

TUESDAY, FEBRUARY 3, 2004

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 Ms. Murphy, Mayor.

CLOSED SESSION

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

Absent - - - - Council Member Ramos.

Also Present - Ms. Alvord, 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.

5:04 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)  
**Name of Case:** Solares v. City of Burbank  
**Case No.:** BC304382  
**Brief description and nature of case:** Allegations of wrongful termination.
- 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 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 City Employees Association and Burbank Management Association; Unrepresented, and Appointed Officials.  
**Summary of Labor Issues to be Negotiated:** Current Contracts and Retirement Issues.

5:50 P.M. Traffic and Transportation Study Session Mr. Herrmann, Assistant Community Services Director/Transportation, defined Level of Service (LOS) as the primary way to characterize the relationship between demand and capacity at a specific location and stated that the City's standard was to maintain LOS D. He informed the Council of

a recently-completed Buena Vista Corridor study in which several proposed improvements were reviewed in addition to the possibility of maintaining LOS C in response to the Council's concern.

Mr. Herrmann reported that the Buena Vista Street and Victory Boulevard intersection is operating at LOS C in the morning commute period and LOS E in the evening. He noted that to maintain LOS D and E operation, it was necessary to widen Victory Boulevard and Buena Vista Street to allow for shared lanes, which would entail demolishing several residential and commercial buildings to acquire additional right-of-way at a cost of \$340,000 for LOS D and \$1.8 million for LOS E, not including the possibility of acquiring the impacted properties. He added that these improvements would maintain the respective LOS through 2008.

Mr. Herrmann also discussed that the Buena Vista Street and Magnolia Street intersection is operating at LOS C and D and therefore no improvements were necessary. To achieve LOS C operation, he explained that one shared through-and-right-turn lane would be necessary for the east side of north-bound Buena Vista Street, which would also involve acquiring three feet of additional right-of-way from property owners and eliminating several parking spaces. He noted that in 2008, this improvement will be necessary to maintain LOS D operation at a cost of \$285,000; and to achieve LOS C operation, an additional two lanes would be necessary involving acquiring 10 feet of residential and commercial property, removal of on-street parking and narrowing sidewalks to a minimum of six feet at a cost of \$485,000, not including property acquisition or demolition costs.

Mr. Johnson, Assistant Public Works Director/Traffic Engineer, gave an update on the Neighborhood Protection Plan which includes the Speed Hump and Neighborhood Protection Programs. For the Speed Hump Program, he explained that a petition is circulated in the neighborhood and if a majority of the residents agree, speed humps are installed. However, he noted that although a low-cost measure, speed humps do not necessarily solve the problem. He added that the Neighborhood Protection Program covers a larger area and involves an intensive study, and, although more expensive, the devices installed have been productive. He informed the Council that staff suggested combining the two programs into one program which involves more investigative work than the Speed Hump Program but is less labor intensive and costly than the Neighborhood Protection Program. He explained that the new program would investigate all complaints, and with the participation of the neighborhood, solutions would be

identified and implemented. He also stated that staff would work on a neighborhood protection toolbox program, which is a three-phase program consisting of: education and enforcement, including the Speed Watch Program; restrictions and prohibitions, which is more expensive and includes signing and striping to address specific issues in neighborhoods such as speeding; and, construction, which includes installing speed bumps, chokers or partial diverters. He added that staff would present the details of the proposed program for Council approval and provide a status update every year on the program's performance.

Mr. Vander Borcht was supportive of establishing LOS C as the City standard, recognizing that LOS D is the fallback. He noted that this would not address the problems existing today but will prevent future projects whose impacts would move the LOS to the next level. He stated that such projects could either be denied or have to pay higher mitigation fees.

Mr. Campbell was supportive of establishing LOS C or below as the City standard, but recognized the associated prohibitive costs. He noted the current budgetary challenges at the local and State level and suggested developing alternatives to maintaining LOS D or better with alternative strategies which do not include widening streets. He also emphasized the need to consider public modes of transportation to ease congestion and stated that the impact of any new development on intersections needs to be a key consideration in the project approval process.

Mr. Golonski stated that the main challenge was to establish a standard by which to measure proposed projects, to determine whether they have a significant impact or not. He noted that based on the ambient growth projections, an intersection currently at LOS D will be at LOS E in 2008. Specifically, he expressed interest in examining the impact of changing the City's standard from LOS D to C relative to factors such as the California Environmental Quality Act and the Environmental Impact Report processes. He cautioned that if LOS C standard was established five years ago, projects such as the Empire Center and new Costco, which are key contributors to the City's economy, may not have been built. He also requested that staff review the opportunity sites to determine their potential impact to traffic. While not advocating for establishing LOS C as the City standard, he suggested that LOS C serve as the threshold by which to determine if a project has a significant impact, recognizing that the Council will have to approve findings of overriding considerations for some projects.

Mrs. Ramos emphasized the need to analyze the impacts of establishing LOS C as a standard to development. She also suggested reviewing the Development Impact Fee structure to ensure that the fees are adequate for the necessary improvements to mitigate traffic impacts.

Ms. Murphy suggested that any project impacting an intersection beyond LOS C be presented for Council consideration and evaluation of the mitigation measures. She also noted that measures such as acquiring a right-of-way from private property owners were unacceptable.

Mr. Herrmann summarized that the City standard would be maintained at LOS D but staff would try to achieve LOS C at intersections and any measures to mitigate significant impacts will be brought back to the Council. He cautioned that maintaining the standard is not always going to be possible and choices will have to be made for specific intersections.

Mrs. Georgino, Community Development Director, informed the Council that establishing LOS C as the City standard will have significant impacts to the General Plan since many intersections are already operating beyond LOS C. She also stated that LOS C represents challenges to land recycling and the opportunity to develop. She suggested that this discussion be incorporated into the Land Use and Transportation Elements update.

Mr. Golonski clarified that the Council was not suggesting imposing a fee which will bring all intersections to LOS C operation but making an effort to prevent recycling properties with more intensive uses, especially for properties that feed corridors which are already congested. He also reiterated that staff review the opportunity sites and their potential impacts.

Mrs. Georgino noted that reviewing the opportunity sites will detract from the progress of the Land Use Element update since there is not sufficient staff. She also noted that as the Land Use Element update progresses, all information is provided to the Council Land Use Subcommittee for comment and direction.

Regular Meeting  
Reconvened in  
Council  
Chambers

The regular meeting of the Council of the City of Burbank was reconvened at 6:43 p.m. by Ms. Murphy, Mayor.

Invocation

The invocation was given by Reverend Sally Kinarthy, Providence Saint Joseph's Medical Center.

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Flag Salute           The pledge of allegiance to the flag was led by Mr. Flad, Assistant City Manager.

ROLL CALL

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

Absent - - - -       Council Members None.

Also Present -       Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Campos, City Clerk.

301-1  
Acceptance of a       Captain Stehr accepted a bicycle donation from Custom  
Bicycle                Protective services for use by the Police Department's Bicycle  
for                      Patrol Division in the Downtown area. He also recognized  
Police                   AMC Security Supervisor Chris Johnson for his assistance. Mr.  
Dept. Bike Patrol     Dennis Sebenick, President of Custom Protective Services,  
                             presented the bicycle and expressed appreciation to the Police  
                             Department for their cooperative working relationship. Mayor  
                             Murphy expressed appreciation for the donation and  
                             commended the Police Officers for their hard work.

Reporting on         Mr. Campbell, reported on the Arroyo Verdugo Cities meeting  
Council Liaison     of February 2, 2004 and discussed two newspaper articles: on  
Committees         traffic at Bob Hope Airport returning to normal; and on traffic  
                             at Los Angeles International Airport (LAX) declining from 88  
                             percent in 1960 to 71 percent in 2003, whereas regional  
                             airports like Bob Hope are at greater levels. He suggested that  
                             the Council consider dedicating one day of Transient Parking  
                             Tax funds towards traffic mitigation at the Airport.

Mrs. Ramos noted receipt of a memorandum stating that the Zone Text Amendment to eliminate compact car parking provisions will be presented in August 2004 and requested that staff return sooner.

Mr. Vander Borgh concurred with Mrs. Ramos and commented on the Mayor's letter to the Governor with regard to shifting local Property Tax revenues to the State. He also requested an update at a future meeting on staff's efforts regarding deregulating gas distribution in California.

Mr. Campbell announced an upcoming Environmental Oversight Committee meeting on Thursday, February 5, 2004 at 4:00 p.m. regarding the proposed Home Depot project.

6:58 P.M.  
Hearing               Mayor Murphy stated that "this is the time and place for the hearing on the Caltrans 134 Freeway Agreement, necessitated

1401 by the freeway ramp project at Alameda Avenue and  
 403 Hollywood Way."  
 Caltrans  
 Freeway Agmt.  
 Update for State  
 Route 134

Notice The City Clerk was asked if notices had been given as required  
 Given by law. She replied in the affirmative and advised that no  
 written communications had been received.

Staff Mr. Kriske, Transportation Analyst, Community Development  
 Report Department, presented a request by the California Department  
 of Transportation (Caltrans) that the City enter into a new  
 State Route 134 (Ventura Freeway) Agreement. He stated that  
 Caltrans requires a Freeway Agreement with any municipal  
 government that is traversed by a State freeway. He explained  
 that the Freeway Agreement outlines the alignment of the  
 freeway and describes its connections to the local street  
 network, designating the ramps, overpasses and underpasses  
 connected to the street system. He reported that the  
 proposed revision updates the original Ventura Freeway  
 Agreement executed in 1957 by the City and the State of  
 California, and reflects access changes that will result from the  
 construction of the new on-ramp at Hollywood Way. He also  
 noted that the new Agreement adds a reference to the  
 previously executed Cooperative Agreement No. 07-4526  
 between the City and Caltrans, which designates construction  
 costs and right-of-way responsibilities pertaining to the new  
 ramp construction. Other than noting the additional access  
 provided by the new ramps and including the provisions in the  
 Cooperative Agreement, he stated that the new Agreement  
 does not significantly differ in language from the previous  
 Ventura Freeway Agreement. He added that the update is  
 necessary before Caltrans can begin work on the new on-ramp  
 and noted that State law requires that the Council hold a  
 public hearing prior to entering into a Freeway Agreement.

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

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

1401 RESOLUTION NO. 26,644:  
 403 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK

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Caltrans  
Freeway Agmt.  
Update for State  
Route 134

APPROVING THE FREEWAY AGREEMENT BETWEEN THE CITY OF BURBANK AND THE STATE OF CALIFORNIA.

Adopted

The resolution was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Members None.

Reporting on  
Closed Session

Mr. Barlow reported on the items considered by the Council during the Closed Session meeting as printed on the Agenda. He added that following the discussion of an anticipated litigation, the Council agreed to join the City of Cerritos and other general law and charter cities in challenging the State's decision to divert local Sales Tax revenues. He also reported that the Council requested that the matter be placed on an open agenda for an appropriation, noting that the cost was anticipated to be in the range of \$5,000 to \$16,000 over the next two years.

406  
Airport  
Authority  
Meeting Report

Commissioner Lombardo reported on the Airport Authority meeting of February 2, 2004. He stated that the Authority approved the Investment Policy and an amendment to the Fiscal Year 2003-04 budget for improvements to the valet parking service, terminal security, Hangar 22, airfield electrical upgrades, land site signage and hardstand. He also reported that the Authority approved a resolution establishing the dates, times and places of regular meetings of the advisory committees; a fifth amendment to the Lease Assignment and Assumption Agreement with Mercury Air Center, Burbank, Inc.; a Non-Signatory Airline Operating Agreement with Horizon Industries inc; and, a staffing adjustment in the Maintenance Department.

Commissioner Lombardo further reported that the Authority wrote a letter to the Federal Aviation Administration (FAA) in September 2003 requesting clarification on the Part 161 Study, but noted that no response has been received from the FAA to date.

In response to Mayor Murphy's question, Commissioner Lombardo stated that fines could not be imposed on Stage Three commercial aircraft for curfew violations.

Mrs. Ramos requested that the Commissioner report on the Authority's Special Meeting agenda of January 23, 2004 and

he stated that the meeting focused on developing a general plan for the Airport and that specific plans will be reported on as they are finalized.

Initial Open Public Comment Period of Oral Communications	Ms. Murphy called for speakers for the initial open public comment period of oral communications at this time.
Citizen Comment	Appearing to comment were Mark Barton, alleging a City employee interfered with his private employment; and Ron Vanderford, expressing appreciation for the Council's direction to eliminate compact car parking provisions and inquiring as to the status of a Public Records Act request he submitted to the City Attorney's office regarding the case of Karam v. City of Burbank.
Staff Response	Members of the Council and staff responded to questions raised.
Agenda Item Oral Communications	Ms. Murphy called for speakers for the agenda item oral communications at this time.
Citizen Comment	Appearing to comment were Ron Vanderford, on the formula used to measure decibel levels of departing airplanes; Mark Barton, stating that airlines should be held responsible for the noise generated by their airplanes; David Piroli, on increased maintenance costs due to safety enhancements at the Airport, reiterating Commissioner Lombardo's comments that the Authority is not actively marketing the Airport and inquiring as to the Airport's past marketing efforts; and, Mike Nolan, on the construction of the State Route 134 Freeway in 1957 and expressing frustration with his efforts to contact the Station Manager of United Airlines to express concern about curfew violations.
Staff Response	Members of the Council and staff responded to questions raised.
7:44 P.M. Jt. Mtg. with Redev. Agency,	Ms. Anderson, City Treasurer, presented the 2004 Investment Policy for the Investment Pool comprised of the City, Redevelopment Agency, Parking Authority, Youth Endowment



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- Housing Authority, Parking Authority and YES  
2004 Investment Policy
- Services Fund Board and Housing Authority for approval. She stated the only recommended change was the monthly liquidity requirement which increased from \$60 million to \$67 million due to Burbank Water and Power reserves being higher for Fiscal Year 2003-04.
- Ms. Anderson informed the Council that the 2003 Investment Policy was submitted to the Association of Public Treasurers of the United States and Canada and was certified as a comprehensive written investment policy that meets the criteria set forth by the Association's Investment Policy Certification Committee. She noted that this is the first time the City's Investment Policy has been certified.
- Motion
- It was moved by Mrs. Ramos, seconded by Mr. Campbell and carried that "the 2004 Investment Policy be approved as submitted."
- Motion
- Following Council deliberation, it was also moved by Mr. Golonski and seconded by Mrs. Ramos that "staff be directed to request information from various investment banking and management firms that specialize in municipal investments and present proposals for review by the Treasure's Oversight Review Committee."
- Carried
- The motion carried by the following vote:
- Ayes: Council Members Campbell, Golonski, Ramos, Vander Borgh and Murphy.  
Noes: Council Members None.  
Absent: Council Members None.
- 8:10 P.M.  
Recess
- The Council recessed to permit the Redevelopment Agency, Housing Authority, Parking Authority and Youth Endowment Services Fund Board to hold their meetings. The Council reconvened at 8:12 p.m. with all members present.
- Motion
- It was moved by Mr. Campbell and seconded by Mr. Vander Borgh that "the following items on the consent calendar be approved as recommended."
- 802-1  
Treasurer's Report
- The City Treasurer's report on investment and reinvestment of temporarily idle funds for the quarter ending December 2003 was noted and ordered filed.

804-2 Amend Fee Reso. Relating to the Impounding of Dogs RESOLUTION NO. 26,645:  
 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTION 1(A) OF ARTICLE IV OF RESOLUTION NO. 26,506, THE BURBANK FEE RESOLUTION, RELATING TO THE IMPOUNDING OF DOGS.

804-2 Amend Fee Reso. Relating to Firearm Storage Fees RESOLUTION NO. 26,646:  
 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING SECTION 8 (E) OF ARTICLE V OF RESOLUTION NO. 26,506, THE BURBANK FEE RESOLUTION, RELATING TO FIREARM STORAGE FEES.

804-2 Amend Fee Reso. Relating to Use of Police Shooting Range RESOLUTION NO. 26,647:  
 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADDING SECTION 8 (F) OF ARTICLE V OF RESOLUTION NO.26,506, THE BURBANK FEE RESOLUTION, RELATING TO USE OF THE POLICE SHOOTING RANGE.

804-3 801-2 COPS Grant Funding RESOLUTION NO. 26,648:  
 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2003-2004 BUDGET FOR THE PURPOSE OF RECEIVING AND APPROPRIATING STATE CITIZEN'S OPTION FOR PUBLIC SAFETY PROGRAM GRANT FUNDS IN THE AMOUNT OF \$155,667 FROM THE STATE OF CALIFORNIA.

304-1 Acceptance of a Bicycle to the Police Dept. Adopted RESOLUTION NO. 26,649:  
 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ACCEPTING CUSTOM PROTECTIVE SERVICES' DONATION OF A BICYCLE TO THE BURBANK POLICE DEPARTMENT.  
 The consent calendar was adopted by the following vote:

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

203 Mr. Campbell's Appt. to the SCAQMD Local Govt. and Small Business Advisory Group Mr. Barlow, City Attorney, reported that Council Member Campbell was recently appointed to the Local Government and Small Business Advisory Group by the South Coast Air Quality Management District (SCAQMD). He added that since he would serve in this capacity as a member of the Burbank City Council, Mr. Campbell requested Council approval before fully embarking on these responsibilities.

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- Motion                    It was moved by Mrs. Ramos, seconded by Mr. Golonski and carried that "the Council approve the service of Council Member Campbell on the Local Government and Small Business Advisory Group of the SCAQMD."
- 8:15 P.M.  
Reconvene  
Redev. Agency,  
Housing  
Authority,  
Parking  
Authority and  
YES Meetings            The Redevelopment Agency, Housing Authority, Parking Authority and Youth Endowment Services Fund Board meetings were reconvened at this time.
- Final Open  
Public Comment  
Period of Oral  
Communications        Ms. Murphy called for speakers for the final open public comment period of oral communications at this time.
- Citizen  
Comment                Appearing to comment was Mike Nolan, commending the Mayor on her letter to United Airlines and requesting a response to Mr. Barton's allegations.
- 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 8:22 p.m.

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Margarita Campos, City Clerk