

TUESDAY, DECEMBER 13, 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 5:23 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. Campos, City Clerk.

Oral Communications There was no response to the Mayor's invitation for oral communications on Closed Session matters at this time.

5:34 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 – Existing Litigation:
Pursuant to Govt. Code §54956.9(a)
Name of Case: In the matter of Marcus Cable Associates LLC D/B/A Charter Communications.
Case No.: FCC Case No. CSR 6949 E
Brief description and nature of case: Petition for determination that cable television franchisee is subject to "effective competition."

Regular Meeting Reconvened in Council Chambers The regular meeting of the Council of the City of Burbank was reconvened at 6:42 p.m. by Mr. Vander Borght, Mayor.

Invocation The invocation was given by Dr. Jerry Jones, Retired Pastor.

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

ROLL CALL

Present- - - -

Council Members Golonski, Ramos and Vander Borght.

Absent - - - -

Council Member Campbell.

Also Present -

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

Reporting on
Council Liaison
Committees

Mayor Vander Borght reported on a meeting he attended with Mrs. Ramos at the Buena Vista Library regarding the DeBell Club House renovation project.

Reporting on
Closed Session

Mr. Barlow reported on the items considered by the City Council during the Closed Session meeting.

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: Dr. Jay Adams, requesting that the candidate forum conducted by the League of Women Voters be aired more often during prime time; Esther Espinoza, on an upcoming neighborhood meeting; Stan Hyman, requesting an update on enforcement of the Fence Ordinance; Mark Barton, on the downtown wayfinding signage program; Rose Prouser, on the candidate forum; Edward Davis, commending the City on the construction of the Magnolia Power Plant and the Halloween celebration at Vickroy Park; Mike Nolan, on noise generated by trucks unloading at a local business which is adjacent to senior housing and parking issues in the downtown; Theresa Karam, on election issues; and, Nichola Ellis, inquiring as to how issues are placed on the agenda and on a safety concern at Bob Hope Airport.

Appearing to comment on the proposed Los Angeles sewer project were: Sona Boyd; Cathy R. Marx; Frank Schindler; Mary Schindler; Dennis Jackson; Denise Sheehy; William J. Smith; Debra Price; Eden Rosen, who also commended specific City employees; Carolyn Berlin, who also commented on public transit; Phil Berlin, who also commented on Airport issues; David Piroli, who also commented on the use of redevelopment tax increment; Dr. David Gordon, who also commented on safety issues at Bob Hope Airport; and, Ron Vanderford, who also commented in support of a candidate for the upcoming election.

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Staff Response	Members of the Council and staff responded to questions raised.
Agenda Item Oral Communications	Mr. Vander Borcht called for speakers for the agenda item oral communications at this time.
Citizen Comment	<p>Appearing to comment on the proposed Los Angeles sewer project were: Veronica Christenson; Theresa Christenson; C.L. Stack; Thomas Robson; Mary Schindler; Frank Schindler; Steve Taylor; Floran Frank; Sue P.; Jay Geisenheimer; Chuck Sewell; Nichola Ellis; Edward Davis; Theresa Karam; Mike Nolan; and, Ron Vanderford, who also commented on redevelopment issues.</p> <p>Also appearing to comment were: Esther Espinoza, on the Annual Report of Financial Transactions of the Redevelopment Agency; Molly Hyman, on the Fairfield Residential Project's Negative Declaration and requesting to view specific maps; and, Rose Prouser, Fred Prouser, Phil Berlin, Carolyn Berlin and David Piroli, showing a videotape depicting eminent domain issues as a result of a redevelopment project in Riviera Beach, Florida.</p>
Staff Response	Members of the Council and staff responded to questions raised.
9:21 P.M. Recess	The Council recessed at this time. The meeting reconvened at 9:32 p.m. with the same members present.
9:33 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 9:36 p.m. with the same members present.
Item Removed From Consent Agenda	The item regarding the Annual Report of Financial Transactions of the Burbank Redevelopment Agency – Fiscal Year 2004-05 was removed from the consent agenda for the purpose of discussion.

Motion It was moved by Mr. Golonski and seconded by Mrs. Ramos that "the following items on the consent calendar be approved as recommended."

1503 The monthly Water and Power Operating Report for the Month
1504 of December 2005 was received from Burbank Water and
BWP Monthly Power.
Report

The report was noted and filed.

104-1 RESOLUTION NO. 27,133:
Destruction of A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Records in APPROVING DESTRUCTION OF CERTAIN RECORDS IN THE
Custody of the CUSTODY OF THE CITY CLERK.
City Clerk

104-1 RESOLUTION NO. 27,134:
Destruction of A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Records in APPROVING DESTRUCTION OF CERTAIN RECORDS IN THE
Custody of CUSTODY OF THE VARIOUS DEPARTMENTS.
Various Depts.

1301-3 RESOLUTION NO. 27,135:
Starlight A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Amphitheatre APPROVING AND ADOPTING CONTRACT DOCUMENTS,
Imp. Project PLANS AND SPECIFICATIONS, AND DETERMINING THE
(B.S. 1202) LOWEST RESPONSIBLE BIDDER, ACCEPTING THE BID, AND
AUTHORIZING EXECUTION OF A CONTRACT FOR THE
STARLIGHT AMPHITHEATRE IMPROVEMENTS PROJECT, BID
SCHEDULE NO. 1202, TO CINARY CONSTRUCTION
COMPANY.

Adopted The consent calendar was adopted by the following vote:

Ayes: Council Members Golonski, Ramos and Vander
Borght.

Noes: Council Members None.

Absent: Council Member Campbell.

1402 Mr. Johnson, Assistant Public Works Director/Traffic Engineer,
Speed Humps on reported that the Public Works Department received a petition
Frederic St. for the installation of speed humps from residents on Frederic
Street between Magnolia Boulevard and Chandler Boulevard.

He stated that the street contains 39 single-family residences, and a two-thirds majority responded favorably to speed humps as required by the City's current speed hump policy.

Mr. Johnson informed the Council that staff investigated the engineering requirements for speed humps on Frederic Street and compared the conditions to the criteria in the speed hump policy. He added that based upon the findings of the investigation, staff declined to install speed humps on Frederic Street because the minimum volume criteria as defined in the speed hump policy was not attained. He noted that the Traffic and Transportation Committee also agreed with staff's decision. He stated that Mrs. Maureen Spagnolo, a Frederic Street resident, has requested that the item be reconsidered by the Council.

Staff was directed to return with a second-step report at a future Council meeting.

911
DEIR Regarding
L.A. Sewer
System

Mr. Andersen, Principal Civil Engineer, Public Works Department, presented a status report on the Draft Environmental Impact Report (DEIR) regarding sewer system improvements proposed by the City of Los Angeles. He stated that on November 15, 2005, staff presented information to the Council regarding a sewer tunnel proposed by the City of Los Angeles that may be located in the Rancho District. He noted that this sewer tunnel, known as the Glendale-Burbank Interceptor Sewer (GBIS), is part of a DEIR released on November 30, 2005. He reported that staff has sent notifications to the area residents on the release of the DEIR and an index of the DEIR has been made available to the public. He added that staff from different departments is reviewing the DEIR to consider any legal or other issues that need to be addressed. He also added that the City of Glendale is aware of the proposed project. He stated that staff will present a draft comment letter on January 17, 2006. He also encouraged residents to attend the public hearings that will be conducted by the City of Los Angeles, noting that two hearings were scheduled in the San Fernando Valley on January 4, 2006 at 7:00 p.m. at the Van Nuys City Hall and January 12, 2006 at 6:00 p.m. at the Los Angeles Zoo.

Staff was directed to continue providing input to the City of Los Angeles regarding any wastewater and storm water improvements that would impact the City of Burbank.

1102
Annual Report
Of Financial
Transactions of
The Redev.
Agency

Mrs. Georgino, Community Development Director, presented the Annual Report of Financial Transactions of the Burbank Redevelopment Agency (Annual Report) and requested authorization for its submission to the State Controller. She stated that as required by California Redevelopment Law, a redevelopment agency must annually prepare for its legislative body's review an Annual Report and then submit a copy to the State Controller's Office within six months of the end of the agency's fiscal year. She explained that the Annual Report contains a fiscal statement that provides: the previous year's achievements; an independent financial audit; and, the agency's activities during the reporting period that affect housing affordable to elderly and non-elderly households, who are very low, lower or moderate-income.

Mrs. Georgino responded to public comment with regard to redevelopment law in the State of Florida, noting that it differs from the California Redevelopment Law. She emphasized that in California, residential or commercial property cannot be condemned for merely economic development purposes. She explained that findings that have to be made include: blight; that the project is designed in a way that has the greatest public good with the least private harm; and, that the property sought to be acquired has been appraised by a fair market appraiser for its highest use by a willing buyer and willing seller, without any threat of eminent domain. She added that eminent domain is rarely used in the City of Burbank and recounted that eminent domain has been used for multi-family projects for properties owned by slum-lords. She noted that these properties have been conveyed to the Burbank Housing Corporation for rehabilitation and have been rented to low and moderate-income families.

Mrs. Georgino also informed the Council that redevelopment funds in the City have been used for infrastructure projects such as the AMC and to support Sales Tax-producing and economic development projects, with the purpose of producing jobs and increasing Sales Tax. She stated that such projects include the Empire Center, and noted that the City's Sales Tax over the last five years has increased by 33 percent. She noted that one percent of the tax goes to the City's General Fund to provide safety, parks and recreation services.

Mrs. Georgino added that that redevelopment funds have also been used for infrastructure projects such as: the Animal Shelter; Buena Vista Library; Burbank Colony Theatre; acquiring the Ben Franklin School and building Lundigan Park; capital costs to the Burbank Unified School District; Courthouse parking structure; City Hall elevator; Five Points improvements; reconstruction of Fire Stations 12, 13, 14, 15 and 16; Fire

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Training Center; Police/Fire Headquarters; San Fernando Boulevard; and, Downtown Burbank, etc. She also stated that redevelopment projects pay Development Impact Fees.

Mr. Golonski commented on the housing funds through the 20% Set-Aside Fund and requested a discussion on establishing an acquisition target for affordable housing.

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

1102 RESOLUTION NO. 27,136:
Annual Report A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK
Of Financial ACCEPTING AND AUTHORIZING THE TRANSMITTAL OF THE
Transactions of REDEVELOPMENT AGENCY'S ANNUAL REPORT OF
The Redev. FINANCIAL TRANSACTIONS TO THE STATE CONTROLLER.
Agency

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.

414 Mrs. Campos, City Clerk, requested the Council make an
Appt. to the appointment to fill one unexpired term for Burbank's
Greater L.A. representative to the Greater Los Angeles Vector Control
Vector Control District Board of Trustees ending January 1, 2007. She added
District that on September 20, 2005, the City Clerk's Office began
advertising and accepting applications for the above vacancy
created by the resignation of Mr. Adam Rocke due to relocation
from the City. She noted that as of the November 30, 2005
deadline, the City Clerk's Office received two applications from
Kristy Laird and Harvey Paskow. She requested the Council
consider the applications submitted and make one appointment
to fill the unexpired term.

Following a vote of the Council, Kristy Laird was selected to fill the unexpired term for Burbank's representative to the Greater Los Angeles Vector Control District Board of Trustees ending January 1, 2007.

804-5
Business Tax
Penalty Amnesty
Program

Mr. Hirsch, Assistant Community Development Director/ License and Code Services, reported that at the March 1, 2005 Council meeting, staff was directed to return with an ordinance and resolution amending the Burbank Municipal Code in order for staff to conduct a Burbank Business Tax Penalty Amnesty Program. He explained that the program will provide for an amnesty period to waive penalties including late fees, interest, fines and criminal prosecution for payment of past due Business Tax owed.

Mr. Hirsch informed the Council that staff is recommending the amnesty period be between February 1, 2005 and April 30, 2005, in an effort to encourage and motivate businesses which have not registered for and paid a required Business Tax, to voluntarily register for and pay tax without fear of penalties and prosecution. He stated that the amnesty will also apply to businesses which have been paying the Business Tax, but under-reporting the taxes being paid.

Mr. Hirsch discussed that staff is proposing three elements of the proposed Business Tax Penalty Amnesty Program: a marketing effort; vigorous follow-up enforcement; and, providing a fair payment schedule for small businesses which owe more than \$1,000 in taxes.

Motion

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

804-5
Implementing
the Business Tax
Penalty Amnesty
Program

RESOLUTION NO. 27,137:
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AUTHORIZING THE DEVELOPMENT, IMPLEMENTATION AND ADMINISTRATION OF A BUSINESS TAX PENALTY AMNESTY PROGRAM.

804-5
Amend BMC for
The Business
Tax Penalty
Amnesty
Program

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK ADDING SECTION 14-820 TO CHAPTER 14, ARTICLE 8 OF THE BURBANK MUNICIPAL CODE TO PROVIDE COUNCIL AUTHORITY TO DEVELOP AND IMPLEMENT A BUSINESS TAX PENALTY AMNESTY PROGRAM.

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Adopted The resolution was adopted and the ordinance introduced by the following vote:

Ayes: Council Members Golonski, Ramos and Vander Borght.

Noes: Council Members None.

Absent: Council Member Campbell.

10:28 P.M. The Redevelopment Agency, Housing Authority, Parking
Reconvene Authority and Youth Endowment Services Fund Board meetings
Redev. Agency, 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, the
Memorial meeting was adjourned at 10:30 p.m. in memory of Micheal
Adjournment Cunningham.

Margarita Campos, CMC
City Clerk

APPROVED MARCH 28, 2006

Mayor of the Council
of the City of Burbank