \$120,000 to Burbank's libraries, and urging residents to contact State representatives expressing opposition to this proposal; C.L. Stack, in opposition to the Burbank Civic Plaza development; and Mark Barton, in support of increasing the salaries of the Principal Civil Engineers in both Burbank Water and Power and the Public Works Department.

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

906 1102 Jt. Mtg. with Redev. Agency Guidelines for an Inclusionary Housing Ordinance

Mr. Solomon, Housing Development Manager, reported in February 2003, the Blue Ribbon Task Force on Affordable Housing (Task Force) presented recommendations intended to expand the stock of affordable housing in Burbank. He added at the close of the presentation, the Council authorized implementation of the Task Force's recommendations and instructed staff to bring back a report providing background information about inclusionary housing to provide the Council with further guidance in drafting an ordinance for future consideration to ensure that a portion of residential units in a market rate development were affordable to lower and moderate-income households. He noted, sensitive to market conditions, inclusionary housing ordinances were most productive in a strong housing market such as Burbank's, by capitalizing on market demand when market rate development is focused primarily on upper-income households. Also, the Ordinance would spur economic integration within a community by requiring affordable units to be dispersed throughout new developments generating a mix of income levels and a means for lower-income paid workers to find housing close to employment. He then gave a historical background on inclusionary housing ordinances in the State of California.

Karen Warner, representing Karen Warner and Associates, provided an overview of the common characteristics which make up inclusionary housing ordinances. She also discussed the results of a statewide survey of 75 State jurisdictions and noted inclusionary housing ordinances should not impede development but provide affordable housing.

Mr. Solomon discussed the issues associated with inclusionary

housing as well as staff's recommendations pertaining to each issue. He stated staff recommended that 15 percent of all newly constructed for-sale units be affordable to low and moderate-income households and 15 percent of all newly constructed rental units be affordable to lower-income households, with one-half affordable to very low-income households.

With regard to how long the inclusionary units would be required to be affordable, he stated staff recommended the period of affordability extend in perpetuity, with resale provisions tied to the for-sale units as well as requiring that affordable units be constructed consistently with market rate units and not at a later stage of construction.

On the issue of exemptions, he stated staff proposed that projects comprising of less than 10 units be exempted from the ordinance to avoid a heavy financial impact on developers.

Regarding the developer's options to meet the inclusionary housing obligation off-site, he stated staff suggested a developer be allowed to pay an in-lieu fee to opt out of developing affordable units on-site. He informed the Council that an in-lieu fee study would be undertaken to determine that the amount of the affordability gap is consistent with what would be required of the developer if he had to build an affordable unit on-site, to construct affordable units off-site, or donate land at another location and would also consider credit transfers whereby a developer could reduce the number of required affordable units in exchange for meeting some other housing policy purpose. He concluded with staff's request that the Council approve the recommendations and direct staff to return with a draft inclusionary housing ordinance and authorize staff to initiate an in-lieu fee study.

Mrs. Ramos clarified the Task Force discussions did not include specific thresholds for the number of units or the off-site construction option and inquired of the method of enforcing off-site development of affordable housing units. Mrs. Georgino responded that units would have to be developed concurrently or first.

Ms. Murphy inquired of the effects of the inclusionary housing ordinances in the cities surveyed by staff and Mr. Solomon replied that response to inclusionary housing ordinances was market driven with popularity in a strong market as opposed to a down market and noted the growing number of jurisdictions adopting such ordinances. He stated in the short term, some property owners may hold property off the market anticipating that developers would pay the market rate, with the situation

correcting itself in the long term. Ms. Murphy cautioned on the trend of developers offering land for low and moderate income housing in other locations to avoid having those units in specific areas and Mr. Solomon clarified the exclusion of this option from the ordinance. She expressed support of the affordability term being in perpetuity.

Mr. Golonski was supportive of the direction to continue with drafting the proposed ordinance and developing an in-lieu fee structure, but expressed concern with the exemption for developments comprising of less than 10 units, stating he would prefer that the exemption be based on density.

Mr. Vander Borght concurred with Mr. Golonski with regard to the proposed threshold, cautioning that design standards should not be modified to the detriment of R-1 zoned areas.

Mayor Laurell expressed support for staff's recommendations and inquired about Keyser Marston and Associates' process of soliciting public input regarding the in-lieu fee study, and inquired if initiating the in-lieu fee study should be a part of the ordinance or if it required a public hearing.

Motion

It was moved by Ms. Murphy and seconded by Mrs. Ramos that "the Council approve the recommended guidelines described above and instruct staff to return with a draft Inclusionary Housing Ordinance."

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.

8:48 P.M. Recess The Council recessed to permit the Redevelopment Agency and Public Financing Authority to hold their meetings. The Council reconvened at 8:50 p.m. with all members present.

Motion

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

1207 RESOLUTION NO. 26,447:

1102 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK

Coop. Agmt. w/ Redev. Agency For Transfer of Property to City For New Central Library APPROVING THE TERMS AND PROVISIONS OF A COOPERATION AGREEMENT BETWEEN THE AGENCY AND THE CITY RELATING TO THE TRANSFER OF CERTAIN LAND FOR THE CENTRAL LIBRARY.

1205-2

RESOLUTION NO. 26,448:

Public Utility Easement Vac. (220 N. Valley St.) A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ORDERING THE SUMMARY VACATION OF A PUBLIC SERVICE EASEMENT AT 220 NORTH VALLEY STREET, BURBANK CALIFORNIA (V-352).

1301-3

RESOLUTION NO. 26,449:

Change Order
For B.S. 1121 –
Buena Vista
Traffic Signal
Interconnect and
Fiber Optic
Comm. System

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING CHANGE ORDERS FOR THE BUENA VISTA STREET TRAFFIC SIGNAL INTERCONNECT AND FIBER OPTIC COMMUNICATION SYSTEM, BID SCHEDULE NO. 1121.

1009-1

RESOLUTION NO. 26,450:

Revise Principal
Civil Engineer
Salary in BWP
And Public
Works

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SALARY FOR PRINCIPAL CIVIL ENGINEER (CTC NO. 5679).

1009-1

RESOLUTION NO. 26,451:

Revise Principal Civil Engineer Salary in BWP And Public A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SALARY FOR PRINCIPAL CIVIL ENGINEER (CTC NO. 0680).

And Public Works 1009-1

RESOLUTION NO. 26,452:

Revise Principal Civil Engineer Salary in BWP And Public Works A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SALARY FOR PRINCIPAL CIVIL ENGINEER (CTC NO. 0679).

1009-1 RESOLUTION NO. 26,453:

Revise Utility Telecomm. Manager Salary A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK REVISING THE SALARY FOR UTILITY TELECOMMUNICATIONS MANAGER (CTC NO. 0947).

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.

410 804-3 MTA 2003 Call For Projects

Mr. Kriske, Assistant Transportation Planner, reported on the proposed application package to be presented to the Metropolitan Transportation Authority's (MTA) 2003 call for projects, a program that allows local agencies in the Los Angeles County area to submit grant applications for transportation projects. He stated project applications are evaluated based on their regional significance and the ability to improve overall mobility within Los Angeles County, and that approved projects would require a local 20 percent match from the requesting Agency expected to be available from a combination of Proposition C and Transportation Impact Fees. He noted any project approved by the MTA would be brought before the Council for authorization and allocation of the local matching funds, and presented the three proposed projects which staff believed met the MTA's criteria and the City's goals of maintaining high levels of service at intersections, along arterials and enhancing and promoting alternative transportation.

The first proposal, the San Fernando Bikeway project, would allow for the construction of a three-mile class 1 bikepath along San Fernando Boulevard and Victory Place from the northern City boundary with Los Angeles to the Downtown Burbank train station.

The second proposal was a joint project with the City of Glendale to install signal improvement infrastructure along arterials located in the Interstate 5 corridor as well as streets serving the junction of Interstate 5 and State Route 134.

The third proposal was also a joint project with the City of Glendale, to add enhancements to the existing traffic management systems to allow for automatic monitoring of intermittent congestion, accidents and other traffic interruptions by measuring changes in speed and density. The automated systems would notify the appropriate operator if extreme congestion was identified.

He also informed the Council of additional projects to be submitted to the MTA by the Arroyo Verdugo Cities SubRegion. These transit-related projects included the purchase of 15 mid-size transit buses to help implement the service policies identified in the region, as a pilot project between the cities of Glendale and La Canada with no fiscal impact to the City of Burbank unless there was a desire to participate. He added due to the budget uncertainties funds to selected projects would not be made available until 2007 or beyond.

Mr. Golonski requested additional information pertaining to the Chandler Bikeway Project in particular and expressed concerns with putting a bikeway along Victory Place. Mrs. Georgino responded that the information would be brought back to the Council, but added this action was required in order to secure a place in the funding process.

Mr. Johnson, Traffic Engineer, responded to Mr. Golonski's concerns regarding the Intelligent Transportation System project, noting a comprehensive plan would be presented to the Council at a future date.

Motion

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

410 804-3 MTA 2003 Call For Projects

RESOLUTION NO. 26,454:

A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION TO THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY.

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.

804-3 403 412 701 Submittal of Grant for Reading and Literacy Imp. Mrs. Cohen, Interim Library Services Director, reported the City was presented an excellent opportunity for major funding contribution via the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000 (Bond Act) which authorizes library construction grant awards on a competitive basis to communities for new or expanded library facilities.

and Public Library Const. and Approve a Joint Use Agmt. With BUSD She stated the Bond Act allocates \$350 million to be distributed to public libraries in three rounds over a three-year period and noted the first round closed in June 2002, the second round would close on March 28, 2003, with the final round closing in January 2004. The maximum grant per project was \$20 million, with the State funding 65 percent of the cost of constructing new or expanded public libraries facilities and a 35 percent local match from the applicant. She noted the desperate need for a new Central Library and stated the City was considering applying for the maximum grant of \$20 million.

Mrs. Cohen reported under the Bond Act, first priority was given to joint use projects in which the public agency and one or more school districts have entered into a cooperative She discussed the City's partnership with the agreement. Burbank Unified School District (BUSD) referred to as Student Homework and Research Enrichment (SHARE) which would focus on joint activities between the Library and the BUSD at critical times in a student's school career, to reinforce reading She stated the program would focus on and research skills. children entering the District (either through kindergarten or because they are new to the District), 4th grade students beginning to do research, 8th grade students preparing to enter high school, and the overall technology needs of all students. In addition, the program would provide a Homework Center for students in elementary and middle schools, with homework assistance staff and software.

She added under the terms of the Cooperative Agreement, an Advisory Committee would be established to implement and evaluate the SHARE program, subject to modification to meet the intent of the original Cooperative Agreement and the Bond Act. The City and the BUSD would also commit to providing joint use library services over a 20-year period, contingent upon the award of this grant funding.

Mr. Finney, Architect, presented the project design for the proposed Central Library, noting the style elements of the Central Library which would be appropriate and similar to existing elements in the Civic Center area.

Mr. Clifford, Capital Projects Manager, addressed the fiscal impacts of project construction, and referenced the amendment as distributed to the Council and the public. He noted the key factor of the fiscal impact was the 55 percent pro-rata share for the five-level parking structure and the common plaza area cost which was derived by the utilization of the parking versus the parking to be used by the Central Library causing an increase in the total project cost. He also

noted the major benefit in funding the project which was the dollar per dollar contribution that the State would allow in terms of the land contributed.

Motion

403

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

804-3 RESOLUTION NO. 26,455:

412 701 Submittal of Grant for Reading and Literacy Imp. and Public Library Const. and Approve a Joint Use Agmt. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING SUBMITTAL OF APPLICATION FOR FUNDS FROM THE STATE OF CALIFORNIA READING AND LITERACY IMPROVEMENT AND PUBLIC LIBRARY CONSTRUCTION AND RENOVATION BOND ACT OF 2000: CERTIFYING PROJECT BUDGET, LOCAL FUNDING COMMITMENT, SUPPLEMENT FUNDS AND PUBLIC LIBRARY OPERATION; APPROVING A JOINT USE AGREEMENT WITH THE BURBANK UNIFIED SCHOOL DISTRICT.

Adopted

With BUSD

The resolution was adopted by the following vote:

Council Members Golonski, Murphy, Ramos, Vander Ayes:

Borght and Laurell.

Noes: Council Members None. Absent: Council Members None.

Ordinance Submitted

It was moved by Mr. Golonski and seconded by Ms. Murphy that "Ordinance No. 3619 be read for the second time by title only and be passed and adopted." Mrs. Ramos abstained from this item stating she had previously conducted business with the Cusumano Real Estate Group and added she was no longer doing business with the developer. The title to the following ordinance was read:

1702 ORDINANCE NO. 3619:

1102 Block) Burbank Civic Plaza -Cusumano

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK Opportunity Site APPROVING PLANNED DEVELOPMENT NO. 2002-3 AND A No. 2 (Old Police DEVELOPMENT AGREEMENT RELATED THERETO (BURBANK CIVIC PLAZA, L.L.C., APPLICANT).

Adopted The ordinance was adopted by the following vote:

Ayes: Council Members Golonski, Murphy, Vander Borght

and Laurell.

Noes: Council Members None. Absent: Council Members None. Abstain: Council Member Ramos.

Ordinance Submitted It was moved by Ms. Murphy and seconded by Mr. Golonski that "Ordinance No. 3620 be read for the second time by title only and be passed and adopted:" The title to the following ordinance was read:

1702

ORDINANCE NO. 3620:

PD 2002-2 with DR 2002-42 (new City Buildings in Civic

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING PLANNED DEVELOPMENT NO. 2002-2 AND A DEVELOPMENT AGREEMENT RELATED THERETO (CIVIC in CENTER MASTER PLAN).

Adopted

Center)

The ordinance was adopted by the following vote:

Ayes: Council Members Golonski, Murphy, Ramos, Vander

Borght and Laurell.

Noes: Council Members None. Absent: Council Members None.

10:09 P.M. Reconvene Redev. Agency Meeting The Redevelopment Agency meeting was reconvened at this time.

Third Period of Oral

Communication

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

Citizen Comment Appearing to comment were Mark Barton, commenting on the oral communications policy and the condition of the site at First Street and Verdugo Avenue owned by the Marriott Corporation; Eden Rosen, commenting on the potential elimination of the TBR funds, on property tax being based on assessment value, and on the state of the economy; Tom Moriarty, on the need for all-weather running tracks at the public high schools; James Schad, in opposition to naming a park after former City Manager Bud Ovrom, suggesting South

San Fernando Park be named after volunteers; and Mike Nolan, in opposition to the Burbank Civic Plaza project real estate transaction, and requesting information on the potential privatization of City services being made public as soon as possible.

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 10:09 p.m. to March 25, 2003 at 5:00 p.m. for a tour of the remodeled Fire Training Center, 1845 North Ontario Street.

Margarita Campos, City Clerk

APPROVED MAY 20, 2003

Mayor of the Council of the City of Burbank