

TUESDAY, OCTOBER 14, 2003

A regular meeting of the Council of the City of Burbank was held in the Council Chamber of the City Hall, 275 East Olive Avenue, on the above date. The meeting was called to order at 5:01 p.m. by Ms. Murphy, Mayor.

CLOSED SESSION

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

Absent - - - - Council Members None

Also Present - Mr. Flad, Assistant City Manager; Ms. Scott, Chief Assistant City Attorney; and, Mrs. Campos, City Clerk.

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

Citizen Comment Appearing to comment was Mike Nolan, on real property negotiations pertaining to 1000 South Flower Street.

5:06 P.M. Recess The Council recessed at this time to the City Hall Basement Lunch Room/Conference Room to hold a Closed Session on the following:

- a. Conference with Labor Negotiator:
Pursuant to Govt. Code §54957.6
Name of the Agency Negotiator: Management Services Director/Judie Sarquiz.
Name of Organization Representing Employee:
Represented: Burbank Management Association.
Summary of Labor Issues to be Negotiated: Contract for Fiscal Year 2003-04.
- b. Conference with Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
Name of Case: Theresa Karam v. City of Burbank.
Case No.: U.S.C.A. 02-56220
Brief description and nature of case: Alleged civil rights violation.
- c. Conference with Real Property Negotiator:
Pursuant to Govt. Code §54956.8
Agency Negotiator: Community Development Director/ Susan Georgino.
Property: 1000 South Flower.
Parties with Whom City is Negotiating: Jane and Anna Jennings and Dennis B. Ellman.
Name of Contact Person: Ruth Davidson-Guerra, Assistant Community Development Director for Housing and Redevelopment.
Terms Under Negotiation: Purchase of Property.

- d. Conference with Real Property Negotiator:
 Pursuant to Govt. Code §54956.8
Agency Negotiator: Community Development Director/
 Susan Georgino.
Property: 415 Front Street (APN 2449-036-904),
 Remnant High Rail Parcel (APN 2449-037-902), Vacated
 Portion of Front Street.
Parties with Whom City is Negotiating: Bert Boeckmann
 and the Ford Motor Company.
Name of Contact Person: Jack Lynch, Senior
 Redevelopment Project Manager.
Terms Under Negotiation: Sale of Property.

- e. Conference with Legal Counsel – Anticipated Litigation
 (City as potential plaintiff):
 Pursuant to Govt. Code §54956.9(c)
Number of potential case(s): 1

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:31 p.m. by Mrs. Ramos, Vice Mayor.

Invocation The invocation was given by Captain Moy Hernandez, Salvation Army.

Flag Salute The pledge of allegiance to the flag was led by Mr. Herrmann, Assistant Community Development Director/Transportation.

ROLL CALL

Present- - - - Council Members Campbell, Golonski, Ramos, and Vander Borght.

Absent - - - - Council Member Murphy.

Also Present - Mr. Flad, Assistant City Manager; Ms. Scott, Chief Assistant City Attorney; and, Mrs. Campos, City Clerk.

301-1 Family Service Agency's 50th Anniversary Vice Mayor Ramos presented a proclamation in honor of the 50th Anniversary of the Family Service Agency to Kermit Floyd, Board President.

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

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Initial Open Public Comment Period of Oral Communications Mrs. Ramos called for speakers for the initial open public comment period of oral communications at this time.

Citizen Comment Appearing to comment were Grace Summers, on renaming the Airport; Gary Garrison, commenting on the Metropolitan Transportation Authority strike; Tom Bruehl, urging residents to write letters to the State Office of Library Construction in support of Burbank's grant application; R. C. "Chappy" Czapiewski, commenting on the Measure A litigation and the Theresa Karam v. Burbank litigation; Howard Rothenbach, inquiring whether the Burbank Transportation Service would consider taking its clients outside of Burbank during the supermarket employees' strike, and requesting a copy of the City's answer in the appeal of the Measure A litigation; Dr. Theresa Karam, commenting on the Theresa Karam v. Burbank litigation; Esther Espinoza, commenting on institutional racism; David Piroli, noting all Burbank's supermarkets are affected by the current strike, and inquiring whether staff has considered providing transportation for seniors to supermarkets outside the City limits; and C.L. Stack, commenting on the naming of the Airport in memory of Bob Hope.

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

Agenda Item Oral Communications Mrs. Ramos called for speakers for the agenda item oral communications at this time.

Citizen Comment Appearing to comment were Dr. Theresa Karam, on issues relevant to the Theresa Karam v. Burbank litigation; Esther Espinoza, commenting on Bid Schedule No. 1124, on the City's purchase of property, and on the Burbank Employee's Retiree Medical Trust; R. C. "Chappy" Czapiewski, commenting on issues relevant to the Theresa Karam v. Burbank litigation; and Mike Nolan, in opposition to a Professional Services Agreement for architectural design of the Development and Community Services Building in light of the budgetary challenges facing the City, commenting on real property negotiations with Bert Boeckmann and the Ford Motor Company, and on delivery trucks idling in late night hours in residentially-adjacent commercial zones.

Staff Response	Members of the Council and staff responded to questions raised.
Motion	It was moved by Mr. Vander Borght and seconded by Mr. Campbell that "the following items on the consent calendar be approved as recommended."
Minutes Approved	The minutes for the regular meetings of September 23 and September 30, 2003 were approved as submitted.
1207 PSA w/Leo A. Daly for DCSB	<u>RESOLUTION NO. 26,568:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND LEO A. DALY ARCHITECTS.
1301-3 Vehicle and Ped. Detection Systems (B.S. 1124)	<u>RESOLUTION NO. 26,569:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND ADOPTING CONTRACT DOCUMENTS, PLANS AND SPECIFICATIONS, AND DETERMINING THE LOWEST RESPONSIBLE BIDDER, ACCEPTING THE BID, AND AUTHORIZING EXECUTION OF A CONTRACT FOR THE INSTALLATION OF VEHICLE AND PEDESTRIAN DETECTION SYSTEMS AT VARIOUS INTERSECTIONS PROJECT, BID SCHEDULE NO. 1124.
1005 Burbank Employees' Retiree Medical Trust (Executive Compensation Plan)	<u>RESOLUTION NO. 26,570:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING RESOLUTION NO.21,732 RELATING TO THE EXECUTIVE COMPENSATION PLAN TO PROVIDE FOR PARTICIPATION IN THE BURBANK EMPLOYEES' RETIREE MEDICAL TRUST.
1005 Burbank Employees' Retiree Medical Trust (Mid- Management)	<u>RESOLUTION NO. 26,571:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING RESOLUTION NO. 22,795 RELATING TO THE COMPENSATION PLAN AND TO SALARIES FOR UNREPRESENTED MID-MANAGEMENT EMPLOYEES TO PROVIDE FOR PARTICIPATION IN THE BURBANK EMPLOYEES' RETIREE MEDICAL TRUST.

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1005
Burbank
Employees'
Retiree Medical
Trust (Side
Letter/IBEW)

RESOLUTION NO. 26,572:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE SIDE LETTER (RELATING TO THE BURBANK EMPLOYEES RETIREE MEDICAL TRUST) TO THE 2001-204 MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BURBANK AND LOCAL 18 - UNIT 50 OF THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS (IBEW).

1005
Amend Budget
for Burbank
Employees
Retiree Medical
Trust

RESOLUTION NO. 26,573:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2003-2004 BUDGET BY APPROPRIATING FUNDS IN THE AMOUNT OF \$2,400,000 FROM BENEFITS FUND FOR THE FUNDING OF THE BURBANK EMPLOYEES RETIREE MEDICAL TRUST.

Adopted The consent calendar was adopted by the following vote:

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

1600
Hours of
Operation,
Loading and
Unloading of
Idling Vehicles

Ms. Scott, Chief Assistant City Attorney, reported that at the August 12, 2003 Council meeting, staff was directed to review regulations related to loading and unloading of trucks during the early morning/late night hours in residentially-adjacent commercial and industrial zone properties. She stated that the City's Zoning Code already regulates late night operations in residentially-adjacent commercial and industrial zones, and specifically prohibits loading and unloading of vehicles while the engine or motor is running and the operation of noise generating equipment, including refrigeration units, between the hours of midnight and 6:00 a.m. She added that the Late Night Operations provisions are enforced by the License and Code Services Division on a complaint-made basis, and stated that very few complaints have been received over the past three years. She informed the Council that all complaints have been resolved either through existing Code provisions, or enforcement of the businesses' Conditional Use Permit or Planned Development. She concluded with the recommendation that staff monitor the matter over a six-month period to determine whether there exist violations of these provisions, and whether existing Code provisions adequately allow for enforcement.

With the aid of a PowerPoint presentation, Mr. Campbell discussed the severity of exposure to diesel fumes and their potential for causing cancer, birth and other health defects. He requested that staff explore ways of addressing the idling issue in order to reduce exposure to residents particularly in the residentially-adjacent commercial zones, and also suggested that staff contact the California Air Resources Board and the South Coast Air Quality Management District to explore further options for the potential regulation. He stated that this would enable the City to have a tool box including policies, legal and political options to improve air quality in Burbank.

Mr. Vander Borght indicated support for considering broader air quality measures, provided the City is not put at an economic disadvantage, and that the measures can be implemented in compliance with State laws and regulations.

Mr. Golonski requested that staff address the issue of idling trucks in commercially-adjacent neighborhoods, and suggested that the Council agendaize discussion on the broader air quality options to identify the source of the problem so that staff's efforts are as effective as possible. He also noted that freeway and Airport-related traffic were among the major sources of pollution in Burbank and not necessarily engine idling.

Motion

Following Council deliberation, it was moved by Mr. Vander Borght and seconded by Mr. Golonski that "staff prepare a report on how to address the issue of an idling truck or noise generating vehicle in a residentially-adjacent commercial zone, including recommendations on how to address issues specifically related to noise, pollution, light glare etc., within the current Code parameters."

Carried

The motion carried by the following vote:

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

Noes: Council Members None.

Absent: Council Member Murphy.

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Motion It was also moved by Mr. Golonski and seconded by Mr. Vander Borght that "staff present a report in a one-step two-step process to review the broader issues relating to air quality, including a tool box of potential solutions for the City as a municipality, in conjunction with the California Air Resources Board, the South Coast Air Quality Management District, and other State agencies."

Carried The motion carried by the following vote:

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

Noes: Council Members None.

Absent: Council Member Murphy.

Final Open Public Comment Period of Oral Communications Vice Mayor Ramos called for speakers for the final open public comment period of oral communications at this time.

Citizen Comment Appearing to comment was Mike Nolan, on Code provisions with regard to engine idling in mixed-use commercial zones.

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

Mr. Golonski requested to agendize the matter of reviewing Code enforcement provisions for residential properties within commercially-zoned mixed-use developments.

Adjournment There being no further business to come before the Council, the meeting was adjourned at 8:45 p.m. to Tuesday, October 21, 2003 at 5:00 p.m. in the Council Chamber, 275 East Olive Avenue for a Reclaimed Water Master Plan Study Session.

Margarita Campos, City Clerk