

TUESDAY, NOVEMBER 16, 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 4:35 p.m. by Mrs. Ramos, Mayor.

CLOSED SESSION

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

Absent - - - - Council Member Vander Borght.

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.

Additional Closed Session Agenda Item Mr. Barlow requested that an additional Closed Session item regarding Rothenbach v. Ramos be added to the agenda stating that "there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the agenda being posted."

Motion It was moved by Ms. Murphy, seconded by Mr. Campbell and carried with Mr. Vander Borght absent that "the additional Closed Session item regarding Rothenbach v. Ramos be added."

4:37 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 Legal Counsel – Existing Litigation:  
Pursuant to Govt. Code §54956.9(a)  
**Name of Case:** Rothenbach v. Ramos  
**Case No.:** BS093581  
**Brief description and nature of case:** Complaint for Injunctive Relief re: Proposed Airport Development.

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Community Services Bldg. Design Study Session

Mr. Clifford, Capital Projects Manager, Public Works Department, gave a brief overview of the November 4, 2004 Design Study Session that was held to address the exterior building design of the Community Services Building (CSB) Project. He also gave a summary of the modifications requested by the Council at that meeting. He noted that the minor design modifications have no additional fiscal impact.

Alexander Ward, Director of Design, Leo A. Daly Architects, reported on the following modifications to the CSB Project addressing the primary concerns that the Council identified at the November 4, 2004 Design Study Session:

- 1) A warmer material, finish and color palette for the exterior limestone, window mullions, cement plaster and metal panels;
- 2) Use of green tinted glass;
- 3) Clearly defining the water fountain design envelope at the main entry area. Although further detailed design is required, it was the consensus of the Council that the fountain shall be active with articulated noise and movement, rather than passive;
- 4) A black granite accent material for use around the primary entrances and other openings;
- 5) The main and secondary entrances were enhanced with hardscape and softscape modifications;
- 6) A bas relief would be considered further at the Third Street and Orange Grove main entrance to provide an additional design link to City Hall;
- 7) The City seal would be etched into the large single window at the south elevation;
- 8) An alternative material and design for the window above the double doors at the community room, south building elevation; and,
- 9) No changes to the primary building setbacks along Third Street and Orange Grove Avenue were made based on the width sufficiency in the current design.

The Council approved the design modifications and expressed preference for the larger oak tree as opposed to the proposed three olive trees, and eliminating the palm trees outside the community room.

Regular Meeting Reconvened in Council Chambers

The regular meeting of the Council of the City of Burbank was reconvened at 6:41 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 Don Farquhar, Veterans Commemorative Committee.
Moment of Silence	A moment of silence was observed for Officer Mathew Pavelka and all City employees who have lost their lives in the line of duty.
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 Children's Book Week	Mayor Ramos presented a proclamation in honor Children's Book Week to Ericka Carr, Children's Librarian, Library Services Department.
301-1 World War II Veterans Month	Mayor Ramos presented a proclamation in honor of World War II Veterans Month to Don Farquhar and Florence Mast of the Veterans Commemorative Committee.
301-1 World War II Veterans	Mayor Ramos recognized the following World War II Veterans who are Burbank residents: Ric Eyrich; Donald Farquhar; Ham Lloyd; Florence Huag Mast; W.R. "Web" Raduenz; Roland Stewart; and, Frederick "Dusty" Worthen. She commended them individually for their service and bravery in defending the country during World War II, and expressed richly-deserved gratitude to them.
301-1 Middle School Principals' Presentation on the Middle School Grant Program	Mr. Hansen, Park, Recreation and Community Services Director, gave a brief background on the Middle School Grant Program and introduced the principals from Burbank's three middle schools who made a presentation to the Council on the benefits and success of the PeaceColors program: Jordan, Mary Margaret Kljunak; Luther Burbank, Wanda Armstrong; and, Muir, Dan Hacking. Several students also elaborated on the benefits of the program to their individual schools.
406 Airport	Commissioner Lombardo reported on the Airport Authority meeting of November 15, 2004. He reported that the Authority

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Authority Meeting Report approved the first amendment to the ground lease agreement with Desmond's Studio Production Service; awarded additional work orders to Environmental Science Associates in the amount of \$90,000 and International Parking Design in the amount of \$76,000, in support of the Development Agreement with the City; and, adopted a heavy-duty vehicle acquisition policy. He also reported that the Authority received updates on potential mid-year budget adjustments.

Mr. Campbell expressed appreciation to the Authority for adopting the heavy-duty vehicle acquisition policy but expressed concern that the policy may preclude hybrid electric vehicles from being purchased due to cost considerations. He also suggested several amendments to the policy that the Authority may consider, including: requiring that the Authority apply for available funding to help reduce the cost of purchasing vehicles such as the hybrid demonstration buses; establishing a smog reduction goal; and, providing a progress report to the community.

Reporting on Closed Session Mr. Barlow reported on the items considered by the City Council, the Redevelopment Agency and Housing Authority during the Closed Session meetings, including the additional item on the City Council agenda.

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: Darin Ryburn, representing the Burbank Police Officers Association, urging the Council to resolve the impasse; Stephen Fitzmaurice, expressing dissatisfaction with the Police Department's response to his request for assistance; Roland Stewart and Don Farquhar, in support of the proposed Airport Development Agreement; Sam Ashegian, announcing a "Holiday in the Park" event; Jesse Byers, Don Elsmore, Carolyn Berlin, Philip Berlin, Howard Rothenbach and Mark Stebbeds, on Airport issues; Ralph Gee, expressing dissatisfaction with the parking citation fee; Michael Bergfeld, expressing disagreement with the City Attorney's comments at a previous meeting regarding a lawsuit he filed; Mark Barton, on potential artwork for the Chandler Bikeway; Ron Vanderford, on the Platt Project and Airport matters; Margie Gee, in opposition to compact parking spaces; Eden Rosen, on traffic issues and Alzheimers awareness; Esther Espinoza, on invocations at public meetings and in opposition

to the recent opening of a housing development; and, David Piroli, on the necessity of street sweeping and on Airport matters.

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: Don Elsmore, on the Draft Development Agreement; Michael Bergfeld, in support of dialogue on Airport matters and on the lawsuit he filed to have Measure B adjudicated; Mark Barton, Mark Stebbeds, Carolyn Berlin, Philip Berlin, Esther Espinoza, Margie Gee, Ron Vanderford, David Piroli, Eden Rosen and Howard Rothenbach, on Airport issues; and, Mike Nolan, in support of resolving the impasse between the City and Burbank Police Officers Association and inquiring as to the status of the contamination clean up on the B-6 site.

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."

304-1  
907  
801-2  
Donation to PD from Peggy Robinson

RESOLUTION NO. 26,829:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2004-2005 BUDGET AND ACCEPTING A DONATION OF \$35,000 FROM THE ESTATE OF PEGGY ANN ROBINSON TO PURCHASE MEDICAL SUPPLIES AND VACCINATIONS FOR ANIMALS AT THE BURBANK ANIMAL SHELTER.

1011-6  
BFF-COU  
MOU

RESOLUTION NO. 26,830:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BURBANK AND THE BURBANK FIREFIGHTERS CHIEF OFFICERS UNIT AND AMENDING THE

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FISCAL YEAR 2004-2005 BUDGET.

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.

801  
Review of FY  
2004-05 State  
Budget and  
Five Year  
Forecast

Mr. Hanway, Financial Services Director, reviewed the Fiscal Year (FY) 2004-05 State budget, General Fund's Financial Status as of September 30, 2004 and the Five Year Financial Forecast. He discussed the State budget's impact to the City and the revised Sales Tax; Property Tax; Utility User's Tax, Burbank Water and Power (BWP) In Lieu; Motor Vehicle In Lieu; Transit Occupancy Tax; and, Transient Parking Tax revenue estimates. He also reported that the revised FY 2004-05 General Fund budget recurring balance is \$1,482,413.

Mr. Hanway informed the Council that the available fund balance as of July 1, 2004 was \$4,851,227 and that in addition to the non-recurring revenues in the amount of \$604,049 and the BWP Set Aside and In Lieu amount of \$289,457, the total available non-recurring revenue was \$5,744,733. He added that together with the recurring General Fund balance of \$1,482,413 less total non-recurring uses in the amount of \$2,830,557, the estimated available fund balance was \$4,396,589, which the Executive Team recommended to be set aside for the Community Services Building, Robert Ovrom Park and the Police Records Management System projects. He then discussed the Five Year Financial Forecast, including the recurring and non recurring items.

It was the consensus of the Council that staff return with a status report on all non recurring funds and a list of projects in need of funding.

Motion

It was moved by Ms. Murphy and seconded by Mr. Campbell that "the report be noted and filed and staff be directed to return with a status report on all non recurring funds and a list of projects in need of funding, and that the following resolution be passed and adopted:"

801                    RESOLUTION NO. 26,831:  
Kennel                A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK  
Attendant            AMENDING THE 2004-2005 FISCAL YEAR BUDGET  
Funding               AUTHORIZING FUNDING OF THE KENNEL ATTENDANT  
                             POSITION AND APPROPRIATING THE SUM OF \$70,000.

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.

Final Open            Mrs. Ramos called for speakers for the final open public  
Public Comment      comment period of oral communications at this time.  
Period of Oral  
Communications

Citizen                Appearing to comment was Mike Nolan, on the frozen police  
Comment              officer positions and on the B-6 site contamination.

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

Adjournment         There being no further business to come before the Council,  
                             the meeting was adjourned at 10:31 p.m.

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Margarita Campos, City Clerk

APPROVED DECEMBER 7, 2004

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Mayor of the Council  
of the City of Burbank