

TUESDAY, MAY 4, 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 5:51 p.m. by Mrs. Ramos, Mayor.

Sewer Lateral
And Tree Root
Study Session

Ms. Teaford, Chief Assistant Public Works Director/City Engineer, gave a brief overview of the current City policy for reimbursing property owners for sewer lateral damages by City parkway tree roots. She noted that the Burbank Municipal Code currently stipulates that it is the responsibility of the individual property owner to maintain the entire sewer lateral to the sewer main. She noted that pursuant to Resolution Number 17805 adopted in 1977, the City only reimburses property owners if parkway tree roots crush or misalign a sewer lateral. She discussed that in order to be eligible for reimbursement, the property owner needs to take the following steps: select a contractor; the contractor obtains the required permits; the damaged sewer lateral is exposed; inspection is done to verify the damage was caused by a parkway tree; and, the resident files a claim with the City Clerk's Office. She also described the public outreach efforts undertaken by the Department to ensure that the public is aware of the need to maintain sewer laterals.

Ms. Teaford informed the Council that over the past five years, the City has received 30 claims with 17 being reimbursed for a total amount of \$82,089 and 13 denied. She also noted that the number of claims has increased from one in Fiscal Year (FY) 1998-99 to 12 in FY 2002-03, but noted that for FY 2003-04 the City has only received six claims.

Mr. Andersen, Principal Civil Engineer, Public Works Department, discussed several reimbursement policies for sewer lateral damages by parkway trees, including policies for the cities of Los Angeles; Brentwood; University City, Missouri; City of Clarkson Valley, Missouri; and, Castro Valley Sanitary District. He then discussed three key factors to consider for any policy, equity, liability and cost, and concluded with staff's recommendation that the Council adopt a policy similar to that of the cities of Los Angeles, Glendale and San Fernando by which the property owner is responsible for maintaining the entire sewer lateral and no reimbursement is given for crushed or misaligned laterals. He noted that this alternative would be consistent with the surrounding cities, minimizes City liability, is equitable for all residents and maintains competitive sewer rates.

It was the Council's consensus that the City maintain the current policy with a cap on reimbursement per foot replacement and that a list of approved contractors with an

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agreed-upon fixed cost for repairs be developed.

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:55 p.m. by Mrs. Ramos, 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 the Police Color Guard.

ROLL CALL

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

Absent - - - - Council Members None.

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

301-1 Recycling Heroes Mr. Fischer, Assistant Public Works Director/Street and Sanitation, presented the following winners in honor of their exceptional waste reduction and recycling efforts: Ken Rice, Sandra Cattel, Jennifer Moses, Phil Gieselman and Steven James, teachers at John Muir Middle School; Stacy Soderholm, Manager of Environmental Initiatives; Warner Bros.; and, Ranson Price, Dena Fitzgerald, Mary Stout and Ryan Schneider, of Insomniac Games. Mayor Ramos presented Certificates of Recognition to the winners.

301-1 Older Americans Month Mayor Ramos presented a proclamation in honor of Older Americans Month to Forrest Barker, Chairperson of the Senior Citizen Advisory Board.

Reporting on Council Liaison Committees Mr. Vander Borght reported on a Workers Compensation Subcommittee meeting he attended with Ms. Murphy.

Motion It was moved by Ms. Murphy, seconded by Mr. Vander Borght and carried that "the item regarding the Empire Interchange Design Modification be postponed to a future date."

Reporting on Closed Session Mr. Barlow reported on the items considered by the Redevelopment Agency during the Closed Session meeting.

406
Airport
Authority
Report

Commissioner Wiggins congratulated Mayor Ramos and Vice Mayor Vander Borcht upon their appointments, and expressed appreciation to Ms. Murphy for her service as Mayor during the past year. Reporting on the April 19, 2004 Airport Authority meeting, he stated that the Authority approved the initial payment in the amount of \$54,000 to Gladstein and Associates related to the implementation of the emissions reductions policy; and, awarded a janitorial services contract to World Service West in the amount of \$53,000 per month. He added that at the May 3, 2004 meeting, the Authority awarded: a non-exclusive licensing agreement in the amount of \$30,000 per year to T-Mobile for wireless network within the Airport; a contract in the amount of \$247,000 to replace the 850 square feet of holding area which was occupied by the security modifications; a contract in the amount of \$89,000 for the skyroom improvements; and, a contract in the amount of \$114,000 to E.C. Construction for the crack and slurry sealing of the small flight east ramp. He also informed the Council that Federal Express has rescheduled their early morning flight to abide by voluntary curfew hours.

The Council received the report.

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 Edward Guerrero, congratulating Mayor Ramos and commenting on his past arrest by the Burbank Police Department, requesting the matter be investigated; Les Hammer, on the proposed Home Depot day laborer center; C.L. Stack, stating if the Home Depot project had been submitted for a public vote it would not have been approved by the residents; Howard Rothenbach, congratulating the new Mayor and Vice Mayor, requesting an update on the Airport Interim Development Control Ordinance; Eden Rosen, commenting on Charter Communications and on illegal immigration; Mark Barton, commenting on his disagreement with a City official; Ron Vanderford, expressing his disagreement with the Council's approval of the Home Depot project and noting potential traffic impacts; LaVerne Thomas, congratulating the new Mayor and Vice Mayor, expressing appreciation to Ms. Murphy for her service, commenting on the Sewer Lateral Study Session and double-
wye connections; David Piroli, commenting on the Council's decision regarding the Home Depot project; and, Theresa

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Karam, commenting on the case of Karam v. City of Burbank.

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

8:01 P.M. Recess The Council recessed at this time. The meeting reconvened at 8:04 p.m. with all members present.

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

Citizen Comment Appearing to comment were John White, on the proposed amendment to the Burbank Municipal Code (BMC) regarding the use of amplification devices and expressing appreciation to the City for working with residents to address their concerns; Ron Vanderford, on the Southern California Association of Governments projections, potential future growth at the airport and on the Empire Interchange design project; Eden Rosen, on the proposed amendment to the BMC regarding the use of amplification devices and on excessive noise in general; Mark Barton, on the Site Specific Selection Committee for art projects; Howard Rothenbach, on the fiscal impact with regard to the Empire Interchange project; Mike Nolan, on the Empire Interchange project; Theresa Karam, on the proposed amendment to the BMC regarding the use of amplification devices and ambient noise level impacts caused by the Airport; and, David Piroli, on the proposed amendment to the BMC regarding the use of amplification devices and on the Empire Interchange project.

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

8:56 P.M. Recess The Council recessed to permit the Redevelopment Agency to hold its meeting. The Council reconvened at 8:56 p.m. with all members present.

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

1208 Restructure Debt For Burbank RESOLUTION NO. 26,709:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A REGULATORY AGREEMENT AND AN

Housing Corp. AMENDMENT TO AFFORDABLE HOUSING AGREEMENTS AND PROMISSORY NOTES AMONG THE CITY, REDEVELOPMENT AGENCY AND BURBANK HOUSING CORPORATION (237, 241-243, & 257 W. VERDUGO AND 220 TUJUNGA).

1705
First Amend. to
PSA with EIP
Associates

RESOLUTION NO. 26,710:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND EIP ASSOCIATES.

1007-1
1009-1
Establish
Classification
and Salary for
Executive Asst.

RESOLUTION NO. 26,711:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ESTABLISHING THE TITLE AND CLASSIFICATION OF EXECUTIVE ASSISTANT (CTC No. 0275) AND PRESCRIBING CLASSIFICATION CODE NUMBER, SALARY AND SPECIFICATION THEREOF.

Adopted The consent calendar was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Members None.

804-5
Amend BMC
Pertaining to the
City's UUT

Mr. Hanway, Financial Services Director, requested the Council adopt an ordinance amending Article 11 of Chapter 14 of the Burbank Municipal Code (BMC) pertaining to the City's Utility Users Tax (UUT) to: 1) update and clarify the definition of telecommunication services; 2) update and clarify provisions for administration and collection of the UUT; and, 3) reorganize Article 11 into a more logical format.

Mr. Hanway explained that pursuant to the BMC, the City imposes a tax on the users of certain utility services including telephone, electricity and gas. In Burbank, he noted that the UUT is a very important General Fund revenue source and represents approximately 14 percent of the total revenue collected for Fiscal Year 2002-03. He referenced a comment letter from SBC Corporation, and noted that a conference call was held with SBC Corporation, AT&T and the UUT Consultant to discuss and address those concerns.

Mr. Hanway informed the Council that these clarifying amendments neither increase the UUT nor expand the existing tax base and therefore do not require voter approval under

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Proposition 218. He also stated that there would be no fiscal impact to the City since this is only a change to the language within the BMC.

Ordinance
Introduced

It was moved by Mr. Golonski, seconded by Mr. Vander Borcht and carried that "the following ordinance be introduced and read for the first time by title only and be passed to the second reading." The ordinance was introduced and the title read:

804-5
Amend BMC
Pertaining to the
City's UUT

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING ARTICLE 11 OF CHAPTER 14 OF THE BURBANK MUNICIPAL CODE PERTAINING TO THE CITY'S UTILITY USERS TAX ORDINANCE.

804-4
Appointment to
Financing Team-
Wastewater
Treatment
Revenue Bonds

Mr. Hanway, Financial Services Director, requested Council approval of: 1) appointment of a Financing Team to review the potential refunding of the existing Wastewater Treatment Revenue Bonds, 1995 Series A and issuance of new money bonds of \$5 million; and, 2) adoption of a reimbursement resolution to be reimbursed for capital expenditures should the bonds be issued.

Mr. Hanway noted that interest rates have been fluctuating and are currently at a level that would not meet the City's savings target; and as such, staff does not recommend issuing bonds for the new money portion alone. He explained that the Financing Team would review the potential of refunding the Wastewater Treatment Revenue Bonds, 1995 Series A with a bond issue that would include \$5 million of funds for planned capital expenditures. He added that refunding existing bonds and issuing \$5 million in new money would restore available cash balances. He noted that the potential bond issue would only be issued if the net present value of the savings from the refunding of the 1995 issue was at least three percent.

Mr. Hanway added that the reimbursement resolution gives the City the ability, for Federal tax purposes; to reimburse itself from the proceeds of a tax exempt bond issue for capital expenditures made prior to issuance should the bonds ultimately be issued. He recommended that the Council appoint the following to the Financing Team: Peter Ross, Ross Financial, as Financial Advisor; Rich DeProspero, E.J. De La Rosa & Co., Inc., as Underwriter; and, Brian Quint, Quint & Thimmig, LLP, as Bond Counsel.

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

804-4 RESOLUTION NO. 26,712:
 Appointment to A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
 Financing Team- EXPRESSING OFFICIAL INTENT REGARDING CERTAIN
 Wastewater CAPITAL EXPENDITURES TO BE REIMBURSED FROM
 Treatment PROCEEDS OF TAX-EXEMPT OBLIGATIONS AND APPOINTING
 Revenue Bonds CONSULTANTS.

Adopted The resolution was adopted by the following vote:

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

Noes: Council Members None.

Absent: Council Members None.

1502 Mr. Kriske, Transportation Analyst, Community Development
 California High Department, reported that the California High Speed Rail
 Speed Train Authority has released a Program-Level Draft Environmental
 Project Draft Impact Report/Environmental Impact Statement (EIR/EIS)
 EIR/EIS representing preliminary feasibility and design for a proposed
 High Speed Train (HST) connecting northern and southern
 California. He stated that the HST would compete with
 regional air travel and help to meet the demand for intercity
 travel between the major population centers of the State. He
 added that the preliminary study proposes a number of route
 and station alternatives that would be routed through the City
 of Burbank. He noted that staff has been monitoring the
 project's progress, but the release of this preliminary
 environmental document represents the first opportunity for
 initial review and comment on the preliminary findings. He
 also noted that the project is still in initial feasibility and
 design, and no funding has yet been secured to construct the
 project.

Mr. Kriske informed the Council that staff reviewed the Draft
 EIR/EIS with focused analysis on the more significant planning-
 level issues that should be considered when studying the
 feasibility of a large project. In particular, he stated that staff
 reviewed the project's impacts to the City as outlined in the
 Draft EIR/EIS with regard to traffic and circulation impacts of
 proposed stations, noise and vibration impacts, land use
 compatibility, and aesthetics and visual compatibility. He
 reported that staff developed a list of concerns and issues with
 the environmental document that should be addressed in the

Final EIR/EIS, including: eliminating the combined railroad/ Interstate 5 alignment from further consideration due to its potential impacts on residential neighborhoods; resolving the discrepancies in the traffic counts and projections with the data provided by City staff; recommendation that all identified noise and vibrational impacts to adjoining land uses be mitigated to a low impact; ensuring that any station option that is considered conforms to the City's traffic Level of Service and circulation standards; and, request that the technical appendices detailing the alignment cross sections provide greater discussion of the complex grade separations and alignments proposed, and the relation to existing and proposed crossing streets and overpasses. He noted that neither the current nor prior Councils have made any policy statements in favor of or opposition to the project and that staff will continue to monitor the project and report to the Council. He requested the Council provide any further policy direction and authorize staff to submit a comment letter on the HST Draft EIR/EIS prior to the August 31, 2004 comment period deadline.

The Council noted and filed the report.

206
Amend BMC
Relating to
Radios,
Television Sets
And Similar
Devices

Mr. Hansen, Interim Park, Recreation and Community Services Director, requested that the Council introduce an ordinance amending Burbank Municipal Code (BMC), Chapter 21, Article 2, Division 2, Section 21-213 Radios, Television Sets and Similar Devices. He stated that Burbank is fortunate to possess high quality park facilities which are used by a large number of individuals, especially during the summer months. He added that some park patrons bring personal musical amplification devices which have increasingly created problems for residential neighborhoods immediately adjacent to park facilities. He noted that the BMC currently has language which makes enforcement difficult, which is frustrating to the complainant and the responding officer. He reported that during Fiscal Year 2002-03 staff received a number of complaints from neighbors of individual parks concerning excessive use of amplified sound devices.

Mr. Hansen informed the Council that Park, Recreation and Community Services staff met with the designated Police Officer assigned to the Park Patrol Detail on the matter. He reported that during the course of officers' patrol, numerous park patrons were requested to lower the volume of their devices which they complied with, but oftentimes the volume was turned up once officers departed. He noted that the current Code covers any noise causing the ambient noise level of interior residential areas to be exceeded by more than five

decibels; however, this is not an ideal enforcement tool when dealing with complaints originating in park settings and negatively affecting surrounding residential areas.

Mr. Hansen stated that at the February 12, 2004 Park, Recreation and Community Services Board meeting, a representative from the Brace Park neighborhood requested that the Board recommend to the Council an amendment to the ordinance regulating sound devices. He added that the Board agreed with staff's recommendation to amend the Code and to utilize language that is similar to the California Motor Vehicle Code, Chapter 5 Article 1, Section 27007, Sound Amplification Devices; stating that "no driver of a vehicle shall operate or permit the operation of any sound amplification system which can be heard outside the vehicle from 50 or more feet." He noted that the Code amendment would be enforceable by Police Officers responding to complaints and would not necessitate a decibel reading. He added that the Code amendment creates a presumption that noise is unreasonable when it can be heard 50 feet or more from its source. He concluded that staff anticipated no significant fiscal impact due to the adoption of the amendment and that signage noting the new regulations will need to be posted.

Following Council deliberation, staff was directed to conduct a more detailed and comprehensive analysis of the noise ordinance and study potential exceptions to the ordinance to ensure enforceability.

203
Site Specific
Selection
Committee for
Art Projects at
BWP

Mrs. Davis, Administrative Officer, Burbank Water and Power (BWP), requested the Council select two members to serve on the Site Specific Selection Committee for art projects at BWP related to the Magnolia Power Project (MPP) and water. She noted that the Committee will be responsible for selecting two significant Art in Public Places projects which focus on water and light elements, to be located in the view corridors of Olive Avenue and Magnolia Boulevard.

Motion

It was moved by Mr. Campbell, seconded by Mr. Golonski and carried that "Ms. Murphy and Mr. Vander Borcht be appointed to the Site Specific Selection Committee."

1503
1504
BWP Monthly
Report

Mr. Davis, General Manager, Burbank Water and Power (BWP), presented the monthly water and power operations report for the month of April 2004. He stated that water quality continued to meet or exceed all Federal, State and administrative standards set by the Council. He noted that BWP has achieved a balance in water deliveries from local

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sources and the Metropolitan Water District. He stated that the water utility continues to perform well financially, and has set aside enough capital reserves to proceed with a spreading facility which the City identified as an independent means of recharging the water basin.

He reported on the recent power outages, and noted that the electric revenues continue to perform well. He also reported that staff is continuing with the implementation of the new Hollywood Way station, and that the Magnolia Power Project is progressing on schedule and within budget.

The Council received the report.

9:50 P.M.
Reconvene
Redev. Agency
Meeting

The Redevelopment Agency meeting was reconvened at this time.

Final Open
Public Comment
Period of Oral
Communications

Mrs. Ramos called for speakers for the final open public comment period of oral communications at this time.

Citizen
Comment

Appearing to comment were Kevin Muldoon, on webcasting Council meetings; and, Mike Nolan, commending the Burbank and Glendale Fire Departments and the Police Department for their exemplary service at the weekend fire in a local hotel.

Staff
Response

Members of the Council and staff responded to questions raised.

301-2
Adjournment

There being no further business to come before the Council, the meeting was adjourned at 9:58 p.m. in memory of James Malek and L.A. "Lou" Kubasak.

Margarita Campos, City Clerk

APPROVED JUNE 15, 2004

Mayor of the Council
of the City of Burbank