

TUESDAY, OCTOBER 5, 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, Vander Borght and Ramos.  
Absent - - - - Council Members Golonski and Murphy.  
Also Present - Ms. Alvord, City Manager 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.

5:09 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:

Public Employee Performance Evaluation:  
Pursuant to Govt. Code §54957 and 54957.6  
**Title of Employee's Position:** City Manager.

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.

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

Flag Salute The pledge of allegiance to the flag was led by Corine Ciana and Arielle Navarrete.

ROLL CALL

Present- - - - Council Members Campbell, Golonski, Murphy, Vander Borght and Ramos.  
Absent - - - - Council Members None.  
Also Present - Ms. Alvord, City Manager; Mr. Stevenson, Senior Assistant City Attorney; and, Mrs. Campos, City Clerk.

301-1 Donation of Energy Books to the BUSD Library Ms. Forrest, Senior Conservation Advisor, Burbank Water and Power, donated energy-related topic books to the eleven Burbank Unified School District elementary school libraries. Sue Boegh, Director of Educational Support Services, accepted the donation on behalf of the Burbank Unified School District.

301-1 Mayor Ramos and Council Member Murphy recognized artist

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Recognition of Denise Bankuti	Denise Bankuti for the donation of a mixed media piece entitled, "We Will Never Forget" commemorating the September 11, 2001 terrorist attacks to the Police and Fire Museum. Mayor Ramos presented a Certificate of Recognition to Ms. Bankuti.
301-1 Peyton-Grismer Back to School Picnic Volunteers	Ms. Frausto, Community Resources Coordinator, Community Development Department, recognized the following volunteers and groups for their participation in the Peyton-Grismer Back to School Picnic: Edwin Carcama; Rosemary Castaneda; Sean Charmatz; Farnaz Esnaasharil; Serena Guzman; George Lopez; Georgie Lopez; Cesar Mata; Daniel Turcios; Carlos Valenzuela; Tracey Weissman; Ballet Folkorico Mexico Azteca; and, Tessatura.
301-1 Public Power Week	Mayor Ramos presented a proclamation in honor of Public Power Week to Dennis Moran, Power Supply Manager, Burbank Water and Power.
301-1 Fire Prevention Week	Mayor Ramos presented a proclamation in honor of Fire Prevention Week to Interim Chief Rick Mehling.
301-1 Domestic Violence Awareness Month	Mayor Ramos presented a proclamation in honor of Domestic Violence Awareness Month to Laurie Bleick and Delene Bon, representing the Family Service Agency.
Reporting on Council Liaison Committees	Mr. Vander Borcht reported on the Burbank Water and Power Site Specific Selection Committee for Art Projects meeting he attended with Ms. Murphy.
7:15 P.M. Hearing 500 Green Building and Sustainable Architecture Ord.	Mayor Ramos stated that "this is the time and place for the hearing on the Voluntary Green Building and Sustainable Architecture Ordinance."
Notice Given	The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that no written communications had been received.

Staff  
Report

Mr. Sloan, Principal Plan Check Engineer, Community Development Department, introduced the Green Building and Sustainable Architecture Ordinance, and the Construction and Demolition Debris Ordinance for Council consideration. He explained that the Green Building Ordinance includes both proposed ordinances as well as the stormwater pollution control measures, and is designed to inform and encourage developers, contractors, architects and engineers to employ sustainable construction practices. He added that the centerpiece of the program is the United State's Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED) certification that is based upon a whole building approach to design, including: recycled content building materials; energy efficiency; indoor air quality; day lighting; and, alternative transportation. He also explained that the program establishes three levels of compliance: Level I focusing on stormwater pollution controls and construction debris diversion; Level II which adds a minimum 50-percent LEED compliance; and, Level III which requires full LEED certification in addition to the stormwater pollution controls and construction debris diversion requirements.

Mr. Sloan reported that the benefits of sustainable buildings are the long-term energy savings and increased employee productivity related to improved indoor air quality and use of day lighting, but because there is a construction premium associated with sustainable building that increases initial building costs, the program proposes incentives in the form of fee reductions and fee waivers to help compensate for these increased costs. He informed the Council that a full fee waiver is proposed for all photovoltaic and solar heating systems for both building plan check and permit fees; however, the proposed waiver does not extend to fees collected by other divisions or departments. He also stated that the waiver will not include specialized plan check fees, but only plan check fees related to in-house review, and will apply only to the fees related to the system itself. As an example, he stated that permits for structural upgrades to an existing building required for installation of the system will not be included in the waiver.

Mr. Sloan explained the fee reduction proposal for Levels I, II and III as follows: Level I, offering a five percent reduction in plan check and permit fees; Level II, offering a ten percent reduction in plan check and permit fees; and, Level III, offering a fifteen percent reduction in plan check and permit fees, plus a five percent reduction in the transportation fee portion of

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the Development Impact Fee. He also reported that to qualify for the full Level III fee reduction, the project must be part of a Transportation Management Organization and meet three of the four transportation requirements available for LEED certification, including: bicycle storage, shower and changing facilities; alternative fuel charging stations and preferred parking; carpool preferred parking; and, proximity of the building site to commuter rails or bus routes. He noted that an important point in the LEED incentive program relates to the construction premium. He explained that while the USGBC has published information indicating a range for square footage premiums, some projects' data suggests that the actual premiums may be higher. He stated that this has been accounted for in the incentive calculation whereby the LEED premium will be determined by either utilizing the premium cost published by the USGBC or by documents submitted by the project architect or engineer. He added that the premium will be deducted from the overall valuation and the permit fee will be based on standard construction costs without the LEED premium to avoid penalizing a project for achieving a higher LEED certification. He then discussed the public outreach process that will be utilized to inform the public about the ordinance.

Citizen  
Comment

Appearing to comment were Howard Rothenbach, Anna May Nelson, Eden Rosen and Mike Nolan, in support of the proposed Green Building Ordinance; and, Mark Barton, suggesting that staff request additional information on the subject.

Hearing  
Closed

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

Ordinance  
Introduced

It was moved by Mr. Vander Borcht and seconded by Mr. Campbell that "the following ordinance be introduced, with an additional five percent fee reduction for LEEDS Platinum Certification, and read for the first time by title only and be passed to the second reading"

500  
Green Building  
and Sustainable  
Architecture  
Ord.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK ADDING ARTICLE 20 TO CHAPTER 7 OF THE BURBANK MUNICIPAL CODE RELATING TO THE VOLUNTARY GREEN BUILDING AND SUSTAINABLE ARCHITECTURE PROGRAM.

Carried

The motion carried by the following vote:

	<p>Ayes: Council Members Campbell, Golonski, Murphy, Vander Borgh and Ramos.</p> <p>Noes: Council Members None.</p> <p>Absent: Council Members None.</p>
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 Bill Reedy, requesting status on the Charter Review Committee; Stuart Chase, in support of the proposed Airport Development Agreement; Michael Hastings, Chair of the Burbank Priority In Education Foundation, expressing appreciation for the City's assistance with the fundraising concert event held on October 2, 2004 at the Starlight Bowl; Phil Berlin and Carolyn Berlin, on an October 3, 2001 letter from Mr. Ovrom, former City Manager, to Mr. Marrero, Airport Executive Director; Ron Vanderford, on Airport zoning and on comments made by Mr. Marrero at the October 4, 2004 Planning Board meeting; Mark Barton, on the Development and Community Services Building model and on the Wayfinding Finding Signage Program; Howard Rothenbach, on the Mitigated Negative Declaration and the proposed Airport Development Agreement; David Piroli, on the Interim Development Control Ordinance, proposed Airport Development Agreement and on the Airport Trust Agreement; Rose Prouser, on the Measure A lawsuit and the sale of the B-6 property; and, Eden Rosen, expressing appreciation for the West Nile Virus information enclosed in the utility bills.
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 Carolyn Berlin, requesting that a discussion on a Measure B vote be agendized; Eden Rosen, on

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maintaining indoor air quality and on the consideration of placing an art piece at Burbank Water and Power; Ron Vanderford, on the City Manager's evaluation with regards to staff developing zoning standards for the Airport and on the Mitigated Negative Declaration; Rose Prouser, in support of the Council subsidizing the entire cost of candidate statements and commenting on the construction of the Development and Community Services Building (DCSB); David Piroli, in support of energy conservation in the construction of the DCSB, on the oral communications process and Council direction to the City Manager; and, Mike Nolan, on the reflection of staff's performance as part of the City Manager's evaluation and the lack of a written Airport Development Agreement.

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

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

1205-2 RESOLUTION NO. 26,803:  
Summary A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
Vacation V-367 ORDERING THE SUMMARY VACATION OF A PUBLIC SERVICE  
(715 N. Niagara EASEMENT AT 715 NORTH NIAGARA STREET, BURBANK,  
St. – Robert CALIFORNIA (V-367).  
Wilson)

1301-3 RESOLUTION NO. 26,804:  
CDBG Street, A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
Alley, Sidewalk APPROVING A CHANGE ORDER IN THE AMOUNT OF  
And Ped. Ramp \$72,156.10 FOR THE 2003-2004 CDBG STREET, ALLEY,  
Proj. (BS 1154) SIDEWALK, AND PEDESTRIAN RAMP PROJECT, BID  
SCHEDULE NO. 1154.

Adopted The consent calendar was adopted by the following vote:  
  
Ayes: Council Members Campbell, Golonski, Murphy,  
Vander Borgh and Ramos.  
Noes: Council Members None.  
Absent: Council Members None.

202-10 Mrs. Stein, Deputy Director, Park, Recreation and Community  
Youth Board Services/Recreation Services, requested Council approval and  
Appts. appointment of the Youth Board candidates. She stated that  
as currently structured, the Youth Board is comprised of 17

members with a representative designated for each high school and middle school within Burbank. She added that the school representatives include both the public and parochial schools in the City and the remaining six positions are designated as at-large members. She noted that all appointments are for two-year terms, with the school representatives and the at-large positions alternating expiration dates. She explained that for the vacant high school and middle school positions, each school had provided a representative and that nine applications were received for the six at-large vacancies. She noted that in the past years, the Council has occasionally appointed additional at-large members when the number of at-large applications has exceeded the number of vacancies.

Mrs. Stein requested that the Council consider the following students for the High School and Middle School one-year mid-term appointments: Steven Ferguson, Burbank High School; Joanna Tripet-Diel, John Burroughs High School; Winnie Hobbs, Jordan Middle School; Brandon Barbello, Muir Middle School; Bethany Daniels, Luther Burbank Middle School; and, Dietrich Diller, St. Robert Bellarmine School.

Mrs. Stein also requested that the Council consider the following applicants for a two-year appointment for the six at-large positions: Elisabeth Coleman; Santosh Desai; Rachel Freeman; Anthony Galvez; Ashley Kurges; Jeffrey Kurges; Vanesa Mendez; James Nagy; and, Aliza Vecchiarelli.

Motion It was moved by Mr. Golonski, seconded by Mr. Vander Borgh and carried that "the Council approve the school representative recommendations for one-year mid-term appointments, and that the nine at-large applicants be appointed for two-year terms."

8:53 P.M. Mr. Golonski and Mrs. Ramos left the Meeting to a potential conflict with the item regarding the Candidate Statement costs.

204 Candidate Statement Costs For the 2005 Elections Mrs. Campos, City Clerk, requested that the Council consider whether the City will subsidize the candidate statements' cost for the 2005 Municipal Elections. She stated that pursuant to the Burbank Municipal Code (BMC), each candidate for an elective office in the City may prepare a candidate statement which is printed in the Sample ballot and Voter Information Pamphlet and mailed to all registered voters. She noted that the Council is required to determine, by resolution, whether charges shall be levied against candidates for the cost of

including their statements.

Mrs. Campos reported that the election vendor, Martin & Chapman Co, has estimated the cost for a half-page candidate statement to be \$650. She recounted that since 1995, the City has subsidized the cost of the statements. She also noted that the City is required to translate the entire ballot, and therefore, translation costs have historically been absorbed by the City; however, candidates who chose to have their statement printed in a second language in the Sample Ballot must pay for the entire cost of that statement.

Mrs. Campos informed the Council that in April 2004, staff presented a report on the all mail ballot election option for Council consideration with an estimated cost that excluded subsidizing candidate statements and paying for return postage. She noted that for the 2003 Municipal Elections, the City Clerk's budget incurred a total cost of \$21,745.26 for printing candidate statements.

Mrs. Campos presented the Council with the following options: setting a pre-determined subsidy to be applied to the cost of each candidate statement with the candidates required to pay a pro rata share of the actual remaining costs; establishing a flat fee for any candidate submitting a candidate statement with the City paying any costs above the fee; the City paying the entire cost of the candidate statements; or, the candidates paying the entire cost of their candidate statement.

Motion                                 It was moved by Mr. Campbell, seconded by Ms. Murphy and carried with Mr. Golonski and Mrs. Ramos absent that "the City subsidize candidate statements in the amount of \$300 per candidate per election."

9:01 P.M.                                 Mr. Golonski and Mrs. Ramos returned to the meeting at this  
Mr.       Golonski time.  
and  
Mrs. Ramos  
Return

1207   Mr. Clifford, Capital Projects Manager, Public Works  
Design Dev. For Department, presented the Design Development Phase program  
DCSB for the Development and Community Services Building project  
and requested authority to proceed with the completion of the  
Construction Documents Phase program including the  
development of the Guaranteed Maximum Price program.



Mrs. Cohen, Library Services Director, gave a status report on the State library construction grant application.

Alex Ward, Director of Design, Leo A. Daly Architects, provided a description of the design and block master plan, including significant elements such as the atrium and community room.

Douglas Keyes, Leo A. Daly Architects, explained the sustainability aspects and the Leadership in Energy and Environmental Design and certification process.

The Council directed staff to bring back a report at a future Council meeting or study session.

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 was Mike Nolan, on comments made by Mr. Marrero, Airport Executive Director, at the October 4, 2004 Planning Board meeting with regard to the sale of the B-6 property and on deed restrictions.

Staff  
Response

Members of the Council and staff responded to questions raised.

301-2  
Memorial  
Adjournment

There being no further business to come before the Council, the meeting was adjourned at 10:39 p.m. in memory of Tom Waters.

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Margarita Campos, City Clerk