

TUESDAY, MAY 18, 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 5:09 p.m. by Mrs. Ramos, Mayor.

CLOSED SESSION

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

Absent - - - - Council Members None.

Also Present - Ms. Alvord, City Manager; Ms. Scott, Chief Assistant 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.

5:10 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. Conference with Legal Counsel – Anticipated Litigation (City as possible plaintiff):
Pursuant to Govt. Code §54956.9(c)
Number of potential case(s): 1
- b. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):
Pursuant to Govt. Code §54956.9(b)(1)
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, Burbank Management Association, Burbank Firefighters Chief Officers Unit, and Burbank Police Officers Association; Unrepresented, and Appointed Officials.
Summary of Labor Issues to be Negotiated: Current Contracts and Retirement Issues.

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:45 p.m. by Mrs. Ramos, Mayor.

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Invocation The invocation was given by Mr. Kramer, Community Assistance Coordinator.

Flag Salute The pledge of allegiance to the flag was led by Mr. Hampel, Recycling Coordinator.

ROLL CALL

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

Absent - - - - Council Members None.

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

301-1
High School
Service
Recognition and
Scholarship
Awards Mr. Hampel, Recycling Coordinator, Public Works Department, presented the following recipients of the High School Service Recognition Award for their service to the community: Juan Carlos Salas, Bellarmine-Jefferson High School; Jennifer Farah, Providence High School; Lernik Honarchian, Burbank High School; and, Eric Recchia, John Burroughs High School.

Mr. Soghomonian, Electrical Engineering Associate, Burbank Water and Power (BWP), described the BWP High School Scholarship Award Program and presented the following students who received scholarships in the amount of \$3,000 each: Jalpa D. Shah, Burbank High School; Ani Khachoyan, Bellarmine-Jefferson High School; and, Jennifer Farah, Providence High School.

301-1
Public Works
Week Mayor Ramos presented a proclamation in honor of Public Works Week to Bruce Feng, Deputy City Manager/Public Works and Capital Projects.

Reporting on
Council Liaison
Committees Mr. Campbell reported on the Arroyo-Verdugo Regional Transportation Subcommittee meeting held on Monday, May 17, 2004 and announced an upcoming Environmental Oversight Committee meeting. He also reported on his participation in the National Police Week events in Washington, D.C.

Ms. Murphy also reported on the National Police Week events which she attended in Washington, D.C.

Mr. Vander Borght reported on the League of California Cities meeting he attended in Sacramento to consider a proposal with regard to the Local Tax Payer and Public Safety Protection Act Ballot Measure. He noted that he voted in favor of the agreement proposed by Governor Schwarzenegger

although the Measure will still appear on the ballot in the November 2004 Presidential Elections.

Mrs. Ramos also reported on the National Police Week events which she attended in Washington, D.C., and commended the Police Department for their service at the events.

Reporting on
Closed Session

Ms. Scott, Chief Assistant City Attorney, reported on the items considered by the City Council during the Closed Session meetings.

406
Airport
Authority
Commissioner
Report

Commissioner Lombardo congratulated Mayor Ramos and Vice Mayor Vander Borcht upon their appointments. Reporting on the Airport Authority meeting of May 17, 2004, he stated that the Authority awarded an advertising concession agreement to JCDecaux Airport, Inc., and adopted the Fiscal Year 2004-05 Annual Budget in the amount of \$53,260,873. He also reported that a progress report on the implementation of the Residential Acoustical Treatment Program was received.

Mr. Campbell requested that the Authority support the proposed amendment to the Southern California Association of Governments Regional Transportation Plan with regard to the forecasted passenger levels for the Bob Hope Airport.

At Mrs. Ramos' request, Mrs. Georgino, Community Development Director, gave a status update on the Airport Interim Development Control Ordinance which is due to expire in August 2004.

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 Don Elsmore, referencing a letter from the Community Development Director to the Airport Authority; an unidentified speaker, requesting a waiver for green design installation fees; Daniel Lucero, on an incident at a prior Council meeting; Rebecca Chamaa, in support of her application to serve on either the Civic Pride Committee or Community Development Goals Committee; Howard Rothenbach, announcing an upcoming Library event; Michael Garcia, American Hiking Society, announcing a June 5, 2004 National Trails Day Event at Stough Nature Center; Mark Barton, on an incident at a prior Council meeting; and, C.L.

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Stack, on Airport issues and in support of the ordinance prohibiting commercial use of public facilities.

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

The following individuals appeared to comment in support of the proposed ordinance to ban commercial use of City facilities without obtaining proper permits: Zorica Tanaskovic; Theresa Gunnell; Frank Galuppo; Ross Gunnell; Meghan Brennen; Gordana Lewis; Joana Resnick; Steve Jarrard; Davis Crosthwait; Mary Lou Howard; Eden Rosen; and, Bob Estrella.

The following individuals appeared to comment in opposition to the proposed ordinance to ban commercial use of City facilities: Jim Kenehan; Debi Derryberry; Harvey Jordan; Sharon Williams; Vilma Mansfield; Michelle Williams; John Godsey; Elizabeth Beeson; Mike Delbarian; Gary Gentile; Neil Patel; Tina Castaldi; Carla Valerio, Kerry Logan, Sandra Lee, Frank Cuellar and Jim Paul, playing a tape depicting the activities of the Castalidi's Killer Boot Camp; Maryanne Galindo; Claudia Bohorquez; Jesika Bourgeois; Tom DeBone; Sheryl Blum; Deborah Dodge; Ajay Gupta; Alex Bronstein; Stephanie Lyn Cortes; Jeena Phelps; Matthew Meeker; Daniel Wulkan; Barbara Curren; Tina Cannizzaro; Jeff Rector; and, Ernest Meger DeChian.

Also appearing to comment were Don Elsmore, on the letter from the Community Development Director to the Airport Authority; and, Brian Malone, in support of his application to serve on the Traffic and Transportation Committee.

10:17 P.M.
Recess

The Council meeting recessed at this time due to a fire alarm. The regular meeting of the Council of the City of Burbank was reconvened at 10:32 p.m. by Mrs. Ramos, Mayor, with all members present.

Citizen
Comment
Continued

Commenting in support of the proposed ordinance to ban commercial use of City property without proper permits were: David Piroli; Mark Barton; Patty Leupold; Howard Rothenbach, who also commented on the fuel sale agreement with the Burbank Unified School District and on the Airport Interim Development Control Ordinance; and, Kelly O'Connor. Eric

Schoenke commented in opposition to the proposed ordinance.

Staff Response	Members of the Council and staff responded to questions raised.
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 Approved	The minutes for the regular meeting of April 6, 2004 were approved as submitted.
1301-3 Burbank Water Rec. Plant Biological Nutrient Removal (B.S. 1160)	<u>RESOLUTION NO. 26,714:</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 BURBANK WATER RECLAMATION PLANT BIOLOGICAL NUTRIENT REMOVAL IMPROVEMENTS – PACKAGE B, BID SCHEDULE NO. 1160.
1301-3 PSA w/Kennedy/ Jenks for Biological Nutrient Removal	<u>RESOLUTION NO. 26,715:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF BURBANK AND KENNEDY/JENKS CONSULTANTS.
1504 PSA w/Larry Walker for Study of Copper In Burbank Western Channel And L.A. River	<u>RESOLUTION NO. 26,716:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK FOR APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH LARRY WALKER ASSOCIATES TO PERFORM A STUDY OF THE COPPER AVAILABILITY IN THE BURBANK WESTERN CHANNEL AND LOS ANGELES RIVER.
1301-3 Veh. And Ped. Detection System (B.S. 1124)	<u>RESOLUTION NO. 26,717:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE FINAL CHANGE ORDER IN THE AMOUNT OF \$88,887.49 FOR THE INSTALLATION OF VEHICLE AND PEDESTRIAN DETECTION SYSTEMS AT VARIOUS INTERSECTIONS, BID SCHEDULE NO. 1124.

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1703 RESOLUTION NO. 26,719:
602 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Denying DR DENYING DEVELOPMENT REVIEW NO. 2003-27 AND
2003-27 (637 UPHOLDING THE APPEAL OF THE PLANNING BOARD
N. Fairview) DECISION (637 North Fairview Street).

412 RESOLUTION NO. 26,718:
Fuel Sales Agmt. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
With the BUSD APPROVING THE FUEL PURCHASE AGREEMENT BETWEEN
THE CITY OF BURBANK AND BURBANK UNIFIED SCHOOL
DISTRICT.

Adopted The consent calendar was adopted by the following vote:

Ayes: Council Members Campbell, Golonski, Murphy,
Vander Borgh and Ramos (who recused herself on
Resolution No. 26,719).

Noes: Council Members None.

Absent: Council Members None.

604 Mr. Hansen, Deputy Director, Park Recreation and Community
Commercial Use Services/Senior and Human Services, requested that the
Of Public Council adopt an ordinance adding Section 5801.1 to the
Facilities Burbank Municipal Code (BMC) banning private commercial or
revenue-producing activities on City-owned public property
without express authorization through the issuance of proper
permits. He stated that the City owns various public parks,
playgrounds and recreation areas and currently regulates the
use of these facilities through the Park, Recreation and
Community Services Department's permit procedure which
follows established criteria to best serve the recreation need of
every person who desires to lawfully utilize public recreation
facilities. He noted that the BMC does not currently have a
provision banning commercial activities on City-owned public
parks, playgrounds and recreation areas or their adjacent
parking lots; therefore, a permit is not required before a person
can engage in commercial or revenue-producing activities on
City-owned public property.

Mr. Hansen informed the Council that in past years, staff has
received complaints regarding unauthorized private commercial
use of tennis courts, ball fields, picnic facilities and parking
lots. He noted that the unregulated use raises several areas of
concern for the City, including concerns regarding civil liability
and the fair and equitable distribution of public resources. He
added that adding the new provision will enable staff to take

corrective action when commercial activities that are disruptive or not compatible with authorized uses and neighborhoods threaten to negatively impact public enjoyment of public lands.

Mr. Hansen also reported that the ordinance will allow the operation of activities desired by the public while regulating the time, place and manner in which such activities are carried out. He also added that staff will have the ability to evaluate impacts on surrounding areas and neighborhoods, mitigate concerns regarding potential civil liability, determine potential interference with the use and enjoyment of public property by other persons, and possible unusual wear and damage to public property before a permit allowing commercial activity is issued.

Mr. Golonski suggested that the ordinance provide for a ninety-day grace period from the effective date, by which existing businesses have to apply for permits.

Ordinance
Introduced

Following Council deliberation, it was moved by Mr. Golonski, seconded by Ms. Murphy and carried that "the following ordinance be introduced and read for the first time by title only and be passed to second reading." The ordinance was introduced and the titled read:

604
Commercial Use
Of Public
Facilities

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK ADDING SECTION 5-801.1 OF THE BURBANK MUNICIPAL CODE BANNING COMMERCIAL ACTIVITY ON CITY OWNED PROPERTY WITHOUT PROPER PERMITS.

202
203
City Boards,
Commissions &
Committees

Mrs. Campos, City Clerk, requested that the Council make appointments from the qualified applicants to serve on the various Boards, Commissions and Committees with members whose terms expire June 1, 2004. She stated that the City Clerk's Office began advertising and accepting applications on March 30, 2004, with the deadline of Friday, April 30, 2004 by which applications must be submitted to the City Clerk's Office. Mrs. Campos noted that all Board, Commission and Committee members serve without compensation from the City and no person shall serve on more than one Board, Commission, or Committee (established by the Burbank Municipal Code) at the same time. Also, she stated that any person appointed to be a member of a Board, Commission or Committee must be an elector of, and actually reside in, the City of Burbank.

Mrs. Campos informed the Council that as a result of a random drawing, the following was the order presented to the City Council for voting: **Art in Public Places Committee** (two vacancies) – Penelope Young, Dink O’Neal, Alice Asmar, Jody Rogers, Annie Hovanessian, Carole Kubasak, and Lisa Lonsway; **Traffic and Transportation Committee** (three vacancies) – Gregory Scher, Michael Graves, Christopher Wiard, Howard Barr, Jr., Brian Malone, Annie Hovanessian, Joseph Terranova and Joe Spaulding; **Civic Pride Committee** (five vacancies) – Mary Alice O’Connor, Dink O’Neal, Howard Barr, Jr., Mary Lou Wagner, Lisa Lonsway, Christopher Wiard, Rebecca Chamaa, Shelley Davies and Elisa Freeman; **Senior Citizen Board** (four vacancies) – Peter McGrath, Gay Maund, Robert Jones, Florence Nos, Marva Murphy and Francine Lockett; **Heritage Commission** (two vacancies) – Dink O’Neal, Donald Baldaseroni and Howard Barr, Jr.; **Community Development Goals Committee** (five vacancies) – Victoria Torigian, Kirk Bowren, Annie Hovanessian, Nikki Capshaw, Gregory Scher, Cynthia Wagner, Rebecca Chamaa, Michael Graves and Harold Bond II; and **Transportation Commission** (one vacancy) – Gregory Scher and Dr. Keith Sanneman.

Procedure The Council voted on each Board, Commission and Committee separately, and at the conclusion of the open voting, the following individuals were appointed to serve on the respective Board, Commission or Committee, for terms expiring June 1 of the year indicated, unless otherwise specified.

203-4
Art in Public
Places For the Art in Public Places Committee, the Council made the following appointments: Penelope Young (2008) and Alice Asmar (2008).

203-2
Traffic and
Transportation
Committee For the Traffic and Transportation Committee, the Council made the following appointments: Christopher Wiard (2006), Brian Malone (2006) and Joseph Terranova (2006).

203-3
Civic Pride
Committee For the Civic Pride Committee, the Council made the following appointments: Mary Alice O’Connor (2006), Dink O’Neal (2006), Mary Lou Wagner (2006), Shelley Davies (2006) and Elisa Freeman (2006).

202-9
Senior Citizen For the Senior Citizen Board, the Council made the following appointments: Peter McGrath (2008), Gay Maund (2008),

Board	Florence Nos (2008) and Marva Murphy (2008).
202-13 Heritage Commission	For the Heritage Commission, the Council made the following appointments: Donald Baldaseroni (2008) and Howard Barr, Jr. (2008).
203-1 Community Development Goals Committee	For the Community Development Goals Committee, the Council made the following appointments: Kirk Bowren (2008), Annie Hovanessian (2008), Nikki Capshaw (2008), Cynthia Wagner (2008) and Rebecca Chamaa (2008).
202-12 Transportation Commission	For the Transportation Commission, the Council made the following appointment: Dr. Keith Sanneman (2005).
1108 703 Design Dev. Phase for Robert R. Ovrom Park	<p>Mr. Clifford, Capital Projects Manager, Public Works Department, presented the architectural model of the Robert R. Ovrom Park and Community School Project. He requested that the Council approve the Design Development Phase, the program budget and schedule, and to direct staff to proceed with the Construction Documents Phase with Wolff Lang Christopher Architects, Inc. He discussed the project's budget summary in comparison to several projects with similar scope of services. He also noted the City's commitment to achieving a LEED Silver Rated Green Building and stated that the project team is continuing to identify program elements that could be implemented without any project cost, or incorporated with minimal incremental project cost while representing a tangible and highly-beneficial result. He added that staff is still pursuing a LEED Certified Gold Rating but will continue to assess the real cost and benefits through the Construction Document Phase as more refined cost information becomes available.</p> <p>Mr. Clifford recounted that in January 2004, the Council approved consolidating the construction management oversight of the Ovrom Park and South San Fernando Boulevard Streetscape Projects. However, he stated that staff recommended independently constructing each project with the impetus to start the Streetscape Project as soon as practicable in order to gentrify the redevelopment area as soon as possible. He also gave the Council an update on the Department of Toxic Substances Control (DTSC) activities and stated that a Draft Preliminary Endangerment Assessment (PEA) has been issued and is available for public comment.</p>

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Subsequent to the results of the investigation, he stated that the DTSC may issue a "No Further Action" letter which will represent a time and cost savings for the project. He noted that this process is expected to be completed in June 2004 with the issuance of a Final PEA.

Mr. Clifford then discussed the project's Milestone Schedule and noted that occupancy is anticipated for May 2006. He also noted that there is no further fiscal impact since the project's budget is maintained at \$9.2 million. He informed the Council that there are two grants previously awarded that must be utilized by June 30, 2006, including the \$1.5M Natural Resources Infrastructure Fund Grant and the Safe Neighborhood Park Proposition of 1992-96. He also discussed several design changes to the project.

Motion It was moved by Ms. Murphy, seconded by Mr. Campbell and carried that "the Council accept the Design Development Phase program and direct staff to proceed with the Construction Documents Phase for the Robert R. Ovrom Park, Neighborhood Recreation Center and Community Day School Project, Phase 1 with Wolff Lang Christopher Architects, Inc."

Final Open Public Comment Period of Oral Communications There was no response to the Mayor's invitation for speakers for the final open public comment period of oral communications at this time.

301-2 Memorial Adjournment There being no further business to come before the Council, the meeting was adjourned at 12:52 a.m. in memory of Lillian Saunders.

Margarita Campos, City Clerk

APPROVED JUNE 15, 2004

Mayor of the Council
of the City of Burbank