

TUESDAY, NOVEMBER 15, 2005

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 5:10 p.m. by Mr. Vander Borght, Mayor.

CLOSED SESSION

Present- - - - Council Members Golonski, Ramos and Vander Borght.
Absent - - - - Council Member Campbell.
Also Present - Ms. Alvord, City Manager; Mr. Barlow, City Attorney; and, Mrs. Wilson, Deputy 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 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, International Brotherhood of Electrical Workers; Unrepresented, and Appointed Officials.
Summary of Labor Issues to be Negotiated: Contracts and Retirement Issues.
- b. Conference with Legal Counsel – Anticipated Litigation (City as possible plaintiff):
Pursuant to Govt. Code §54956.9(c)
Number of potential case(s): 1
- c. Conference with Legal Counsel – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
Name of Case: James McMurray v. City of Burbank et al.
Case No.: CV 1703 CAS (SHx)
Brief description and nature of case: Claimed violation of civil rights for filing of internal affairs complaint.

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:43 p.m. by Mr. Vander Borght, Mayor.

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Invocation The invocation was given by Pastor Paul Clairville, Westminster Presbyterian Church.

Flag Salute The pledge of allegiance to the flag was led by Mr. Kramer, Community Assistance Coordinator.

ROLL CALL

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

Absent - - - - Council Members None.

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

301-1
Animal Shelter
Rabies Clinic Jim Casey announced the upcoming Annual Rabies Clinic sponsored by the Burbank Animal Shelter and the Burbank Noon Kiwanis Club.

301-1
Moment of
Silence Mayor Vander Borght called for a moment of silence in memory of Police Officer Mathew Pavelka, and all City employees who have lost their lives in the line of duty.

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 Mr. Vander Borght called for speakers for the initial open public comment period of oral communications at this time.

Citizen
Comment Appearing to comment were: Gary Garrison, on the cost of AMC theater tickets; Michael Scandiffio, on a notice he received regarding a hedge on his property; R. C. Chappy Czapiewski, on display advertising at Bob Hope Airport; Eden Rosen, on the homebound meal program; Don Elsmore, requesting a status on the resurfacing of Buena Vista Street and Magnolia Boulevard; Stan Hyman, requesting a discussion on drug and alcohol testing for Council Members and Airport Authority Commissioners, and commenting on the moratorium on walls and fences; Sam Asheghian, announcing an upcoming Holiday In The Park event; Esther Espinoza, on the proposed residential project on Empire Avenue and Buena Vista Street; David Piroli, on the moratorium on walls and fences; and, Mark Barton, on the City logo.
Also, the following individuals commented on the proposed

Los Angeles Sewer Project: Steve Taylor; Mary Schindler; Louise Jackson; Frank Schindler; Eddie Allen; C.L. Stack; and, Mike Nolan.

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

Agenda Item Oral Communications Mr. Vander Borght called for speakers for the agenda item oral communications at this time.

Citizen Comment Appearing to comment on the proposed Los Angeles Sewer Project were: Michael Scandiffio; Floran Frank; Phil Berlin; Mary Schindler; Edward Allen; Frank Schindler; Louise Jackson; Don Elsmore; Tom Robson; Stan Hyman; Sue Panoska; Nichola Ellis, who also commented on the Fence Ordinance; Mark Barton; David Piroli; and, Mike Nolan, who also commented on odor issues at the Beachwood Pumping Station and expressed opposition to the use of the Public Employee Retirement System Stabilization Fund to balance the budget.

Also, Esther Espinoza commented on the fleet services repair shop modification; and, Linda Dayhoff, on sewer odors in the Rancho District.

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

Item Taken Out of Order Mr. Golonski requested and the Council concurred that the item regarding the proposed Los Angeles sewer improvements be taken out of order.

8:34 P.M. Mr. Campbell Left the Meeting Mr. Campbell left the Council Chamber at this time due to a potential conflict.

911 Proposed Sewer Mr. Andersen, Principal Civil Engineer, Public Works Department, reported that the City of Los Angeles (LA) is

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Improvements

undergoing a long term water resources planning process referred to as the Integrated Resource Plan (IRP) that is intended to meet the integrated water, wastewater, recycled water and stormwater runoff needs of LA through the year 2020 and beyond. He discussed that the IRP is a multi-phase program which includes the following three phases: Phase I in which guiding principles were established; Phase II, consisting of a Facilities Plan which has been completed, the environmental documentation process which is currently in progress, financial planning and public outreach; and, Phase III which entails design and construction of the facilities.

Mr. Andersen informed the Council that LA has narrowed the Facilities Plan to the following four options: expanding the Hyperion Water Treatment Plant; expanding the Tillman and Los Angeles-Glendale Water Replenishment Plants; expanding the Tillman Water Replenishment Plant with moderate potential for water resources projects; and, expanding the Tillman Water Replenishment Plan with high potential for water resources projects.

Mr. Andersen reported that although the IRP has been ongoing for several years, the Glendale-Burbank Interceptor Sewer (GBIS) is a fairly recent item. He noted that there are pros and cons for all four options; however, all options include the construction of three new sewer lines from Eagle Rock to the Tillman Plant, including the GBIS which will have the most impact on the City of Burbank. He explained that the GBIS is proposed to be constructed from the Los Angeles Zoo to Toluca Lake with two proposed alignments; north and south, as indicated in the Administrative Draft Environmental Impact Report (EIR). With a visual aid, he discussed the GBIS alignments, noting that the southern alignment will be constructed mainly along Forest Lawn Drive with shaft sites near the Los Angeles Zoo, Travel Town, near Barham Boulevard and Forest Lawn Drive, and will continue west, crossing a corner of the City at the golf course. He noted that these alignments are only proposals and can be re-aligned in the final design.

Mr. Andersen noted that the northern alignment will have significant impacts to the City, with Riverside East and West, and Valley Heart shaft sites. He added that an air treatment facility is also proposed at the Valley Heart shaft site since the location will have a drop structure from which gases can be released. He noted that this would be a long term facility and use of the site by residents may be hindered. He also noted issues related to the Riverside West shaft site proposed to be constructed at the intersection of Bob Hope Drive and Riverside Drive.

Mr. Andersen commented on the previous public notification process and stated that the City will do additional outreach for the area residents on the upcoming Draft EIR and any upcoming meetings. He also addressed public concerns with regard to odors and elaborated on staff's efforts to cure the issue. He added that staff is still continuing to look for solutions to the problem which may include a small air treatment facility near Mountain View Park.

Mr. Andersen then described the environmental documentation process and stated that the Draft EIR will be released at the end of November, presenting an opportunity for the City and residents to provide comments on the project in the 90-day period. He also added that the Draft EIR will be made available at all City libraries and LA's website.

With regard to concerns about costs, Mr. Andersen reported that LA's revenue requirements will double by the year 2020 and that an increase in costs is projected. He added that since Burbank discharges approximately 2 million of the 11 million gallons of waste water in addition to sludge from the Burbank Treatment Facility to LA, if LA's costs increase the charges to Burbank will likewise increase. He noted that staff is considering alternatives of increasing capacity at the City's treatment plant. He then responded to public comment with regard to the time frame within which the proposed project was brought for Council discussion; the southern alignment having less impacts on Burbank; the North Outfall Sewer line; and, health concerns.

Mrs. Ramos requested clarification with regard to de-watering issues and the cost of a small air treatment facility.

Mr. Vander Borcht inquired as to LA's right with regard to approval of the project or overriding the City's objections to the sewer project. Mr. Barlow, City Attorney, responded that LA is obligated by court order to construct the project; however, the precise alignment is not specified. He noted that the City has a partnership with LA and has to cooperate; however, the City prefers an alignment that has less impacts to its residents.

Mr. Vander Borcht stated that the City of Burbank discharges waste water into the LA sewer, and noted a pending law suit that may affect the City and require certain improvements to the City's treatment plant. He also noted the opportunity for public input on the project, requested that information about the project be provided on the City website and that notices be sent to all area residents. He noted that the southern alignment has the least impact to the City and suggested that

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if possible, the sewer line not cross the southwest corner of the City due to the close proximity of the Barham shaft site to a residential area.

Mr. Golonski suggested that: the area residents be notified about any upcoming meetings, availability of the Draft EIR, the comments due date and where comments can be submitted; the Draft EIR be made available on the City website and CD versions also be made available; and, requested that the City's comments be presented in draft form 30 days after the release of the Draft EIR for Council discussion and that staff work with the homeowners' groups as much as possible.

Mrs. Ramos expressed strong opposition to the northern alignment and thanked the residents for expressing their concerns.

Mr. Golonski inquired as to when a preferred alternative would be identified and noted that the Council is not the approving body for the proposed project.

Mr. Adel Hagekhalil, LA Bureau of Sanitation, stated that the LA is committed to working with Burbank with regard to the project and encouraged public input on the proposal. He reported that a preferred alternative will be selected after all comments on the Draft EIR have been received and all identified issues and impacts have been evaluated. He noted that all feasible options have to be considered but the alternative with the least impact will be pursued.

Mr. Vander Borcht summarized the Council's direction for staff to pursue the matter as aggressively as possible and to make certain that the City's concerns are known as clearly as possible to the decision makers. He noted that the residents' participation in the future is critical and that the City's efforts will not be as successful without the residents' written comments.

9:24 P.M.
Recess The Council recessed at this time. The meeting reconvened at 9:41 p.m. with all members present.

9:43 P.M.
Recess The Council recessed to permit the Redevelopment Agency, Housing Authority, Parking Authority and Youth Endowment Services Fund Board to hold their meetings. The Council reconvened at 10:01 p.m. with all members present.

Item Removed The item regarding Bid Schedule No. 1126, Public Works Fleet

- From Consent Agenda Services Repair Shop Modification Project, was removed from the consent agenda for the purpose of discussion.
- Motion It was moved by Mrs. Ramos and seconded by Mr. Campbell that "the following items on the consent calendar be approved as recommended."
- 802-1 Treasurer's Report The City Treasurer's report on investment and reinvestment of temporarily idle funds for the quarter ending September 30, 2005 was noted and ordered filed.
- 1004 Revisions to the Sheakley Uniservice Flexible Benefits Plan RESOLUTION NO. 27,114:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING REVISIONS TO THE SHEAKLEY UNISERVICE, INC. FLEXIBLE BENEFITS PLAN ADOPTION AGREEMENT, THE CITY OF BURBANK FLEXIBLE BENEFITS PLAN SUMMARY PLAN DESCRIPTION, AND SHEAKLEY UNISERVICE, INC. FLEXIBLE BENEFITS PLAN BASIC PLAN DOCUMENT.
- 904 Termination of Local Emergency RESOLUTION NO. 27,115:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK TERMINATING THE EXISTENCE OF A LOCAL EMERGENCY.
- Adopted The consent calendar was adopted by the following vote:

Ayes: Council Members Campbell, Golonski, Ramos and Vander Borght.
Noes: Council Members None.
Absent: Council Members None.
- 10:01 P.M. Mr. Campbell Left the Meeting
1301-3 Public Works Fleet Services Repair Shop Proj. (B.S. 1126) Mr. Campbell left the Council Chamber at this time due to a potential conflict.

A report was received from the Public Works Department requesting Council approval of contract documents and award of a construction contract for Bid Schedule No. 1126, Public Works Fleet Services Repair Shop Modification Project. The report indicated that in accordance with the Council's strong commitment to a clean environment, the City has purchased 78 alternative fuel vehicles over the past five years including refuse trucks, street sweepers, sedans and several other light and heavy-duty vehicle types. It was stated that in order to provide a safe working environment in which to repair and maintain the Compressed Natural Gas (CNG) and hydrogen

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fueled vehicles, the Fleet Services Repair Shop must be modified. The report noted that unlike diesel fuel and gasoline, CNG and hydrogen fuels are of a gaseous nature and are lighter than air and any fuel which may leak would rise and collect at the ceiling of the repair shop, creating potentially hazardous working conditions. It was noted that installing a full time, sensor-monitored and activated air ventilation system will provide six new air changes per hour inside the shop to create a safe working environment. The report stated that Bid Schedule No. 1126 was advertised in the Burbank Leader on May 28, 2005 and June 1, 2005 and of the seven copies of the bid taken out, only one was returned by Weaver Electric, Inc. of Anaheim, California in the amount of \$1,396,193, which is 32 percent higher than the original engineer's estimate of \$950,000. Staff indicated that re-bidding the project will likely result in substantially higher bids due to the recent rise in construction costs.

Motion It was moved by Mrs. Ramos and seconded by Mr. Golonski that "the following resolution be passed and adopted:"

1301-3 RESOLUTION NO. 27,116:
Public Works A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Fleet Services APPROVING AND ADOPTING CONTRACT DOCUMENTS,
Repair Shop PLANS AND SPECIFICATIONS, AND DETERMINING THE
Proj. (B.S. 1126) LOWEST RESPONSIBLE BIDDER, ACCEPTING THE BID, AND
AUTHORIZING EXECUTION OF A CONTRACT TO WEAVER
ELECTRIC INC. FOR THE PUBLIC WORKS FLEET SERVICES
REPAIR SHOP MODIFICATION PROJECT, BID SCHEDULE NO.
1126.

Adopted The resolution was adopted by the following vote:

Ayes: Council Members Golonski, Ramos and Vander
Borgh.

Noes: Council Members None.

Absent: Council Member Campbell.

10:02 P.M. Mr. Campbell returned to the Council Chamber at this time.
Mr. Campbell
Returned to the
Meeting

1702 Mr. Forbes, Senior Planner, Community Development
Duplexes in the Department, reported that in 2003 the Council adopted new
300-Foot Radius standards to regulate Second Dwelling Units (SDU) in the R-1
for 2nd Dwelling Single-Family Residential Zone in response to changes in State

Units law. He added that in an effort to limit the proliferation of SDUs in any one neighborhood, the Council adopted a standard that no SDU may be located within 300 feet of another as measured between the property lines. He added that on September 27, 2005, Mayor Vander Borcht requested that the Council consider an amendment to the Burbank Municipal Code (BMC) to include legal non-conforming duplexes in the separation requirement. He added that with such a change, a new SDU could not locate within 300 feet of another SDU or legal non-conforming duplex in the R-1 Zone.

Mr. Forbes noted that under the current Code requirements, duplexes, guest houses and additional single-family homes are not included in the separation requirement. He added that if it was the Council's desire, staff would return with a second step report that would seek Council direction to initiate a Zone Text Amendment.

Motion It was moved by Mr. Campbell, seconded by Mr. Golonski and carried that "staff be directed to return with a second step report."

802
Status of
General Fund as
Of Sept. 30,
2005 and Five-
Year Forecast

Mr. Elliot, Interim Financial Services Director, provided the Council with a review the City's General Fund financial status as of September 30, 2005 and the City's Five-Year Financial Forecast. He reported that for the First Quarter of Fiscal Year (FY) 2005-06, the General Fund has received approximately \$14.6 million which is slightly higher than the FY 2004-05 First Quarter. He added that General Fund revenue is estimated to increase over the adopted estimate due to the inclusion of funds from the renegotiated Castaway Lease Agreement which will yield approximately \$320,000 to \$450,000 per year in incremental revenue over the next five years. He noted the appropriation adjustments in the amount of \$2,623,795 associated with the ratified Police and Fire personnel Memoranda Of Understanding (MOU). He then discussed the revised FY 2005-06 budget, noting that net recurring revenues total \$120,849,815 and net recurring appropriations total \$121,950,096. He also noted the potential impact of unratified MOUs estimated at \$2,126,275 and savings from frozen positions in the amount of \$2,203,981. He stated that the \$1,022,575 recurring deficit will be balanced by the Public Employee Retirement System (PERS) Stabilization Fund.

Mr. Elliot then discussed: the available Fund Balance as of June 2005 which totaled \$7,577,482 and the non-recurring budget items including: one-time appropriations; estimated cost for the recent fire/flood damage; increase in Working

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Capital Reserves, Emergency Reserves and Compensated Absences; and, Retiree Medical Trust costs, which total \$4,937,953. He noted that the estimated Fund Balance as of June 2006 is \$2,639,529, not including any mid-year appropriations.

Mr. Elliot then reviewed the Five Year Financial Forecast and discussed the City's recurring revenues, including: Sales Tax, Property Tax, Utility Users and In-Lieu Tax; Transient Occupancy Tax; Transient Parking Tax; interest revenues; and, contributions from other funds such as the Gas Tax and Development Impact Fees. He also discussed the recurring expenditures over a five-year horizon, including MOU projected costs, Materials, Services & Supplies costs, PERS costs and rates, and Pension Obligation Bonds. He also commented on the non-recurring items and noted required increases in the Working Capital Reserves, Emergency Reserves and Compensated Absences, and commented on Airport-related costs, the new Central Library Construction Account and the Infrastructure Reserve Fund which are funded out of budgetary savings.

Mr. Elliot also commented on the State budget impact and noted that FY 2005-06 is the final year for the City's \$1,850,941 Educational Revenue Augmentation Fund (ERAF) payment and effective FY 2006-07 the amount is included in the Property Tax revenue forecast. He added that the Redevelopment Agency is expected to contribute \$2,477,336 for its ERAF payment in FY 2005-06.

Mr. Golonski requested that the Council consider unfreezing two Police Officer positions. The Council agreed that the item be brought back in the two-step agenda process.

The report was noted and filed.

Ordinance
Submitted

It was moved by Mr. Golonski and seconded by Mr. Campbell that "Ordinance No. 3685 be read for the second time by title only and be passed and adopted." The title to the following ordinance was read:

1702
ZMA 2005-51
(1112-1118 W.
Burbank Blvd.)

ORDINANCE 3685:
AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING ZONE MAP AMENDMENT FOR PROJECT NO. 2005-51 (1112-1118 West Burbank Boulevard; Applicant: David Augustine).

Adopted

The ordinance was adopted by the following vote:

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

11:01 P.M. The Redevelopment Agency, Housing Authority, Parking
Reconvene Authority and Youth Endowment Services Fund Board
Redev. Agency, meetings were reconvened at this time.
Housing
Authority,
Parking
Authority and
YES Fund Board
Meetings

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

301-2 There being no further business to come before the Council,
Memorial the meeting was adjourned at 11:03 p.m. to Tuesday,
Adjournment November 22, 2005, at 5:30 p.m. in the Council Chamber, for
an Inclusionary Housing and Density Bonus Study Session and
in memory of Officer Pavelka and all public employees who
lost their lives in the line of duty.

Margarita Campos, CMC
City Clerk

APPROVED DECEMBER 6, 2005

Mayor of the Council
of the City of Burbank