

TUESDAY, SEPTEMBER 21, 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 4:39 p.m. by Mrs. Ramos, Mayor.

CLOSED SESSION

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

Absent - - - - Council Member Murphy.

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.

4:39 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 Real Property Negotiator:  
Pursuant to Govt. Code §54956.8  
**Agency Negotiator:** Community Development Director/ Susan Georgino.  
**Property:** A new advertising sign (billboard) is being proposed on City property at the Recycling Center located at 500 South Flower Street which is bounded by Verdugo Avenue and Providencia Avenue.  
**Parties with Whom Agency is Negotiated:** Ken Spiker and Associates, Inc. representing Clear Channel Outdoor, Inc.  
**Name of Contact Person:** Ruth Davidson-Guerra  
**Terms Under Negotiation:** Possible lease of City property to Clear Channel.
- b. 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.
- c. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):  
Pursuant to Govt. Code §54956.9(b)(1)  
**Number of potential case(s):** 2

- d. Conference with Legal Counsel – Anticipated Litigation (City as possible 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 6:47 p.m. by Mrs. Ramos, Mayor.

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

Flag Salute The pledge of allegiance to the flag was led by Taylor Buliavac.

#### 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 Heartbreakers Girls' Softball Team Mayor Ramos recognized the Burbank Heartbreakers Softball Team, who finished their little league regular season with an impressive record of eighteen wins, two losses and one tie. She noted that the team members are softball pioneers for the City of Burbank as they are the first team to ever represent the City in Little League Fast Pitch Softball. Certificates of Recognition were presented to Manager/Coach Richard Escamilla; Coaches Steve Dalley, Aaron Escamilla and Samantha Valenzuela; and, team members Taylor Buliavac, Kayla Dalley, Emili Escamilla, Kristina Gobble, Hattie Linares, Nesleen Lobarbio, Sarah Riojas, Elizabeth Rivera, Solana Sanchez, Tatiana Sanchez and Hallie White.

Reporting on Council Liaison Committees Mr. Vander Borght reported on the Environmental Oversight Committee meeting he attended with Mr. Campbell.

Mrs. Ramos reported on a meeting she attended with the Library Services Director regarding the City's library grant application. She also reported on a League of California Cities Conference she attended and requested that the Council consider action to support Proposition 1A.

Mr. Golonski reported on the Mayor's Youth Task Force

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meeting he attended with Mrs. Ramos.

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

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 Paul McKenna, Mark Hungerford and Dr. Keith Sanneman, encouraging the Council to make independent decisions with regard to Airport issues; Don Elsmore, on statements made by Special Airport Counsel Peter Kirsch with regard to Airport issues; Garen Yegparian, Caroline MacLeod, Evelyn Alexander, Lia Caprara, Hani Antar, Loucin Mekhjian, Delphine Trowbridge and Dean Walcraft, in opposition to the proposed Canyon Hills Development in the Verdugo Mountains; Phil Berlin, Carolyn Berlin, David Piroli, Ron Vanderford and Howard Rothenbach, on the proposed Airport Development Agreement.

Also, Eden Rosen, commented on a real estate sign which was placed on a public sidewalk obstructing pedestrians, on cars blocking driveways and the law with regard to billboards; Larry Applebaum, announced an upcoming fundraiser for the Burbank Priority in Education, "In Concert", scheduled for October 2, 2004 at the Starlight Bowl; and, Mark Barton, commented on the Wayfinding Signage Program.

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

Motion It was moved by Ms. Murphy and seconded by Mr. Vander Borcht that "the item regarding the Transient Occupancy Tax be postponed to a future date."

Carried The motion carried by the following vote:

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

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

Citizen Comment Appearing to comment were Michael Pfeiffer, Hotel Association of Los Angeles, requesting to reserve his comments until the Transient Occupancy Tax item is considered; Katherine Cook, in support of the Magnolia Park Action Plan; Carolyn Berlin, requesting a copy of the Magnolia Park survey, stating tax increment revenue coming from general aviation should be used for employee contracts and infrastructure improvements and supporting the sale of the B-6 property; Don Elsmore, on the Notice of Failure to Execute a Development Agreement; Phil Berlin, on the chronology of grandfathering in the Airport curfew; Mark Barton, on billboards design; Michael Bergfeld, on legal issues with regard to Airport litigation; Howard Rothenbach, inquiring about the proposed billboards and commenting on redevelopment indebtedness; David Piroli, on the criteria of the Airport Trust Agreement and the intent of the voters who passed Measure B; Mike Nolan, inquiring as to why Airport zoning issues are not included in the Community Development Department Work Program Goals and questioning the validity of the Trust Agreement; Ron Vanderford, on the proposed Airport Development Agreement and various Airport issues; and, Yasmine Wolfe, in support of the Magnolia Park Action Plan.

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

Jt. Mtg. with Redev. Agency 203 Magnolia Park Action Plan Mr. Garcia, Redevelopment Project Analyst, Community Development Department, reported that in October 2003, staff conducted several focus group meetings to determine the present situation and future needs for Magnolia Park with a desire to achieve a roadmap that would lead the district through a series of steps to improve the area. He added that staff presented the findings of the focus groups meetings to the Council in January 2004, at which time the Council directed staff to share those findings with the Magnolia Park Citizens Advisory Committee (Committee) and develop an Action Plan to carry out the various findings. He added that

following a review of the findings, the Committee requested that the neighboring community be surveyed to make sure that the focus group findings reflect the views of the neighborhood. He noted that the survey was sent out to approximately 3,000 households and the results echoed the findings of the focus groups.

Mr. Garcia added that the Committee then moved forward with developing an Action Plan which outlined the following five categories: streetscape, landscaping and facility upgrades; increasing retail leasing; parking improvements; promotions and events; and, general maintenance. He noted that many capital items have already been partially or fully funded by the City and Redevelopment Agency (Agency), and the only additional capital appropriation that was being requested is \$125,000 in Agency funds for parking improvements. He added that the Committee has unanimously agreed to study the formation of a Business Improvement District to help fund the remaining expenses.

Mr. Garcia also informed the Council that three of the 15 Committee members have resigned due to the sale or relocation of their businesses. He added that because all three of the Committee members who have resigned were merchant appointees, the current make-up of the Committee consists of eight residents and four merchants. He presented the Council with the following options with regard to filling the Committee vacancies: reducing the size of the Committee from 15 to 12 members; or, filling one or all of the vacancies by opening up a new application process, with a recommendation that the new applicants be restricted to merchants and/or property owners to create a more balanced representation.

The Council expressed support for the second option.

Motion

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

203  
Magnolia Park  
Action Plan

RESOLUTION NO. 26,797:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE TERMS AND PROVISIONS OF A COOPERATION AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK AND THE CITY OF BURBANK AND AMENDING THE FISCAL YEAR 2004-2005

BUDGET IN THE AMOUNT OF \$125,000.00 FOR THE MAGNOLIA PARK ACTION PLAN.

Redev. Agency Reso. Adopted      Redevelopment Agency Resolution No. R-2116 Approving the Terms and Provisions of a Cooperation Agreement between the Redevelopment Agency of the City of Burbank and the City of Burbank and Amending the Fiscal Year 2004-2005 Budget in the Amount of \$125,000.00 for the Magnolia Park Action Plan was adopted.

Adopted      The resolutions were adopted by the following vote:

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

Noes:      Council Members None.

Absent:    Council Members None.

1502 Shuttle Connection to the Metro Red Line Station      Mr. Herrmann, Assistant Community Development Director/Transportation, reported that on August 10, 2004, the Council directed staff to proceed with the first step of a two-step process to determine Council support for exploring the feasibility of implementing a transit service between the Media District and the Metro Red Line.

Mr. Herrmann explained that five of the Metropolitan Transportation Authority (MTA) transit lines that operate within Burbank make connections with one or both of the Valley Red Line stations at Universal City and North Hollywood. He added that two MTA bus lines connect the Universal City Station to the Media District and to other Burbank destinations with no lines providing direct connections between the North Hollywood Station and the Media District.

Mr. Herrmann further reported that the Council appointed a Transit Services Task Force to study existing transit services within the City and to develop a recommendation for expanding local service. He added that the Task Force reviewed the existing Red Line bus connections and supports the implementation of a local shuttle service between the Red Line and Media District, and that the Burbank TMO is also supportive of the service.

Staff was directed to proceed with a feasibility study for implementing a transit service connection between the Media District and the Metro Red Line.

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206  
304-1  
Accepting Small  
Money  
Donations

Mr. Hanway, Financial Services Director, requested Council approval of a Burbank Municipal Code change to the City's current procedure of accepting small monetary contributions from the public. He noted that the modification in policy would streamline the existing process that is inefficient while at the same time still encourage public donations of all amounts to the City. He explained that under the current policy, departments receiving donations must initiate an appropriation request for every monetary donation for its expenditure. As a result, each item needs to be placed on the Council agenda for approval.

Mr. Hanway informed the Council that the proposed Code change would provide automatic appropriation authority for contributions less than \$1,000. He explained that the change would grant departments administrative authority to accept and appropriate donations of less than \$1,000.

It was the Council's consensus that the amount be raised to \$5,000.

Ordinance  
Introduced

It was moved by Mr. Golonski and seconded by Mr. Campbell 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 as amended:

206  
304-1  
Accepting Small  
Money  
Donations

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK ADDING SECTION 14-110 TO THE BURBANK MUNICIPAL CODE REVISING CITY PROCEDURE IN ACCEPTING SMALL MONETARY DONATIONS.

Carried

The motion carried by the following vote:

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

Noes: Council Members None.

Absent: Council Members None.

804-5  
Exempt Impound  
or Storage Fees  
Charged by Tow  
Operators from  
the TPT

Mr. Hanway, Financial Services Director, requested that the Council adopt an ordinance amending Article 19 of Chapter 14 of the Burbank Municipal Code pertaining to the City's Transient Parking Tax (TPT). He reported that the amended Code would provide that fees charged by duly licensed Tow Operators for the impound or storage of vehicles incidental to services performed by such Tow Operators shall be exempt from the TPT. He explained that the proposed ordinance would

clarify that storage facilities associated with tow operations are exempt from its provisions. Although the TPT was not intended to apply to this type of storage facility, the language of the current Code could be interpreted to apply. He noted that there are currently no taxes being collected from Tow Operators and the added exemption would not affect current revenue.

Ordinance  
Introduced

It was moved by Mr. Golonski and seconded by Mr. Vander Borght 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  
Exempt Impound  
or Storage Fees  
Charged by Tow  
Operators from  
the TPT

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING ARTICLE 19, CHAPTER 14, SECTION 14-1906 OF THE BURBANK MUNICIPAL CODE TO EXEMPT IMPOUND OR STORAGE FEES CHARGED BY TOW OPERATORS FROM THE TRANSIENT PARKING TAX.

Carried

The motion carried by the following vote:

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

201-2  
Work Program  
for BWP, CDD  
and Fire

Mr. Davis, General Manager, Burbank Water and Power, presented the Work Program Goals and Performance Indicators for the Burbank Water and Power Department.

Mrs. Georgino, Community Development Director, presented the Work Program Goals and Performance Indicators for the Community Development Department.

Mr. Mehling, Interim Fire Chief, presented the Work Program Goals and Performance Indicators for the Fire Department.

Ordinance  
Submitted

It was moved by Ms. Murphy and seconded by Mr. Campbell that "Ordinance No. 3648 be read for the second time by title only and be passed and adopted." The title to the following ordinance was read:



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703  
804-2  
Park Permits for  
Commercial  
Uses on City-  
Owned Property

ORDINANCE NO. 3648:  
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK  
AMENDING SECTION 5-802, 5-804 AND 5-805 OF THE  
BURBANK MUNICIPAL CODE ESTABLISHING THE TIME  
DEADLINES FOR PARK FACILITIES USE PERMIT  
APPLICATIONS AND ESTABLISHING THE PERMIT APPEALS  
PROCESS FOR RECREATIONS AND COMMERCIAL USE  
PERMITS.

Adopted

The ordinance was adopted by the following vote:

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

Ordinance  
Submitted

It was moved by Mr. Campbell and seconded by Ms. Murphy  
that "Ordinance No. 3649 be read for the second time by title  
only and be passed and adopted." The title to the following  
ordinance was read:

1402  
Prima Facie  
Speed Limits on  
Various Streets

ORDINANCE NO. 3649:  
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK  
AMENDING SECTION 29-1501 AND CONSOLIDATING AND  
DELETING SECTIONS 29-1502 AND 29-1503 OF THE  
BURBANK MUNICIPAL CODE RELATING TO THE  
ESTABLISHMENT OF SPEED LIMITS.

Adopted

The ordinance was adopted by the following vote:

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

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 decisions  
made by the Council; and, Mike Nolan, on the actions of the  
Burbank Airport Commissioners.

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 11:07 p.m.

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Margarita Campos, City Clerk

APPROVED NOVEMBER 23, 2004

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Mayor of the Council  
of the City of Burbank