

TUESDAY, MARCH 25, 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 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 Jim Casey.

ROLL CALL

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.

301-1  
Cesar Chavez  
Day                   Mayor Laurell presented a proclamation in honor of Cesar Chavez Day to John Brady, President of the Burbank Human Relations Council.

301-1  
Youth Resource  
Program  
Recognition         Ms. Embree, Administrative Analyst, presented the completed Youth Resource Guide (Guide), now available on the City's website and explained the format of the Guide, describing each section thereof. She acknowledged Isabel Dominguez, who developed the cover artwork for the Guide, as well as Artur Akopyan and Sarah Estrada, for their artistic contributions. She invited Mayor Laurell to present Certificates of Appreciation to Isabel Dominguez, Sarah Estrada and teacher Peggy Zirves, all from Monterey High School, who were present at the meeting.

6:59 P.M.  
Hearing  
ZTA 2001-11  
(Second  
Dwelling Units)    Mayor Laurell stated that "this is the time and place for the hearing on the proposed public hearing on Zone Text Amendment 2001-11 concerning Second Dwelling Units. Staff has requested that this hearing be opened and continued to April 1, 2003. Is there a motion or any discussion?"

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

Motion  
Carried              It was moved by Ms. Murphy and seconded by Mr. Golonski that "the public hearing be continued to April 1, 2003."  
The motion carried by the following vote:

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

406  
 Airport  
 Authority  
 Report

Commissioner Brown reported on the first quarterly night meeting held on March 20, 2003, stating the Airport Authority took action on the following items: awarded a contract for the demolition of buildings located at 2700 and 2708 Hollywood Way, noting the gas station will be moved in the following 60 days, thereby completing the clear zone; awarded a contract for reconfiguring and upgrading the terminal as a Transportation Security Administration and safety requirement, including a new public address system, heating, air conditioning and ventilation systems; and extended the lease for the ex-tenants of Media Aviation for 60 to 90 days.

Mr. Sidney Allen, Special Projects Manager, updated the Council on a new aircraft monitoring system in operation at the terminal, which allows the public to watch air traffic in the corridor via the internet.

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 Gary Garrison, inquiring as to the status of the AMC Theater Project in the downtown; Mark Barton, on the length of time for oral communications; Esther Espinoza, commenting on public safety issues; Howard Rothenbach, announcing the Trivia Challenge Program scheduled for March 26, 2003, which supports literacy programs at the Burbank Library; and Dr. Theresa Karam, commenting on traffic in the alley between Pass Avenue and Riverside Drive.

Staff  
 Response

Members of the Council and staff responded to questions raised.

Second Period  
 of

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

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Oral  
Communications

Citizen  
Comment

Appearing to comment were Mark Barton, commenting on the Downtown Wayfinding Signage Program; Ron Vanderford, commenting on a suggestion he made to the Airport Authority at their March 20, 2003 meeting with regard to terminal construction, on the Plan Evaluation and Review Committee (PERC) report, on the Measure A litigation, and on airport items being discussed during closed sessions; Esther Espinoza, commenting on the appointment of a new City Manager; Howard Rothenbach, in opposition to raising the City's sewer service charge, and advocating the sale of the B-6 property; Mark Stebbeds, commenting on the sale of the B-6 property and the sentiment expressed by Burbank residents at PERC meetings in opposition to the construction of a new airport terminal; David Piroli, congratulating Ms. Alvord on the appointment of former Police Chief Dave Newsham as Interim Assistant City Manager, in opposition to the proposed sewer service charge increase, and in opposition to a new airport terminal; and Mike Nolan, in opposition to the proposed sewer service charge increase, and inquiring whether Redevelopment funds could be used instead.

Staff  
Response

Members of the Council and staff responded to questions raised.

1401  
1103  
1102  
1400  
Jt. Mtg. with  
Redev. Agency  
Downtown  
Wayfinding  
Signage  
Program

Mr. Bates, Redevelopment Project Analyst, reported on July 11, 2000, the Redevelopment Agency directed staff to implement a Village Public Improvement and Program package which included analyzing a Downtown Wayfinding and Signage Program to reinforce the visual identity of downtown Burbank through directional signage, improve awareness of regional destinations and improve vehicular circulation within the area. He added once established, this system would direct visitors to free public parking areas within downtown, as well as direct pedestrians to shops, restaurants, movie theaters, government and civic offices. He stated the three districts and major destinations located within downtown have been identified as the Civic District, Village District, and Mall District, noting their civic, economic and/or regional significance.

He presented the five sign types that included: the freeway off-ramp directional signage; the primary directional signage for major streets; the secondary directional signs for smaller streets; the parking identification signs; and the district identification sign.

He noted staff contacted various civic groups and committees for public input including the Burbank Stakeholders Association, the Downtown Parking Management Committee, and the Steering Committee for the Property Based Improvement District (PBID) and received support for the Wayfinding Signage Program. He added the program comprised of 120 signs with a total estimated cost of \$300,000 and noted staff's current efforts of working with a consultant in formulating a PBID for the downtown area which will include mechanisms for raising funds to pay for the actual cost of improvement and services within the downtown area, and that portions of the initial cost could be reimbursed by the PBID.

Ms. Murphy inquired if the signs would be illuminated and Mr. Bates informed the Council the signs would be designed with translucent ink which is highly reflective with automobile headlights.

Mrs. Ramos requested clarification on the possibility of reimbursement from the PBID and Mrs. Georgino stated all the proposed PBID improvements would be brought back to the Council for approval.

Mr. Vander Borcht expressed concern regarding the color and design, and asked if the signs could have the traditional California Department of Transportation (Caltrans) color, and an industry standard such as using "P" for parking. Mrs. Georgino noted the signs were designed with a desire to create a unique environment in the downtown area and pointed out that parking signs were already designated with a large "P".

Mr. Golonski stated he was in support of the Wayfinding Signage Program but noted the excessive cost, especially for the smaller identification signs. He indicated support of a pilot program, including a sample installation to assess the program's effectiveness; however, he expressed support of the Caltrans Downtown Burbank signage on Interstate 5.

Ms. Murphy inquired as to support by the property owners in the PBID, and Mr. Bates confirmed property owners were supportive.

Mr. Laurell indicated support of the program and noted the need for the proposed Wayfinding Signage Program in the downtown area.

Motion

It was moved by Ms. Murphy and seconded by Mrs. Ramos

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that "staff be directed to complete final designs and initiate a competitive bidding process for the fabrication, construction and installation of the signage program."

Carried The motion carried by the following vote:

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

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

1401 RESOLUTION NO. 26,456:  
1103 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
1102 REQUESTING INSTALLATION OF SIGNS ON STATE HIGHWAY  
1400 RIGHT OF WAY FOR THE PURPOSE OF GUIDING MOTORISTS  
Downtown TO THE CITY'S DOWNTOWN AREA (I-5 FREEWAY).  
Wayfinding  
Signage  
Program

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.

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

Minutes The minutes for the regular meeting of January 14, 2003 were  
Approved approved as submitted.

1301-3 RESOLUTION NO. 26,457:  
801-2 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
Amend Paveco APPROVING AN AMENDMENT TO THE ANNUAL PAVING  
Contract for CONTRACT BETWEEN THE CITY OF BURBANK AND PAVECO  
Magnolia Power CONSTRUCTION, INC. (BID SCHEDULE NO. 1091), TO  
Project Site INCREASE THE CONTRACT LIMIT TO \$475,000; AND

Clearance AMENDING THE FISCAL YEAR 2002-2003 BUDGET TO PROVIDE FOR THE RECEIPT AND EXPENDITURE OF AN ADDITIONAL \$250,000 FROM THE SOUTHERN CALIFORNIA PUBLIC POWER AUTHORITY RELATED TO THE MAGNOLIA POWER PROJECT.

702-2 RESOLUTION NO. 26,458:  
804-3 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
Senior Citizen AUTHORIZING THE EXECUTION AND FILING OF A PROPOSAL  
Nutrition Grant FOR A FURTHER GRANT UNDER TITLE III OF THE OLDER  
AMERICANS ACT OF 1965, AS AMENDED, FOR  
SUPPLEMENTAL NUTRITION PROGRAMS AND SUPPORTIVE  
SERVICES.

Adopted The consent calendar was adopted by the following vote:

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

1010 Mr. Barlow, City Attorney, reported at the direction of the  
Appointment of Council, the City Attorney met with Ms. Alvord to consider  
City Manager the terms of a possible agreement to assume the position of  
City Manager. He stated the highlights of the proposed  
agreement included: a monthly salary of \$12,650 that would  
remain constant for the remainder of Fiscal Years (FY) 2002-03  
and 2003-04, subject to revision by a performance evaluation  
by the Council; medical insurance entitlements similar to those  
provided to the Executives; and a \$500 per month car  
allowance in lieu of a City-owned vehicle. He added the City  
Manager would be entitled to compensation equal to six-  
months salary in the event that employment was terminated  
with or without cause. However, a severance package would  
not be offered if the City Manager was convicted of a felony,  
or misdemeanor involving moral turpitude or personal gain.

Motion It was moved by Ms. Murphy and seconded by Mrs. Ramos  
that "Ms. Alvord be appointed as City Manager."

Carried The motion carried by the following vote:

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

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Appointment of City Manager Mrs. Campos administered the oath of office to Ms. Alvord and Ms. Alvord expressed appreciation to the Council for their unanimous support, to the community, the Executive Team members, former City Manager Bud Ovrom, acknowledging his presence at the meeting, her family, and introduced her mother, Helen Casey, brother Jim Casey, sister-in-law Jane Casey, nephews Sean and Brian Casey, daughter Jennifer, son-in-law Brady, and granddaughter Lauren, and Eric Hansen. She also expressed appreciation to the City employees present at this meeting.

Mr. Barlow presented a corsage to Ms. Alvord on behalf of the City Attorney's Office, Mr. Davis presented a bouquet and congratulated Ms. Alvord on behalf of the Executive Team, and Mayor Laurell presented a bouquet to Ms. Alvord on behalf of all the Council Members.

9:03 P.M. Recess The Council recessed at this time. The meeting reconvened at 9:33 p.m. with all Members present.

406 Discussion on Airport Options Mr. Barlow, City Attorney, reported this item was agendaized at the Council's request to discuss options regarding the Airport as a result of the meeting between the Federal Aviation Administration (FAA) Administrator and the representatives of the cities of Burbank, Glendale and Pasadena, the Airport Authority (Authority) and Congressmen Schiff, Berman, Waxman and Sherman in Washington D.C. He reported staff identified three possible options for the Council including; support of an immediate decision by the Airport Authority to sell the B-6 Property, thereby permanently foreclosing a new terminal at that location, or a short but intense last-ditch effort to reach a final agreement on a new terminal before expiration of the 60 days that Administrator Blakey suggested as the deadline for a reuse plan for the B-6 Property. He added neither of these options was realistic, noting Measure B would make it impossible to reach an agreement within 60 days and the sale and redevelopment of the B-6 Property would only assure that the Authority would have an incentive to find other ways to relocate the terminal on terms that would be unattractive to the City.

Mr. Barlow stated the third and preferable approach was one that best optimized the interests of all the stakeholders and had the following components: (1) the City would not object if the Authority decided to retain the B-6 Property for the time being, pending the completion of the Part 161 Study process; (2) the Authority could, of course, choose to sell the property; (3) if the Authority chose to retain some or all of the property, the Authority would be allowed to use the B-6 Property for temporary revenue-generating uses like the Desmond's lot and

the proposed storage lot for Sunrise Ford, but not for airport expansion or any permanent uses; (4) the City would have to approve the types of temporary uses that would be allowed; (5) all efforts to reach an agreement on a new terminal would be suspended until the Part 161 Study process was completed and the FAA decision on a curfew was made; and, (6) at that time, the stakeholders could try to reach an agreement. If successful in that effort, an agreement would be submitted for voter approval. He concluded with staff's recommendation that the Council discuss the various options and determine how to proceed with reference to the Airport and the FAA directive.

Mr. Golonski noted the importance of continuing to work with the representatives from the cities of Glendale and Pasadena as well as the stakeholders.

Mrs. Murphy expressed support for the third approach and noted the decision to sell the B-6 property should be left to the Airport Authority. She stated her approval of the revenue-generating use by Desmond's Studios, but was not comfortable to approve Sunrise Ford's use for storage until the request was presented before the Council, and noted the significance of the City approving the types of temporary uses on that property. She expressed hope that a new terminal with a curfew would be achieved, and affirmed that the decision to sell the property should be deferred to the Airport Authority.

Mr. Golonski disagreed with public comment alleging the Council did not consider Plan Evaluation and Review Committee (PERC) recommendations, noting the Council was advocating for ways to lessen the aviation easement, and alternative environmentally friendly transportation systems, consistent with PERC recommendations. He stated the City's key goal was to obtain a curfew and restrictions on future growth, and if that goal could not be achieved, the best way to constrain growth would be to keep within the existing terminal. He noted the Airport Authority had agreed to pursue the Part 161 Study for the curfew and was supportive of waiting for the outcome.

Ms. Murphy agreed with the pursuit for softening the language in the aviation easements, as well as the environmentally friendly transportation options but as a separate issue from terminal relocation. She expressed interest in any ideas on grandfathering the curfew while awaiting the Part 161 Study results.

Mrs. Ramos reiterated the need for the completion of the Part



161 Study, and agreed with Ms. Murphy regarding the E-6 property as the best site for a new terminal location. She noted non-aviation revenue-generating uses would be beneficial to the community, while pursuing the grandfathering option. She supported doing further outreach, and implementing the PERC recommendations, while continuing to work on the development standards. She expressed support for option three and was curious about the response of the colleagues in the cities of Glendale and Pasadena, as well as the Airport Authority.

Mr. Vander Borght noted the complexity of airport issues, affirming the PERC findings that the community supported control on expansion and reduction in noise. He noted the successful outreach efforts to the cities of Glendale and Pasadena and was supportive of allowing the Part 161 Study to be completed, adding it may represent a two-year hiatus from airport issues.

Mr. Laurell noted the move towards a consensus between the cities of Burbank, Glendale and Pasadena and the Airport Authority, and added he believed the best interest was to retain all options, given today's financial market. He stated his preference to let the Part 161 Study be completed and suggested the decision for the sale of the B-6 property be left to the Airport Authority with the City retaining the final say on the revenue generating uses on the property. He also noted, as the guardians of the quality of life of the community, the Council would work towards obtaining an enforceable mandatory curfew and protections on future growth so that the issue would not arise again in twenty years. He expressed his support for option three as well as exploring the legislative process to grandfather the curfew.

Ms. Murphy justified the legal fees spent on litigation with the Airport Authority, noting the City was awarded parking tax revenues which would soon off-set the litigation expenses. She stated the City also gained the authority to decide the land use options on the B-6 property which has curbed expansion.

At Mr. Vander Borght's request Ms. Georgino, Community Development Director, gave a brief status on the Interim Development Control Ordinance, which expires in August 2004 noting the alternatives presented to the Council included requiring a Conditional Use Permit (CUP) for every activity in the Airport property and the immediate surrounding property; a CUP process with development standards to provide criteria to approve CUP applications for that area; and a specific plan to

deal with uses on the Airport, B-6 and A-1 North properties that would include a comprehensive proposal for options, should there be a new terminal. She stated staff's recommendation was to return to the Council with the option of a CUP process with development standards.

Motion It was moved by Mrs. Ramos and seconded by Ms. Murphy "to move forward with the recommendations presented in the staff report and proceed with Option No. 3 with the City not taking the lead, and notification to be sent to the Airport 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.

915  
405-1  
Contract with  
City of L.A. for  
Wastewater  
Treatment and  
Discharge

Mr. Andersen, Senior Civil Engineer, requested Council approval of a Waste Water Services Contract with the City of Los Angeles (Los Angeles). He gave a brief background on wastewater generation in Burbank and noted Burbank has had a wastewater contract with Los Angeles since 1927, updated in 1944 and 1946 to include additional provisions, while maintaining the other existing terms of the 1927 contract. He added Los Angeles disputed the 1927 contract and the subsequent amendments leading to attempts by both parties to negotiate a new contract since the 1960s.

He reported in 1999, after years of litigation and negotiation, Los Angeles reached agreement with a number of other cities and agencies which included a 30-year contract known as the Universal Terms Contract, replacing all of the agencies' previously held contracts. The discharging agencies and Los Angeles agreed the Universal Terms Contract, which calculates each entity's payment obligations for wastewater treatment services (including capital, operations, and maintenance costs) on both flow and strength, was a fair and equitable agreement and was consistent with the Clean Water Act requirements.

He noted the cities of Burbank, which owns and operates its own treatment facility, and Glendale, which owns 50 percent of a treatment facility, did not feel that their unique concerns were being addressed by the Universal Terms Contract. In 1999, Los Angeles threatened to sue Burbank to recover the alleged \$38 million in past due amounts unless Burbank signed

the Universal Terms Contract. He noted two significant Burbank-specific terms not addressed by the Universal Terms Contract as being the flow treated at the Los Angeles-Glendale plant and the sewer facility charges. He stated the new contract would allow for 63 percent of the Burbank flow to be treated at the Los Angeles-Glendale plant or calculated as being treated thereat, giving Burbank the stability in future conveyance charges which could otherwise escalate if the Los Angeles-Glendale plant was shut down or if the Burbank flow by-passed that location. On sewer facilities charges, he stated the agreement would allow for charges on the total over flow in excess of 5.5 million gallons per day noting the City's current flow was 4 million gallons per day. He also highlighted the most significant provision of the proposed contract, which waived the \$38 million claim against Burbank resolving the decades of dispute between the two cities.

Regarding fiscal impact, Mr. Andersen reported the Sewer Enterprise Fund would cover all expenditures for wastewater treatment and discharge to Los Angeles, noting the total cost to Burbank was estimated at \$4.5 million a year, adding the costs would have been much higher if the below-the-line terms were not successfully negotiated and that the anticipated increased costs would be offset by sewer rate increases. He stated the Financial Services Department determined rate increases were necessary to maintain the Sewer Enterprise Fund at a proper financial level, noting sewer rates were lowered from \$17.56 in 1995 to \$10.90 in 1998 allowing the residents to enjoy lower rates due to prolonged negotiations with Los Angeles. He added the proposed increases would gradually raise the sewer rate to \$18.34 over the next five years. He stated the sewer service charge to Burbank residents would still rank one of the lowest in the region and noted sewer rate increases would also be implemented by other agencies due to similar regulatory requirements.

He concluded with staff's recommendation that the Council approve the Universal Terms Contract with the negotiated below-the-line terms to waive all claims from Los Angeles on past damages, alleged to be \$38 million, and to put Burbank and Los Angeles in full compliance with the Clean Water Act as it relates to payments made on flow and strength.

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

915                         RESOLUTION NO. 26,459:  
405-1                       A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK

Contract with City of L.A. for Wastewater Treatment and Discharge      APPROVING THE WASTEWATER TREATMENT AND DISCHARGE CONTRACT BETWEEN THE CITY OF BURBANK AND THE CITY OF LOS ANGELES.

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.

102-3 Broadcast Policies and Guidelines for The Public Information Office      Mayor Laurell, requested to agendize the Public Information Office (PIO) Subcommittee concerns regarding the decision-making process for programming cablecast on Channel 6. He stated the three specific areas of concern were: the process for deciding which program met the criteria for broadcast on Channel 6; the process for deciding who was eligible to host a program; and the process for selecting what messages were posted to the Channel 6 bulletin board.

Motion      It was moved by Mrs. Ramos and seconded by Mr. Golonski that "staff be directed to agendize the broadcast policies and guidelines for the Public Information Office."

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 Redevelopment 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 Bill Starr, commenting on the invocation litigation, suggesting speakers use the oral communications portion of the meeting to pray; Eden Rosen, commenting on the amount of money expended by the Council on recent agreements and programs; David Piroli, in disagreement with the use of the volume-based rates because

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not all water used is discharged into the sewer, commenting on the Transient Parking Tax reimbursing the City's legal expenses, on the B-6 property and Public Utilities Commission protections; and Mike Nolan, reading from a memorandum from Mr. Feng to Ms. Alvord regarding the proposed sewer service rate increases, and on construction going on at the AMC Project Site during unapproved hours.

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 11:02 p.m.

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Margarita Campos, City Clerk

APPROVED JUNE 10, 2003

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Mayor of the Council  
of the City of Burbank